

Wards:
See individual reports.

Development Control Sub-Committee

22 January 2002

REPORTS ON APPLICATIONS AND CONTRAVENTIONS

Report of the Director of Environment, Development and Commercial Services

1. Introduction

The City Council has resolved that reports to any committee must address the implications of the action recommended in relation to finance, equal opportunities, policy, legal issues, sustainability and the environment and crime and disorder.

This report deals with development control matters on which the recommendations must be based on material planning considerations as set out in the Planning Acts and associated regulations, circulars and central government guidance. The following implications paragraphs relate to all the recommendations in this report.

2. Financial Implications

The cost of operating the development control service, including processing applications and pursuing enforcement action, is met from the Development Control Group budget which takes account of the income expected to be generated by planning application fees.

Development Control decisions can result in appeals to the Secretary of State or in some circumstances legal challenges which can have cost implications for the City Council. Where there are special costs directly relevant to a recommendation these are discussed in the individual reports.

3. Equal Opportunities Implications

To assist the City Council to identify the impact of planning application decisions, these are monitored by the ethnic group of the applicant. It is established policy not to identify individual applicants by ethnic origin as this would be against assurances of confidentiality. I am also unable to give numbers of applications in each group as in some cases these are so small that individual applicants could be identified. Regular reports are sent to Members giving the results of this monitoring.

The following reports on this agenda were identified as having a particular impact on one or more disadvantaged group, or relate to the provision or improvement of facilities to the benefit of particular groups.

APPLICATIONS WITH SPECIFIC EQUAL OPPORTUNITY IMPLICATIONS

App No	Page	Ward	Address	Ethnic Minority Groups	Religious Groups	People with Disabilities	Res. Care inc. Children and Elderly	Non-Res. Care inc. Children and the Elderly	Children	Women's Issues
20011898	50	NH	EAST PARK ROAD SPINNEY HILL PARK	√						

4. Policy Implications

Planning applications must be decided in accordance with the provision of Development Plan, principally the City of Leicester Local Plan and the Leicestershire Structure Plan, unless these are outweighed by other material considerations. The latter include supplementary planning guidance, site specific development briefs produced by the City Council, and emerging/ updated versions of the Development Plan. Individual reports refer to the policies relevant to the recommendation.

5. Legal Implications

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 Head of Legal Services has been consulted and his comments are incorporated in individual reports.

6. Human Rights Act

Members will be aware that the Human Rights Act 1998 is now in force. Provisions in the Act 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).

In terms of reports on enforcement action, preparatory information, including details of ownership, has been sought in the light of current case law. The Head of Legal Services takes the view that obtaining such information does not relate to a trial process and so does not breach Article 6 (the right to a fair trial).

The uncertainty over whether the Secretary of State can “call in” planning appeals because of potential incompatibility with the Human Rights Act has been clarified by a decision of the House of Lords. They decided that the Secretary of State’s powers to call in planning applications, or to recover planning appeals for decision by him, are lawful and do not breach Article 6. This clarification lessens the possibility of any challenge, under human rights legislation, to enforcement action

7. Sustainability and Environmental Implications

The City of Leicester Local Plan has been subjected to a full sustainability appraisal. The sustainability implications material to each recommendation, including any

Environmental Statement, submitted with a planning application, are examined in each report.

The following applications in this report are accompanied by an Environmental Statement:

Page	App. No.	Address	Ward	Report Section

8. Crime and Disorder Implications

Issues of crime prevention and personal safety are material considerations in development control recommendations. Where relevant these are dealt with in individual reports.

9. Consultations

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

10. Background Papers

Copies of individual planning applications are available for inspection in the Customer Service Centre, New Walk Centre. Representations and consultation responses on individual applications are kept on application files which can be inspected by contacting the Development Control Group, extension 7249.

11. Officer to Contact

Authors of individual contravention and application reports, via Extension 7249 or Mike Richardson, Head of Development Control, Extension 7244.

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11	20011068	42 CANK STREET	C	CA	APP
37	20011891	7 CECILIA ROAD	E	EK	APP
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22	20011820	FOSSE ROAD NORTH, TESCO EXPRESS	W	SA	APP
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CONTRAVENTION MATTERS**20014617C****454 LONDON ROAD**

06/11/2001

AREA: E

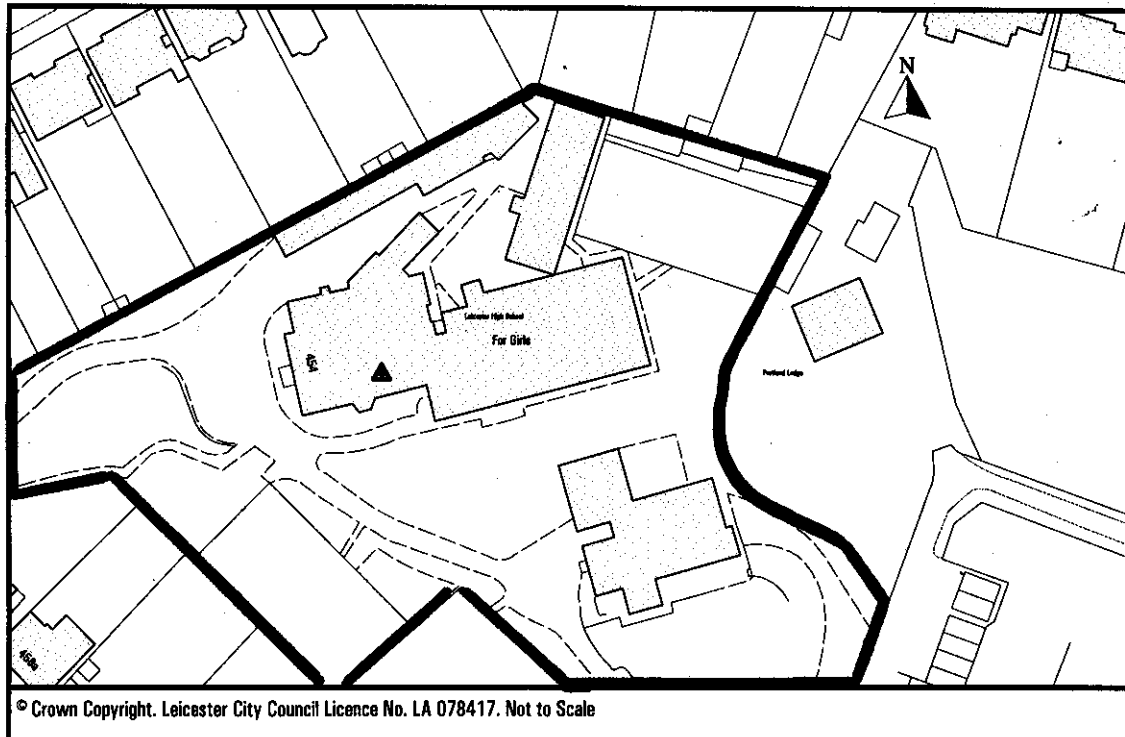
WARD: **East Knighton**

NAC

UNAUTHORISED PROJECTING SKYLIGHTS TO ROOF

JB2

LEICESTER HIGH SCHOOL

**Introduction**

This application was deferred by committee on the 8 January 2002 to allow Members the opportunity of visiting the site to assess the visual impact of the roof lights.

Leicester High School is allocated in the Local Plan as a community/education facility but is located within a primarily residential area. Residential properties on Morland Avenue adjoin the northern section of the school grounds. This contravention matter relates to the to an existing science block and the U shaped library and specialist teaching block which is located in the northern section of the site adjoining Morland Avenue.

Background

Planning permission was granted in April 2001 (Planning Application 20010204) to install ten flat roofed dormer windows to the existing internal roof slope of the library and specialist teaching block. One additional dormer was proposed on the external roof slope on the south elevation of the building. The installation of 16 "flat roof lights" and 5 sun pipes was also approved by this permission. The approved development would form part of a proposal to bring the existing roof space into use as 4 additional teaching rooms and a sixth form common room.

This part of the planning permission has now been implemented. However complaints have been received from residents on Morland Avenue that projecting roof lights had been installed on the roof of the library and specialist teaching block instead of the approved flat roof lights. A site visit revealed that 14 roof lights projecting 50 cm above the height of the roof had been installed. A new flat roofed dormer had been installed, in addition to the dormer previously approved, on the external south elevation of the building. Four letters of objection have now been concerning the roof lights.

Planning permission was also granted for the construction of pitched roof with a flat roofed central section to the existing science block which would match that of the attached library and specialist teaching block. It would involve the construction of four flat roofed dormer windows to either side of the roof slope together with four flat roof lights. This part of the application has not yet been implemented.

Alleged Breach

14 projecting roof lights together with one additional flat roofed dormer window have been installed in the roof of the library and specialist teaching block which are not in compliance with the approved plans.

Policy

Policy C11 of the City of Leicester Local Plan states that on existing or allocated sites for secondary schools, development is normally permitted subject to design, access and amenity considerations.

Consideration

The agent for the High School has stated that because of the need to provide electric air ventilation to the new accommodation, the roof lights have had to project approximately 50cm above the ridge height of the existing roof. A new dormer window had also been installed on the external roof slope on the south elevation of the building to provide light to one of the additional teaching rooms. Permission from the City Council was not sought prior to their installation.

The agent has subsequently submitted plans that seek to retain both the projecting roof lights and the dormer window as an amendment to the original approved plans. The plans also seek to omit two of the approved roof lights and to omit all the sun-tubes originally shown on the approved plans.

During the winter months, due to the intervening trees losing their leaves, the roof lights are more easily viewed from the adjacent houses. However, given their distance from the closest houses (35m from properties on Morland Avenue and 10m from Portland Lodge) and their location in the ceiling of the resultant rooms, I do not consider that there will be any additional impact from the loss of privacy upon the amenities of these properties. The roof lights appear visually prominent due to their glossy white coating and projecting design. The agent has offered to paint the roof lights a dark grey colour to match the existing roof tiles on the building and on this basis I feel that the roof lights will be less visually prominent within the existing street scene. The roof lights will still be visible from the rear of neighbouring properties but

are not visible from Morland Avenue or London Road and hence I do not consider there to be sufficient reason to render the roof lights unacceptable.

The new dormer window to the south elevation does not directly overlook the adjacent property Portland Lodge but faces towards the junior school. I therefore consider that its retention will not cause any additional loss of privacy to the neighbouring property.

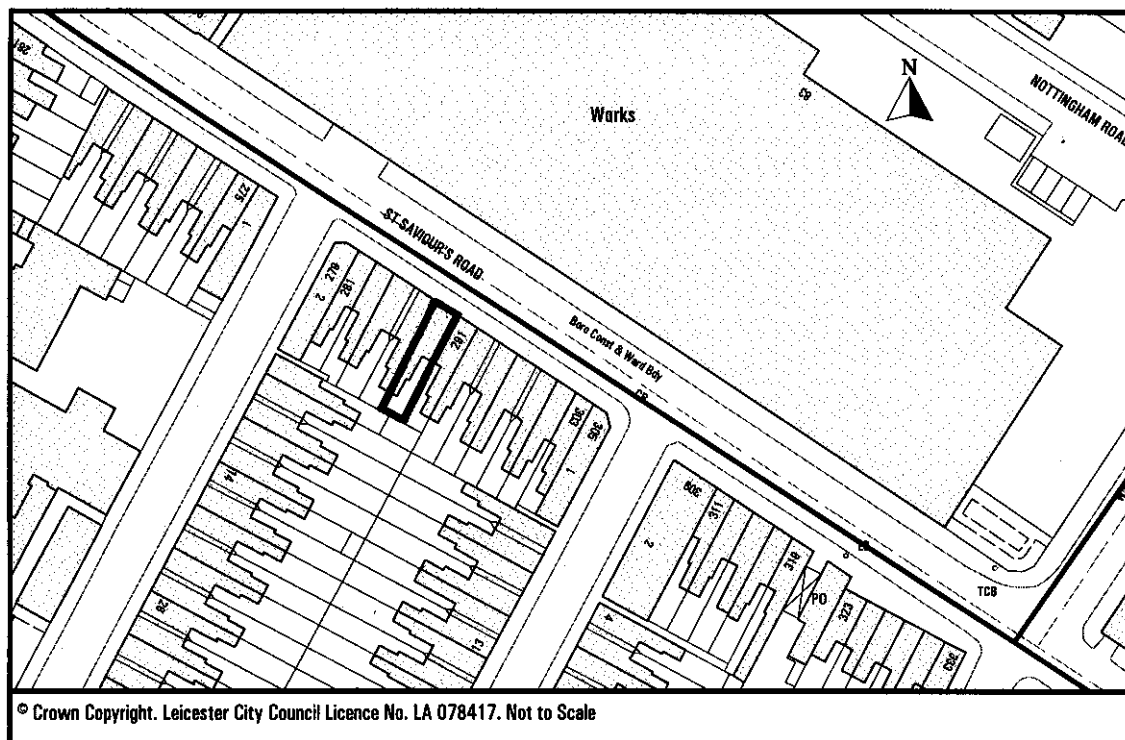
In conclusion, whilst I am concerned that the projecting roof lights have been installed without prior approval, I am satisfied that they do not have any unacceptable impact on the amenities of the neighbouring properties. On this basis, and on the understanding that they are painted grey, I consider their retention to be acceptable as a minor amendment to the original approval and that the submission of a new planning application will not be required in this instance.

Recommendation

Subject to the roof lights being coloured dark grey within six months of your meeting, I recommend NO FURTHER ACTION.

APPLICATIONS RECOMMENDED FOR REFUSAL

20011972	289 ST SAVIOURS ROAD
30/11/2001	AREA: E WARD: Crown Hills
COU	CHANGE OF USE FROM RETAIL SHOP TO TAXI OFFICE (RESUBMISSION OF PLANNING APPLICATION 2001/0985)
SS	R.MOHAMMED



Introduction

This application relates to a retail shop with flat above situated on the southern side of St Saviour's Road near to the junction with Ventor Street within a shopping area as defined in the local plan. The rear of the property backs on to residential properties. On the opposite side of the road is a large factory.

Background

An application (20010985) for change of use of retail shop (class A1) to taxi office was refused at your meeting on 16 October 2001 for the following reason:

"The use of a taxi office would lead to an increase in noise, disturbance, traffic and on-street parking to the detriment of residential amenity and highway and pedestrian safety. The proposal would therefore be contrary to policy S18 in the City of Leicester Local Plan."

The Proposal

The current application is a resubmission of the previous application. It is proposed to use the ground floor only as a taxi office between the hours of 0600 and 2400 daily compared to the previous application for 24 hour use. It is claimed that the proposal would provide employment for 3 persons. Six vehicles would be operated from the premises. No external alterations are proposed. The applicant has offered three parking spaces at Linden Street (although no plans are submitted about the exact location). The licence would subject to reviews on an annual basis and would need 3 months notice prior to vacation.

The applicant has referred to a report and petition submitted at the time of the previous application. This report provided information on parking, noise and traffic in relation to existing taxi offices in the city (Queens Road, Braunstone Gate and Evington Road). The petition supported the application and contained 87 signatures.

The applicant had argued that existing taxi offices operate in much worse areas for traffic and parking and that the application site is less of a problem. It was argued that St. Saviours Road does not have parking restrictions and that there is ample car parking in the immediate area.

It was also argued that it is already noisy along St. Saviours Road due to a factory opposite and other late opening uses in the area. The proposal would not cause problems especially as the property is double glazed.

Development Plan Policies

- E8 Permission normally granted for offices providing service for the general public (Use Class A2) within or close to shopping areas.
- S18 When considering proposals for retail development within shopping areas, the Council will take account of certain criteria.

Policy Considerations

There are no specific policies relating to taxi booking offices in the City of Leicester Local Plan. However, policy S18 sets out criteria for new retail development in shopping areas which can be applied in this instance, particularly in respect of the impact on traffic and parking and the amenity of nearby residential property. Policy E8 states that planning permission will normally be granted for offices, which provide a service for the general public (primarily Class A2) within or close to shopping areas where they are easily accessible.

Consultations

None

Representations

At the time of the previous application I had received three letters of objection including one from Councillor Soulsby on behalf of some of his constituents and one from the nearby Spinney Hill Primary School and Community Centre. The main grounds of objections were as follows:

- There are major traffic problems in the area and the proposal is likely to add to these problems, increasing the danger to school children in particular;
- The use will result in the increased demand for parking on residential side streets;
- Already major congestion with commercial vehicles;
- Concern about the hours of use.

I have received one letter, in response to publicity for the current application, stating no objection.

Consideration

The applicant has offered three parking spaces at Linden Street, although no plans have been submitted about the exact location. The nearest end of Linden Street is some 275 metres from the site. In my view it would be unreasonable to expect taxi drivers to park far away from the taxi office. The proposed arrangement would also mean loss of parking available at the site on Linden Street. The licence agreement would not be legally binding and could be terminated with short notice therefore, it would not be a satisfactory arrangement.

St. Saviours Road is already a congested area. In the absence of satisfactory off-street parking, taxi vehicles calling at the shop are likely to add to existing congestion and parking problems to the detriment of pedestrian and highway safety.

I remain concerned about the noise impact on nearby occupiers. Although the premises are within a defined shopping area, there are flats above the shops and other residential properties close by. Whilst the first floor is vacant at present and the first floor of the adjoining property also appears to be vacant, there is the possibility of the first floors being used for residential purposes in the future. The use of the taxi office during proposed early morning and late night hours (0600 –2400hours) would be likely to result in noise detrimental to nearby occupiers. As well as noise from conversations and radios inside the shop, the use is likely to cause increased noise on the street. Cars waiting outside the office, stopping and starting with radios on are likely to add to general disturbance. I am also concerned about possible disturbance

from the use of the seating area that can be used by taxi drivers and customers who call at the office.

Although policy E8 allows for the location of certain office uses in shopping centres, this is mainly aimed at Class A2 uses such as banks and building societies. Taxi offices normally operate on a different basis, resulting in their exclusion from the standard retail and business use classes. This is because there will often be a disproportionate number of the firm's own vehicles and employees visiting the premises rather than members of the public making personal visits. Given that much of the taxi firm's business is usually derived from phone bookings, they are more appropriately located in employment areas where off-street parking will often be available also.

In response to applicant's report submitted at the time of the previous application, whilst I acknowledge that the taxi offices mentioned by the applicant operate in differing circumstances, the current proposal should be dealt with on its own merits.

Although some local residents who had signed the petition may find a taxi office of benefit, I do not consider this location to be suitable. I consider that the application site is unsuitable for use as a taxi office because of the potential noise problems to adjoining residential properties and the impact on the local traffic situation. St. Saviours Road is very congested and there is very little on-street parking available in the area. The use would in my opinion add to existing traffic and parking problems.

Although there are a number of commercial activities nearby, I consider that the addition of a taxi office would add an unacceptable level of noise disturbance especially to the first floor flats. I do not consider that the revised application has overcome the concerns that led to refusal of the previous application.

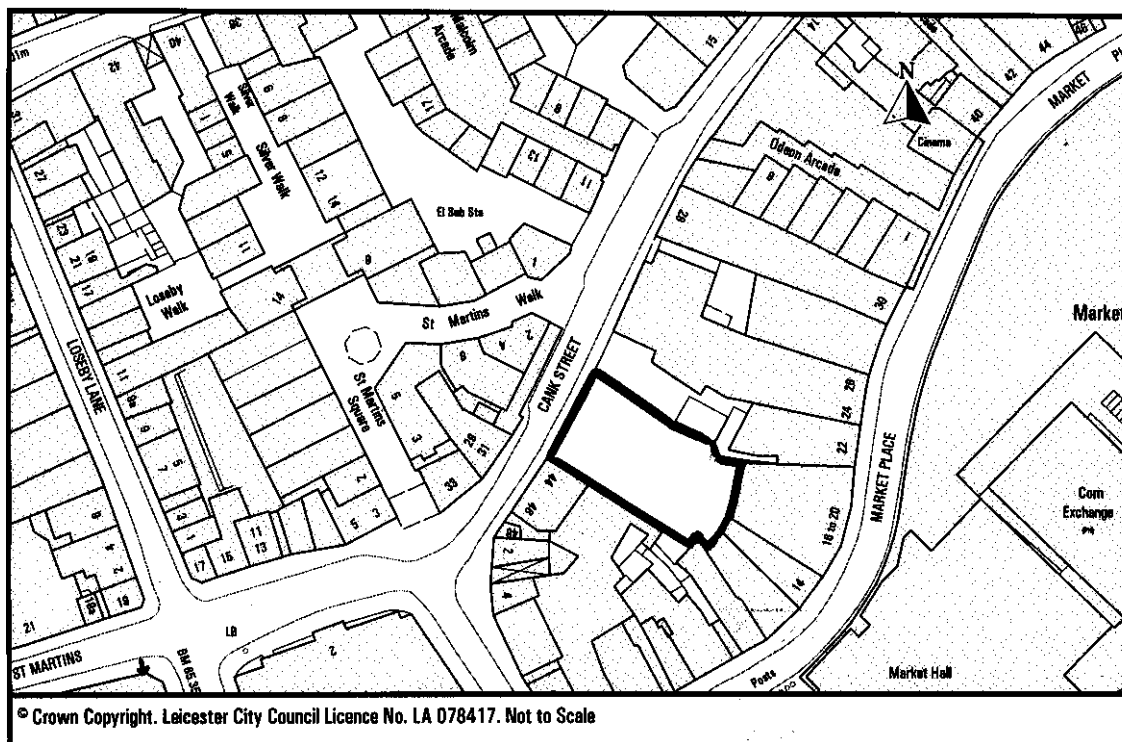
I consider the use of the property as a taxi office is unacceptable and I recommend **REFUSAL** for the following reason:

REASON

1. The use of a taxi office would lead to an increase in noise, disturbance, traffic and on-street parking to the detriment of residential amenity and highway and pedestrian safety. The proposal would therefore be contrary to policy S18 in the City of Leicester Local Plan.

OTHER APPLICATIONS RECOMMENDED FOR APPROVAL

20011068	42 CANK STREET	
27/06/2001	AREA: C	WARD: Castle
COU	4 STOREY BUILDING: GROUND FLOOR RETAIL (CLASS A1); SIX CLUSTER-FLATS (CLASS C3)(AMENDED)	
AW	KELVIN INVESTMENTS LTD	

**Introduction**

The application site is a 20 space car park and service yard of Cank Street, in the Market Place Conservation Area in the Central Shopping Core. The service yard serves two storey shops facing Market Place. The boundary to Cank Street is a 2.25m high brick wall. Adjoining the southwest boundary is a 2 and 3-storey building. Adjoining the northeast boundary is the service yard of a shop facing Market Place. Opposite the site are 2-storey shops of St Martins Square, with a colonnade alongside Cank Street.

The Proposal

The proposal is for a 4 storey building comprising a retail unit on the ground floor and 6 cluster flats above. The top floor is set back, creating a terrace. The upper floors bridge over a new service access to the rear yard. The rear yard contains two parking spaces for the shops, cycle parking and bin storage. Access to the flats is at the front of the vehicle access; gates are set 2.5m back.

An archaeological assessment of the site has been carried out.

Development Plan Policies

- EN1 In areas of character, development should reinforce established pattern of built form, spaces and movement routes.
- EN3 Development adjoining public spaces or thoroughfares must provide positive and attractive built frontages.
- EN4 No permission for poor quality or inappropriate designs. High quality design expected in City Centre and Conservation Areas.
- EN5 High quality modern design normally permitted where existing surroundings have been taken into consideration.
- EN6 The Council will seek to preserve the City's archaeological heritage.
- EN11 Development or demolition in Conservation Areas only approved if it preserves or enhances the area's character.
- EN12 Development in Conservation Areas to take account of building scale, form, materials and detail immediately surrounding.
- EN14 Development in Conservation Areas not normally approved if site coverage significantly exceeded or loss of garden/landscape.
- EN20 In new buildings, shop front design to be an integral part of the design of the whole building.
- EN40 Prominent ventilation and mechanical plant not normally approved. Also a material consideration in applications for change of use.
- EN41 Make provision for access for disabled people in new public buildings and where possible in existing buildings.
- EN42 Permission not given for development which is potentially unsafe, particularly for women, children and elderly people.
- H8 New residential development density should normally be compatible with the area. Higher densities may be appropriate in some cases.
- H10 Within the City Centre, a high priority will continue to be given to the principle of development for residential purposes.
- H14 Permission normally granted for new flats and conversion to self-contained flats, flatlets or cluster flats, subject to criteria.
- S20 Retail development to incorporate design features for child care and access facilities, and personal safety and security.
- T12 Permission not normally granted unless adequate provision for parking of vehicles including cycles off the highway.
- T15 Permission not normally granted for car parking where safety provision inadequate, including pedestrians and vehicle security.
- T16 Specified provision for the parking of bicycles for employees and users of facilities will be expected in new developments.
- T17 Bicycle parking facilities to be provided in a form and location allowing surveillance, improving security for cycles and people.
- T20 Non-residential development will normally be expected to include loading and manoeuvring space within the site.
- T29 Development shall create a safe and convenient environment for pedestrians on paths within the site and on footways alongside.
- EN25 Permission not normally granted for security fittings adversely affecting listed buildings or Conservation Areas.

Consultations

The Conservation Advisory Panel had no objection to the principle of the development but considered that the materials should be more in keeping with adjacent buildings and that windows should be larger.

The City Archaeologist has no objection subject to conditions being imposed covering archaeological work on the site.

Representations

One letter of objection has been received from the owner of the shops that share the service yard and face Market Street. The owners are concerned that:

- Access to the yard for deliveries will be needed several times through the proposed gates
- That the service yard should be kept clear and tidy for service use and for fire escapes
- The clearance height for the archway is too low for their usual delivery van height.

Consideration

The proposal will provide a mixed use of a long vacant site in a Conservation Area. The residential use will provide greater surveillance and security for the location and the shop will provide a positive street frontage. I consider the proposed uses to be acceptable in principle.

The height of the building relates well to the adjoining building, whose 2-storeys are quite high, and that opposite. The narrowness of Cank Street means that the set-back top floor has little impact. The use of terracotta, tiles and reformed stone on the front elevation is contemporary and creates an interesting façade. The developer has amended some detailing relating to the vehicle access, shop fascia and parapet to add further interests and enhance the design. There is not a consistent design or use of materials in the various buildings along Cank Street. Therefore I do not consider it appropriate for it to conform to the appearance of the adjoining building.

I consider the overall design, bulk and use of materials to be an enhancement of the Conservation Area.

Two car parking spaces are retained for the shops sharing the yard, which I consider acceptable in view of the overall loss of 18 spaces. Service space is to the same standard as is presently available. There is adequate space in the yard for storing bins and cycles.

The site presently has gates and providing new ones will help to maintain security. The flats' access is not immediately off the street, which would normally be expected. However this would have harmed the design of the shopfront and it has been placed only 1m down the vehicle access. I consider this acceptable as long as the access and foyer are kept lit.

The standard of flats is acceptable. Some are provided with secondary windows on the side elevation. I consider it necessary for the primary source of light and mechanical ventilation to be maintained as an alternative to these windows. This will

ensure they do not inhibit the potential redevelopment of the adjoining service yard facing Cank Street. Sound insulation between the flats and commercial premises will be needed, and double glazing to the street elevation, as there is a lot of evening and early morning activity on Cank Street.

Management of the yard and access to it by third parties are private legal matters. The access height is adequate for many delivery vehicles so I do not consider that it would lead to some vehicles loading and unloading in the highway.

I do not consider that there would be any harm to highway safety or convenience, the amenities of adjoining businesses, or the character of the area.

I therefore recommend APPROVAL, subject to the following conditions:

CONDITIONS

1. (0101) START WITHIN FIVE YEARS
2. Cycle parking shall be provided and retained for the benefit of residents of the approved flats only and before any of the flats are first occupied. Provision shall be in the location shown on the approved plans, unless an alternative has been previously agreed in writing with the City Council as local planning authority.
(To ensure residents have adequate access to cycling parking facilities in the interests of sustainability, and in accordance with policies T12 and T17 of the City of Leicester Local Plan.)
3. Bin storage facilities shall be provided in the service yard as shown on the approved plans and retained, unless alternative arrangements have been previously agreed in writing with the City Council as local planning authority.
(To ensure the flats and shop have adequate bin storage facilities in the interests of amenity, and in accordance with policies H14 and S1 of the City of Leicester Local Plan.)
4. Access to the flats for residents shall be provided and retained in the location shown on the approved plans and the foyer and delivery access shall remain lit between dusk and dawn.
(In the interests of safety, security and convenience of the flats' residents and visitors, and in accordance with policies EN42 and H14 of the City of Leicester Local Plan.)
5. No ventilation equipment or grilles shall be installed on the building without the prior written consent of the City Council as local planning authority.
(In the interests of the character and appearance of the Conservation Area and the amenity of residents, and in accordance with policies EN11, EN40 and H14 of the City of Leicester Local Plan.)
6. No internal or external security shutters shall be installed on the shopfront without the prior written consent of the City Council as local planning authority.

(In the interests of visual amenity, the character and amenity of the Conservation Area, and in accordance with policies EN11, EN20, EN25 and S1 of the City of Leicester Local Plan.)

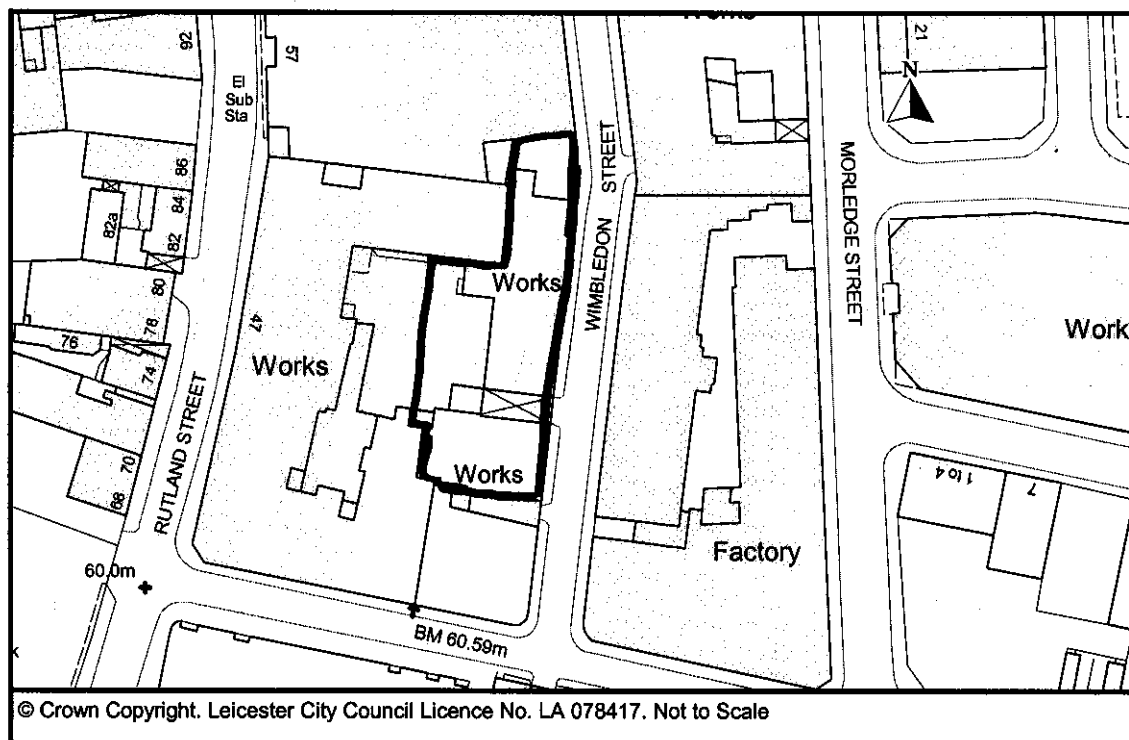
7. Before the flats on the northeast elevation are occupied their kitchens and bathrooms shall be provided with mechanical ventilation not sourced from that elevation, and which shall be retained. The living/dining/kitchen area shall not be subdivided so that natural light is always available to the whole room from the window on the southeast elevation.
(To ensure that alternative sources of light and ventilation are available to these rooms should the adjoining site be developed.)
8. (0301) MATERIALS (WALLS AND ROOF) TO BE AGREED (%) (EN13, EN3, EN4 and EN5)
9. (0306) DESIGN/MATERIALS TO BE AGREED (FOR; %) (gates, shopfront and stonework; EN12, EN3, EN4 and EN5)
10. Details of a scheme of insulation against the transmission of noise from Cank Street, the approved shop and adjoining premises to the approved flats shall be submitted to and agreed in writing with the City Council as local planning authority, and shall be implemented before the flats are made available for occupation.
(To safeguard the amenity of the adjoining properties, and in accordance with policy H14 of the City of Leicester Local Plan.)
11. (0810) PARKING AREA SURFACED AND MARKED OUT (%) (T12 and T14)
12. (0811) LOADING AND UNLOADING WITHIN SITE
13. (0915) ARCHAEOLOGY - DETAILS TO BE SUBMITTED
14. (0916) ARCHAEOLOGY - PROGRAMME TO BE AGREED
15. (0902) AMENDMENTS (RECEIVED ON; PLAN NO) (29 October 2001; 763/L01 A, L02 A, L03 A, L04 A, L05 A.)

NOTES FOR APPLICANT

1. (1316) SUBMISSION OF DETAILS (RE CONDITION) (4 and 5)
2. (1321) ARCHAEOLOGICAL ADVICE (RE CONDITION) (13 and 14)

OTHER APPLICATIONS RECOMMENDED FOR APPROVAL

20011576	WIMBLEDON STREET, WIMBLEDON MILLS
01/11/2001	AREA: C WARD: Wycliffe
COU	CHANGE OF USE OF FACTORY (CLASS B2); 4 STOREY SIDE EXTENSION TO PROVIDE 24 SELF CONTAINED FLATS (CLASS C3); REPLACEMENT WINDOWS; WALKWAYS AND 4 STOREY LOBBY TO REAR (AMENDED)
AW	BOND COMMERCIAL LIMITED

**Introduction**

The application site consists of empty 4-storey and single-storey factories in a Primarily Employment Area and the St George's Conservation Area. In the Deposit Replacement City of Leicester Local Plan (DRCLLP) the area is redesignated as a Potential Development Area, with residential identified as a priority use.

The buildings are opposite other empty 4 storey factories on Wimbledon Street, which have planning permission for conversion to flats. The adjoining building to the north is the former Cygnet Hotel on Humberstone Road; the building to the south has been converted to 17 flats. The 4-storey building has a vehicle access to a rear yard shared with Alexandra House, which is a Grade II listed factory on Rutland Street: it is currently empty.

Background

Conservation Area Consent (20011705) was granted for the demolition of the single storey building on 19 November 2001.

The Proposal

- Conversion of 4-storey building and 4-storey extension (demolishing single-storey building) for 24 flats
- a 4-storey lobby would be added to the rear, pedestrian access through existing vehicle access
- 2 parking spaces and landscaping in part of rear yard
- 18 parking spaces, mainly in basement, accessed off Wimbledon Street through extension
- replacement of windows in existing 4-storey building

Development Plan Policies

- EN1 In areas of character, development should reinforce established pattern of built form, spaces and movement routes.
- EN3 Development adjoining public spaces or thoroughfares must provide positive and attractive built frontages.
- EN4 No permission for poor quality or inappropriate designs. High quality design expected in City Centre and Conservation Areas.
- EN5 High quality modern design normally permitted where existing surroundings have been taken into consideration.
- EN10 Development affecting the setting of listed buildings will not normally be approved if it would have a detrimental effect.
- EN11 Development or demolition in Conservation Areas only approved if it preserves or enhances the area's character.
- EN12 Development in Conservation Areas to take account of building scale, form, materials and detail immediately surrounding.
- EN13 Extensions to existing buildings in Conservation Areas will generally be expected to match the existing building in form and materials.
- EN14 Development in Conservation Areas not normally approved if site coverage significantly exceeded or loss of garden/landscape.
- EN15 Changes of use likely to have adverse effects on Conservation Areas not normally approved.
- EN34 Tall buildings will be permitted where they meet specified design and locational criteria.
- EN40 Prominent ventilation and mechanical plant not normally approved. Also a material consideration in applications for change of use.
- EN41 Make provision for access for disabled people in new public buildings and where possible in existing buildings.
- EN42 Permission not given for development which is potentially unsafe, particularly for women, children and elderly people.
- H8 New residential development density should normally be compatible with the area. Higher densities may be appropriate in some cases.
- H10 Within the City Centre, a high priority will continue to be given to the principle of development for residential purposes.
- H13 Residential development encouraged in under-used floorspace, subject to satisfactory design, access and amenity considerations.
- H14 Permission normally granted for new flats and conversion to self-contained flats, flatlets or cluster flats, subject to criteria.
- E4 Within Primarily Employment Areas permission normally granted for B1, B2 and B8 uses and not for changes to other land uses.
- T12 Permission not normally granted unless adequate provision for parking of vehicles including cycles off the highway.
- T13 Car parking areas shall provide extra wide spaces for disabled drivers.

- T15 Permission not normally granted for car parking where safety provision inadequate, including pedestrians and vehicle security.
- T16 Specified provision for the parking of bicycles for employees and users of facilities will be expected in new developments.
- T17 Bicycle parking facilities to be provided in a form and location allowing surveillance, improving security for cycles and people.
- T19 Developers may be expected to contribute to the cost of improvements to the transport system to enable development to take place.
- T26 The Council will give careful consideration to the means of access proposed for pedestrians, including those who are disabled.
- T29 Development shall create a safe and convenient environment for pedestrians on paths within the site and on footways alongside.
- EN9 Alterations which impair the architectural or historic interest of listed buildings will not normally be approved.

Deposit Replacement Local Plan:

SPA01 – Potential Development Areas: development regeneration and refurbishment encouraged.

Supplementary Planning Guidance:

St George's Strategic Regeneration Area June 2001

Consultations

Conservation Advisory Panel: existing features should be retained. A contrasting modern extension would be better, and set back slightly too. The profile of the former building on the site of that proposed for demolition should be respected.

City Archaeologist: the remaining building is of archaeological interest as part of a well preserved group of industrial buildings from the late 19th and early 20th centuries. Replacement windows should replicate the existing ones and a photographic record of the building should be made before alterations begin. No archaeological remains in the ground would be likely to be affected.

English Heritage: residential use appropriate for the location. Design of new windows in the existing building and extension should more closely reflect the present windows. Features relating to former use should be retained.

Police Crime Prevention Officer: no objections, but external lighting needed for vulnerable areas.

Consideration

Although the adopted Local Plan identifies the site for employment uses it is in an area identified by the Council as suitable for residential use. In addition, both the site and surrounding factories are all empty. Furthermore, whilst Alexandra House does not have consent for a conversion and might potentially resume employment use, any future user would be aware of the residential use and the potential

restrictions this could place on their business. Finally, I have also taken into account that the Deposit Replacement City of Leicester Local Plan puts the site in an area where residential is seen as a priority use. I therefore conclude that the residential use of the site is acceptable in principle and that the character of the location would not be harmed. I also consider the density of the development acceptable for this City Centre location.

The pedestrian access is through the existing vehicle/pedestrian access. I consider this acceptable in view of the speed restriction hump proposed for the access, and the small number of parking spaces that would be in the yard. The speed hump also makes the exiting of vehicles from the yard safer. The number of parking spaces in the development has been reduced to 20, the majority of which are in the basement, using a car lift. I consider this number and the amended new on-way access to them acceptable, subject to agreement of details for controlling vehicles entering and exiting. There is also adequate space for at least one cycle space per flat.

The standard of the flats is acceptable and the site has adequate bin storage space by the existing vehicle access. To protect the amenities of residents noise insulation to adjoining buildings and double glazing will be needed.

The design of the extension takes cues from the existing building. It is similarly vertically proportioned, of the same bulk and restrained in its design features and use of materials. This is entirely in keeping with the general style of industrial buildings on Wimbledon Street and reflects its location half way along a side street. The windows use slightly less glazing bars than the prevailing pattern in the Street, but do look more contemporary and give the building some individuality.

The scheme has been amended to restrict inactive ground floor frontage to the vehicle access only. In the yard, the lobby extension provides a contemporary positive focal point. The windows in the converted building would be replaced with similar metal framed ones; I accept that replacement is necessary to enable adequate natural ventilation of the flats, provision of double glazing and easier maintenance. I do not consider it necessary for the windows in the extension to match those in the existing building. They reflect the different and more contemporary character of the extension. I consider that the extensions and window replacements preserve the character and appearance of the St George's Conservation Area and are acceptable. I also consider that the changes enhance the setting of the Grade II listed Alexandra House.

The remaining building has a number of interesting features relating to its former industrial use, such as metal kerbs, tracks and bollards in the access. I consider it important for these to be retained to help preserve the Conservation Area's character and appearance. I also consider that the remaining building should be photographically recorded before alterations commence. For safety and security various access points and the courtyard will need to be lit.

I therefore recommend APPROVAL, subject to the following conditions:

CONDITIONS

1. (0101) START WITHIN FIVE YEARS
2. The flats shall not be occupied until the following street works have been completed to the written satisfaction of the City Council as local planning authority:
installation of a traffic calming feature at the junction of the existing vehicular access and Wimbledon Street, together with any necessary alterations to Traffic Regulation Orders.
(In the interests of the safety and convenience of all highway users, in accordance with Policies T19, T29 and T31 of the City of Leicester Local Plan.)
3. The sight lines on each side of the vehicular exit shall be provided at the time of development and shall be retained.
(In the interests of the safety of pedestrians and other road users, and in accordance with policy T29 of the City of Leicester Local Plan.)
4. (0202) STREETWORKS TO BE SATISFACTORY (%) (T29)
5. (0206) ALTERATIONS TO FOOTWAY CROSSING(S) (%) (T29)
6. (0207) REINSTATE REDUNDANT FOOTWAY CROSSINGS/FOOTWAY
7. (0810) PARKING AREA SURFACED AND MARKED OUT (%) (T15)
8. The entry and exit of vehicles from the new access shall be controlled by features installed before the first use of the car park, and their details shall have been previously agreed in writing with the City Council as local planning authority.
(In the interests of the safety and convenience of all highway users, and in accordance with Policies T15 and T29 of the City of Leicester Local Plan.)
9. (0812) TURNING SPACE WITHIN SITE (%) (T14)
10. Cycle parking spaces, as shown on the approved drawings, shall be installed before the occupation of the flats and shall be retained, unless alternative provision has been previously agreed in writing with the City Council as local planning authority.(In the interests of occupant amenity and sustainability, and in accordance with policies T12, T16 and T17 of the City of Leicester Local Plan.)
11. (0301) MATERIALS (WALLS AND ROOF) TO BE AGREED (%) (EN3, EN4, EN12, EN13, H14)
12. Before the development is begun details of the design and materials for all new windows shall be agreed in writing between the applicant and the City Council as local planning authority.
(In the interests of visual amenity, and in accordance with policies EN3, EN4, EN12 and H14 of the City of Leicester Local Plan.)
13. Existing features relating to the former industrial use of the remaining building shall be retained. The features, which shall include kerbing,

ironware, plaques and hoists, shall be identified in a schedule and on drawings or photographs submitted to and agreed in writing by the City Council as local planning authority before the development commences.
(To preserve the character and appearance of the St. George's Conservation Area, in accordance with Policies EN11 and EN15 of the City of Leicester Local Plan.)

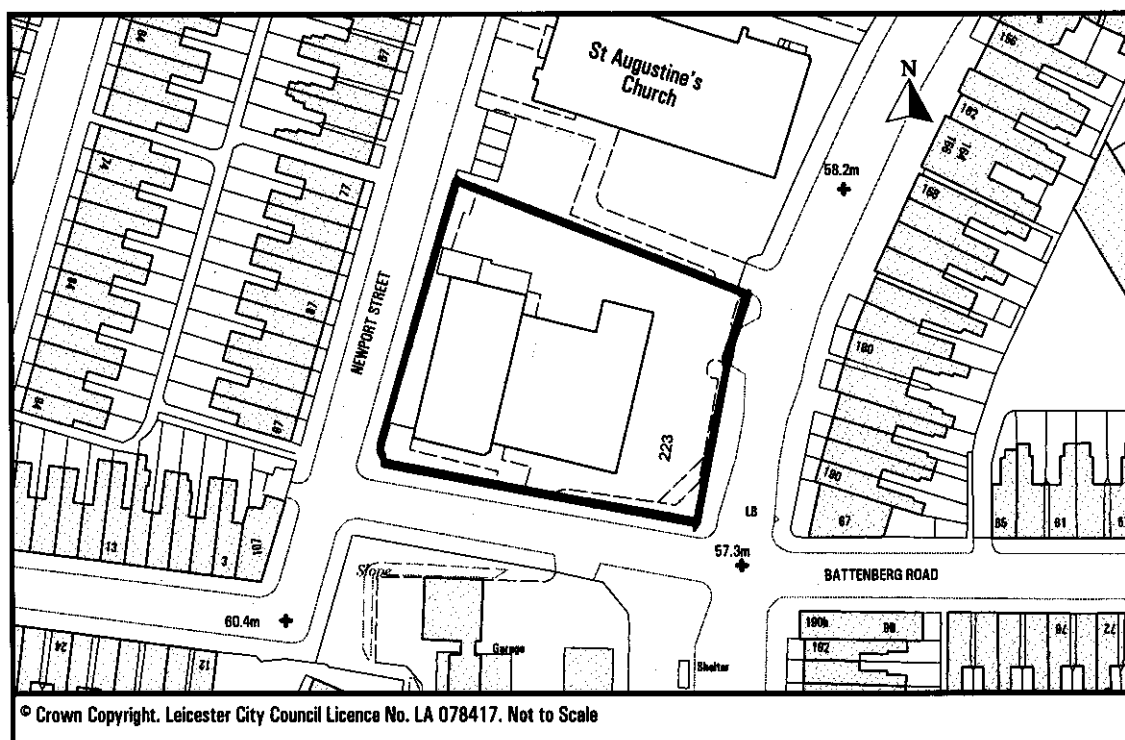
14. All windows on the development shall be metal double glazed and flats adjoining premises to the north and west shall include noise insulation to prevent the transmission of noise from one to the other, in accordance with details agreed in writing with the City Council as local planning authority before the development commences.
(In the interests of the amenity of the future of occupants, and in accordance with Policy H14 of the City of Leicester Local Plan.)
15. Bins shall only be stored in the bin storage areas shown on the approved drawings, which shall be provided at the time of development and retained for such use only, unless alternative provision has been previously agreed in writing with the City Council as local planning authority.
(In the interests of amenity, and in accordance with Policy H14 of the City of Leicester Local Plan.)
16. Before the flats are occupied external lighting for the lobby, bin store, vehicle accesses, and courtyard shall be installed in accordance with details previously agreed in writing with the City Council as local planning authority. No other external lighting shall be installed on the development unless details have been previously agreed in writing with the City Council as local planning authority.
(In the interests of residential and visual amenity and in accordance with Policies EN4 and EN12 of the City of Leicester Local Plan.)
17. This consent shall relate to the submitted plans as amended by the plans received by the City Council as local planning authority on 20 November 2001 (ref. 5141/BPLC/08 A and 07 A) and on 11 January 2001 (ref. 5141/BPLC/01 D, 02 D, 06 D).
(For the avoidance of doubt.)

NOTE FOR APPLICANT

1. The submission of details of any external lighting other than that agreed under condition 15, must be made by means of a formal application for planning permission.

OTHER APPLICATIONS RECOMMENDED FOR APPROVAL

20011820	FOSSE ROAD NORTH, TESCO EXPRESS
05/11/2001	AREA: W WARD: St Augustine's
COU	VARIATION OF CONDITION 12 ON PLANNING APPLICATION 199616797 TO ALLOW RETAIL SALES BETWEEN THE HOURS OF 0600-2400 DAILY
BC	TESCO STORES LTD

**Introduction**

This application relates to the Tesco Express store/petrol filling station located to the west of Fosse Road North at the corner with Pool Road. The single storey store is to the rear of the site near to terraced housing on Newport Street.

The site is allocated within a primarily residential area in the Local Plan, but in the Replacement City of Leicester Local Plan (RCLLP) it is within a local shopping centre.

Background

In December 1997 planning permission was refused (19961679) for the redevelopment of the site for a petrol filling station, shop, car wash with ancillary car parking, but consent was granted on appeal by the Planning Inspectorate subject to the following condition, amongst others:

Condition 12. No retail sales other than the sale of fuel shall take place on the site of the use hereby permitted outside 07.00 hours and 23.00 hours on any day of the week.

The Planning Inspector was concerned that noise from customers visiting the site late at night could be harmful to the residential amenity of neighbours.

In October 2000 a limited period consent for 1 year was granted for variation of condition 12 attached to 19961679 to allow retail sales between the hours of 0600 to 2400 daily. I understand from the agent that this consent has not been implemented and expired on 30th November 2001.

The Proposal

The application is to vary condition 12 to include retail sales from 06.00 hours to 24.00 hours, i.e. an hour earlier in the morning and an hour later at night. The applicant has indicated it would agree to a temporary period to enable the City Council to assess the impact on residents.

Development Plan Policies

H7 Permission not normally granted for non-residential uses in Primarily Residential Areas unless no seriously detrimental effects.

Policy Considerations

Policy H7 refers to the impact of the proposed development on the amenities enjoyed by the occupiers of adjoining residential properties or on the general character of the area.

Policy R05 of the RCLLP states that retail development will be confined to existing shopping centres subject to criteria.

Consultations

None.

Representations

An objection has been received from a resident on Newport Street who states that she objected on the previous proposal (20001257) regarding increased nuisance by reason of noise, traffic pollution and more visitors attracted adding pressure to on-street parking. Despite her objection, consent was granted and the premises have been operating the extended hours for the last six months.

A letter of representation from a occupier in Newport Street in support of the proposal has been received

Consideration

The Planning Inspector gave considerable weight to the impact of noise from customers visiting by foot and car late at night. I am not aware of any complaints being made to the City Council regarding existing noise.

It was observed by officers that the shop was not opened for the extended hours of use in the evening and arrangement (within the terms of the existing limited period

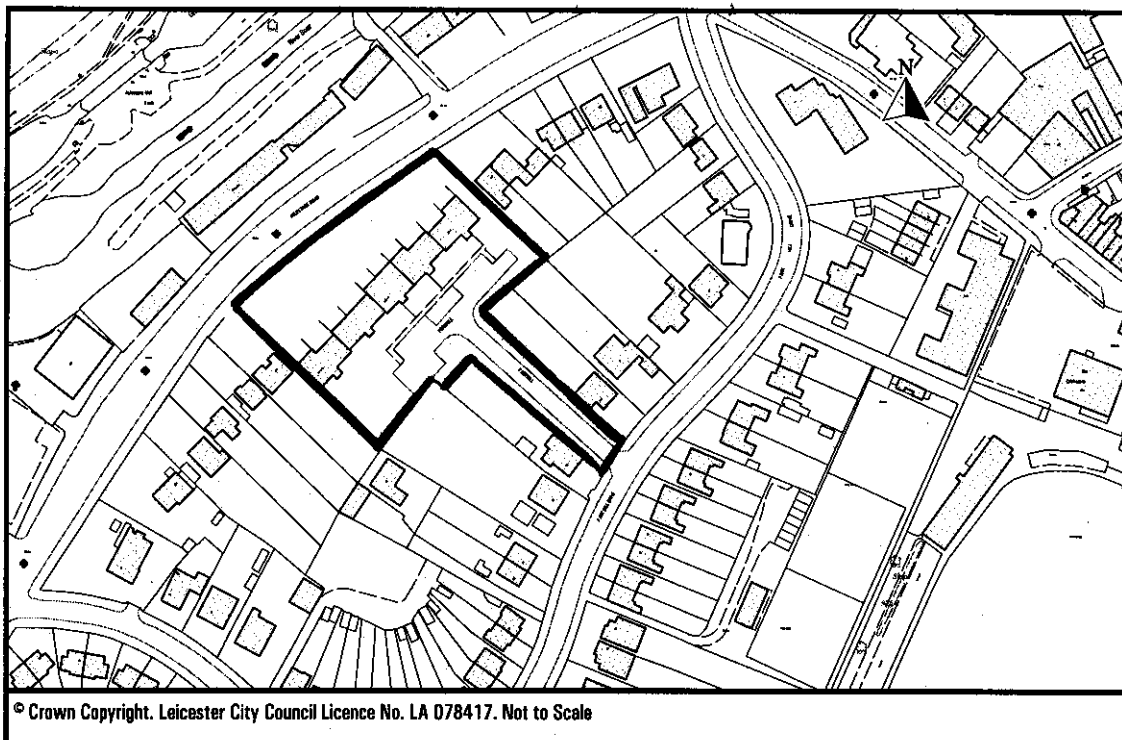
*permission) was made with the operator to open the shop on two evenings (Friday and Saturday) to assess the impact. In my view it seems unlikely that extending opening hours could lead to pressure on on-street parking as existing provision on site is unlikely to be full at early morning/late night periods. The extent of additional traffic pollution is likely to be negligible. I remain concerned regarding noise of visiting customers particularly late at night. However most of the nearby houses are screened by the store building itself. Therefore I consider the additional hours may not cause undue nuisance and recommend the application be approved for a **LIMITED PERIOD** of a year to enable the impact to be reviewed. I recommend **APPROVAL** subject to the following conditions:*

CONDITION

1. The variation of condition 12 of planning permission 19980648, to allow retail sales from 06.00 hours to 24.00 hours daily, shall be discontinued not later than 31/01/2003 unless consent for a further period of time has been granted before that date.
(To keep the matter under review and in the interest of amenity of nearby residents.)

OTHER APPLICATIONS RECOMMENDED FOR APPROVAL

20011833	PARKHILL DRIVE, PARKHILL COURT
07/11/2001	AREA: W WARD: Aylestone
TPO	FELLING OF THREE HORSECHESNUT TREES COVERED BY A TREE PRESERVATION ORDER.
SSB	LEICESTER HOUSING ASS,N LTD

**Introduction**

The application site is the access drive to Park Hill Court located off Park Hill Drive located within a primarily residential area. The majority of the trees in this area are protected by a tree preservation order.

The Proposal

The applicant proposes to remove three horse chestnut trees covered by a Tree Preservation Order.

Development Plan Policies

None

Policy Considerations

There are no specific policies that refer to works to TPO trees within the Local Plan.

Representations

Three letters of objection have been submitted stating their concerns as follows:

- The trees are healthy and as a result of the proposal the environment will suffer
- The trees provide a buffer zone against noise, pollution and shelter against the sun.
- Do not understand the reason for the removal of the trees.

Consideration

The application relates to a number of trees but only the trees on one corner of the access (marked 4) are protected by a TPO. The part of the proposal to shape and raise the crown of the remaining trees has been deleted.

The trees proposed for removal are two horse chestnut and a maple T3, T4 & T7 on the TPO list. They are part of a group of seven trees of similar size and age that have been planted together in a small area close to the parking area. These are fairly young trees packed closely together and have grown to such a size that they would benefit by being thinned out. The three trees intended for removal are the weakest within this group. I therefore have no objection to their removal, as it would benefit the remaining trees.

I recommend APPROVAL subject the following conditions:

CONDITIONS

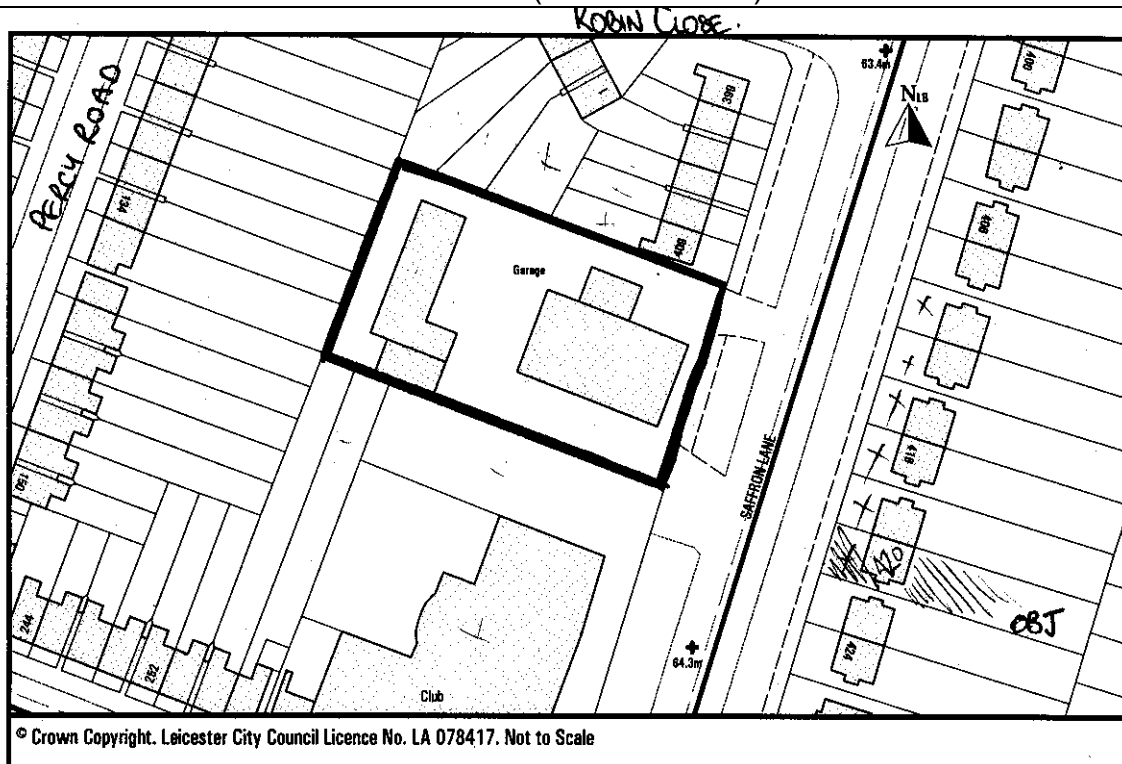
1. (0104) COMPLETION WITHIN TWO YEARS - TREES
2. (0404) GOOD ARBORICULTURAL PRACTICE

NOTES FOR APPLICANT

1. In accordance with your letter dated 29th November 2001, this consent does not include the pruning, raising, shaping or raising the crowns of the remaining trees in the group marked 4 on the submitted plan.
2. The trees marked 1, 2, 3, 5, 6, 7, 8, 9 & 10 on the plan submitted are not protected by a TPO and may be worked on without the consent of the City Council.

OTHER APPLICATIONS RECOMMENDED FOR APPROVAL

20011844	411 SAFFRON LANE, LEICESTER
08/11/2001	AREA: W WARD: Aylestone
DEV	SHOP; CANOPY; VALETING BAYS AND PETROL PUMPS (AMENDED PLANS)
SSB	P.E.HOCKENHULL (GARAGE SVS)LTD

**Introduction**

The application site an existing petrol station on the western side of Saffron Lane within a primarily residential area.

The Proposal

The applicant proposes to refurbish the existing garage by relocating and enlarging the shop and bringing back into use the additional facilities such as the car wash and workshop which are currently not operational. The boundary wall adjoining 409 Aylestone Road, which is part timber and part brick would be solid brick once the works to the station are finished. Additional office and storage space is provided as well as disabled toilets for customers. Materials proposed are brick, cladding, rendering and glazed windows.

Development Plan Policies

- H7 Permission not normally granted for non-residential uses in Primarily Residential Areas unless no seriously detrimental effects.
- T20 Non-residential development will normally be expected to include loading and manoeuvring space within the site.

Policy Considerations

None

Representations

Two letters objecting the proposal have been submitted by nearby residents whose concerns are:

- Light pollution from the illumination of the garage, particularly with a 24 hour use.
- The level of noise with a 24 hour operation.
- Potential increase in traffic

Consideration

Policy H7 does not allow non-residential uses within primarily residential areas unless it can be demonstrated that there is unlikely to be any serious detrimental harm.

This is an existing petrol station, the owner wishes to modernise and improve existing facilities. The proposed shop is ancillary to the dispensing of petrol. There is unlikely to be any significant change in traffic or noise levels when compared to the existing operation and the existing access remains unaltered. There are no restrictions upon the existing opening hours and it would not be appropriate to restrict future opening hours. The general level of illumination at the site is not within the planning remit and no applications have yet been submitted. When An advertisement application is submitted then the level of illumination can be examined.

The existing boundary wall with 409 Saffron Lane, which is part wood and part brick is to be all brick. This is likely to be of benefit in terms of reducing noise and pollution level for the adjoining neighbour, upon whom the proposal is likely to have the greatest impact.

I consider that the proposal is unlikely to have a significant detrimental impact upon the residential area. I recommend APPROVAL subject the following conditions:

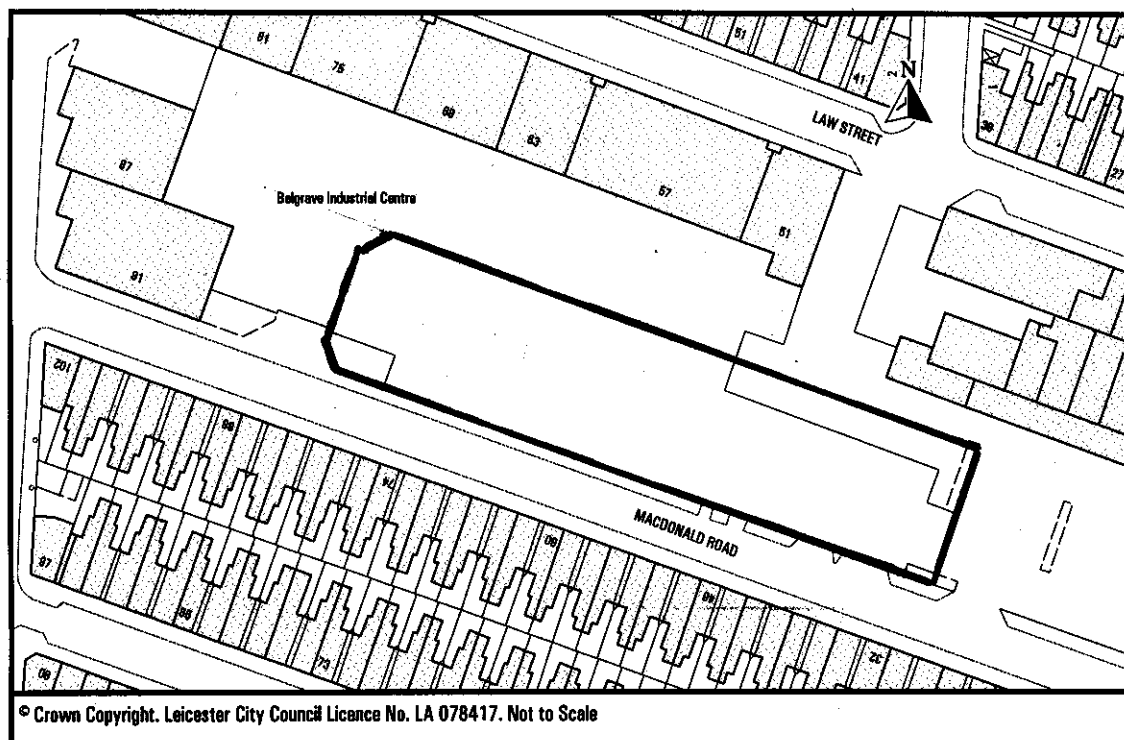
CONDITIONS

1. (0101) START WITHIN FIVE YEARS
2. The proposed car wash and jet wash bays 1 and 2 shall not operate outside the hours of 0700 - 2000 hours Monday to Saturday and 0900 - 2000 hours on Sundays and public holidays.
(In the interests of amenity of occupiers of neighbouring properties and in accordance with Policy H6 of the City of Leicester Local Plan.)
3. No works shall be carried out in the workshop outside the hours of 0700 - 2000 hours Monday to Saturday and not at all on Sunday or public holidays.
(In the interest of residential amenity and in accordance with Policy H6 of the City of Leicester Local Plan.)

4. (0501) NO DETRIMENT TO AMENITY (%) (H6)
5. (0504) NO DETRIMENT FROM LIVE/AMPLIFIED MUSIC OR VOICE (%) (H6)
6. The boundary wall to 409 Aylestone Road shall match the existing wall.
(In the interests of visual amenity and in accordance with Policy H6 of the City of Leicester Local Plan.)
7. The proposed retail shop shall be ancillary to the primary use of the premises as a petrol filling station.
(In the interest of highway and pedestrian safety and in accordance with Policy H7 of the City of Leicester Local Plan.)
8. The illumination at the petrol filling station shall be agreed with the City Council as the Local Planning Authority before the development commences.
(In the interests of residential amenity and in accordance with Policy H6 of the City of Leicester Local Plan.)
9. (0901) AMENDMENTS RECEIVED ON (DATE) (19/12/2001)

OTHER APPLICATIONS RECOMMENDED FOR APPROVAL

20011855	MACDONALD ROAD, BELGRAVE COMMERCIAL CENTRE
12/11/2001	AREA: C WARD: Abbey
DEV	THREE LIGHT INDUSTRIAL UNITS(CLASS B1);(RENEWAL OF PLANNING PERMISSION 19970186)
KMB	GAYASHIMA PROPERTIES

**Introduction**

The site lies within a Primarily Employment Area that forms a link between industrial land to the west and the retailing corridor along Belgrave Road. This section of employment land faces residential terraced property. The site adjoins nine other units, which front Macdonald Road, Ross Walk and Law Street and form an enclave of units serviced off a single access off Macdonald Road, which itself is a one-way street off Belgrave Road.

Background

The application is a renewal of 19970186 which gained conditional approval in June 1997 following consideration of objections to the redevelopment of this industrial site on the grounds of increased traffic generation, noise and pollution along a street fronted by residential property. The building that occupied the site has since been demolished and a chain link fence encloses the site.

The Proposal

The proposal is to construct on the cleared site a copy of the factory premises, which occupy the adjacent land and form nine units approved under the earlier scheme. The development comprises of three single span units providing a total floor area of 1632m² (17,573ft²). Car parking and loading areas are contained within the site.

The units are constructed with a 3m brick base and above this is mushroom coloured profile sheeting with terracotta banding. This gives an overall building height to the eaves of 7m. Small windows have been inserted into the elevation to offer relief and surveillance at street level along Macdonald Road.

Also included within the application site are an additional 15 shoppers' car parking spaces. These parking spaces are separately accessed and not part of the industrial units. Additional planting is proposed at the entrance to the existing nine units and the three proposed under this application.

Development Plan Policies

- EN35 Permission for new industrial and warehouse buildings should be well proportioned and of good quality materials.
- E2 Criteria for determining planning applications for the development or expansion of employment uses.
- E4 Within Primarily Employment Areas permission normally granted for B1, B2 and B8 uses and not for changes to other land uses.
- T12 Permission not normally granted unless adequate provision for parking of vehicles including cycles off the highway.
- T16 Specified provision for the parking of bicycles for employees and users of facilities will be expected in new developments.
- T17 Bicycle parking facilities to be provided in a form and location allowing surveillance, improving security for cycles and people.
- T20 Non-residential development will normally be expected to include loading and manoeuvring space within the site.
- T29 Development shall create a safe and convenient environment for pedestrians on paths within the site and on footways alongside.

The allocation in the Replacement City of Leicester Local Plan remains the same but the employment area to the immediate west is zoned as a Potential Development Area SPA01(18).

Representations

The application was advertised in the Leicester Mercury, site notices posted and neighbour notifications that have generated the following responses. The occupier of 30 Macdonald Road, as Chair of the Macdonald Road Residents Committee, raises objections to the proposal on the following grounds: -

- Increased pollution as a result of traffic congestion caused by heavy goods vehicles using Macdonald Road, as this road provides the only access to the enclave of industrial units.

- Danger to small children living in the area due to increases in traffic movements.
- Increased parking difficulties for residents.
- Increased instances of crime as youths gather around the area.

The issue of resident parking has been raised separately with the Town Clerk and the matter of parking, both resident and commercial, in the area is to be subject of separate consideration by the City Council in due course.

Consideration

The main issues are residential amenity and highway safety. As the application is a renewal, the main consideration was under the earlier approval. At that time the site was occupied by a building, which also fronted directly on to Macdonald Road having an eaves height of 16m. The view was taken that the proposal offered an improvement to the existing situation in terms of outlook and light afforded to the terraced houses opposite. In traffic terms it was noted in 1997 that occasionally some queuing might take place on Macdonald Road with regard to vehicles waiting to enter the shoppers car park attached to the Belgrave Commercial Centre. However, such occasions were infrequent and would not sustain a reason to refuse development of the site for industrial purposes even though both areas of land were under the control of the applicant.

Since the original planning permission very little has changed in planning terms to justify a reversal of the planning decision. Since the clearance of the site the immediate residents have benefited from an open aspect.

Car parking and loading will be carried out within the site. The levels of traffic expected are unlikely to generate significant rise in pollution or create a more dangerous traffic situation. Also the scale of development proposed is unlikely to exacerbate difficulties with car parking. The additional shoppers car park should ease car parking difficulties on street. The proposal in itself is unlikely to cause issues of public disorder.

In land policy terms the proposal is supported by local and national policies, which seeks to maximise the development opportunities offered by parcels of land in urban locations. I have requested that some provision for secure cycle parking be included within the scheme.

In conclusion I support the renewal as those changes that have occurred in policy terms have only added greater emphasis to the need for development to be sustainable and target brown field sites. The proposal satisfies both criteria.

I therefore recommend APPROVAL, subject to the following conditions:

CONDITIONS

1. (0101) START WITHIN FIVE YEARS
2. (0503) NO NOISE/VIBRATION (%) (E2)

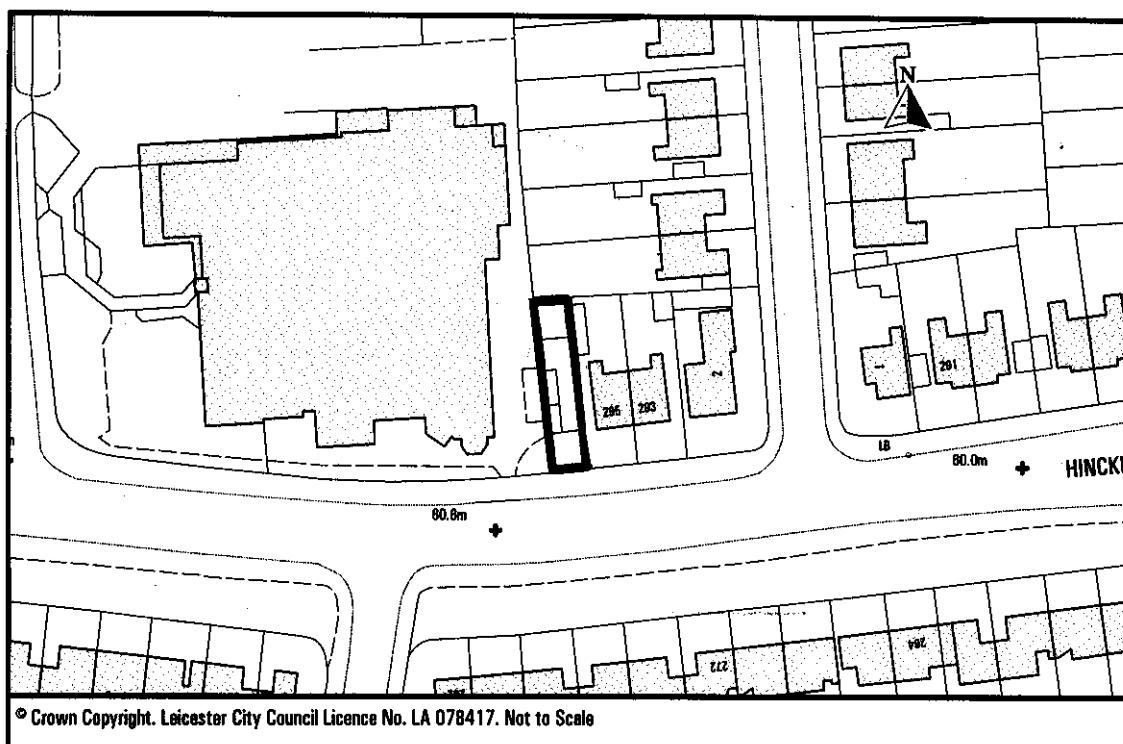
3. No machinery shall be operated nor shall any processes be undertaken outside the building.
(In the interests of the amenities of nearby residential occupiers, and in accordance with policy E2 of the City of Leicester Local Plan.)
4. (0809) PARKING/SERVICE AREA RETAINED (%) (E2 and T12)
5. The shoppers' additional car parking shall be completed prior to the commencement of the remainder of the development and shall be surfaced and marked out in accordance with the approved plan. At the same time as the remainder of the development, all the industrial parking areas shall be surfaced and marked out in accordance with approved plan, and shall be retained and not used for any other purpose.
(To ensure that parking can take place in a satisfactory manner, and in accordance with policies E2 and T12 of the City of Leicester Local Plan.)
6. (0508) HOURS OF WORK (MONDAY-FRIDAY; SATURDAY; %) (0730 TO 1800; 0730 to 1300; E2)
7. (0806) PETROL/OIL INTERCEPTOR TO BE PROVIDED
8. (0503) NO NOISE/VIBRATION (%)
9. (0811) LOADING AND UNLOADING WITHIN SITE
10. (0812) TURNING SPACE WITHIN SITE (%) (T20)
11. No use or occupation of the building shall begin until provision has been made within the application site for the parking of cycles, under cover and secure, in accordance with details previously agreed in writing by the local planning authority. The provision for cycles shall thereafter not be used for any other purpose.
(To encourage the use of bicycles as an alternative to the car and in accordance with policies T12 and T16 of the City of Leicester Local Plan.)
12. (0207) REINSTATE REDUNDANT FOOTWAY CROSSINGS/FOOTWAY
13. (0305) WALLS AND ROOF TO MATCH (%)

NOTES FOR APPLICANT

1. The new walls and roof shall be constructed in materials to match those of the existing adjacent nine units.
(In the interests of visual amenity, and in accordance with policy E1 of the City of Leicester Local Plan.)
2. With regard to condition 13, agreement of materials need must only be sought in writing if the materials are any different to those of the adjacent industrial units. In such instances where material are submitted to the City Council for approval the applicant should allow ten working days for a response.

OTHER APPLICATIONS RECOMMENDED FOR APPROVAL

20011881	297 HINCKLEY ROAD	
16/11/2001	AREA: W	WARD: Western Park
OUT	RESIDENTIAL DEVELOPMENT (ONE DWELLING)	
BC	P N JAMES	

**Introduction**

The application relates to a site including a garage between Doveland Infant School and 295 Hinckley Road.

Background

In 1962 consent was granted for a garage with a condition that no business or commercial activities nor any breaking down operations shall be carried on from the garage or the cartilage of the site. This consent has been implemented, but the site appears to be used for storage.

The Proposal

The proposal is for a single dwellinghouse with an integral garage. No details have been submitted and none are required as an outline application.

Development Plan Policies

H6 Within the Primarily Residential Areas, permission normally granted for residential development, subject to criteria.

Policy Considerations

The site is located with a residential allocation in the local plan.

Criteria contained within Policy H6, amongst others, is as follows:

- a plot is too small to accommodate a dwelling satisfactorily;
- it would prove detrimental to the amenities of occupiers of nearby properties by reason of substantial loss of privacy or light;
- the proposed access to the site or car parking arrangements are unsatisfactory;
- result in the loss of garages, parking space which there is need in the area;
- It would result in loss of trees;
- Infill development would prevent proper maintenance of a building or the adjoining properties.

Additional criteria as follows are contained in Appendix 5 of Local Plan in order to safeguard privacy and outlook:

1. Between facing windows of two storey houses where principal rooms will be overlooked: 21 metres. Changes of level may require an increase in this distance to maintain adequate privacy;
2. Between facing windows of two storey houses where overlooking of principal rooms is avoided by the design of the house type: 18 metres. Changes of level may require an increase in this distance, or screen fencing to maintain level may require an increase in this distance, or screen fencing to maintain adequate privacy;
3. Between facing windows of two storey houses and the gable ends of two storey houses: 15 metres.
4. A minimum of 11 metres will normally be required between any elevation containing principal room windows and any site boundary other than a frontage to a highway, river or canal.

Representations

The owner of 295 Hinckley Road objects to the proposal on the grounds that:

1. when the original properties in the area were developed the application site, which was previously used as a builders site office, was considered too small to develop further, and considers this still to be the case;
2. a two storey building up to the existing boundary line will substantially restrict daylight into the kitchen area and sunlight to his property;
3. the proposal is likely result in works to the tree on the school site, adjacent to the application site. The tree improves the visual amenity to the street scene.

Consideration

The application site is approximately 6m wide by 29m deep. To the west of the application site is Doveland Infant School and the main school buildings, which are 2 storey in height, are located 8m from the boundary of the site. However, there is a single storey building (appears to be used for storage) abutting the site. There is a mature tree within the school site approximately 3m from the side boundary of the

application site. On the other side (west of the site) is a house (no. 295) with an enclosed carport on the side adjacent to application site. 295 has windows on the side elevation on the ground and first floor. The site abuts the side of the rear garden of a house at 4 Wynfield Road. There is a pelican crossing immediately adjacent to the site. Hinckley Road is a classified road.

The appearance of the site from the public domain is good, but behind the 3m high (approximately) fence and gate the site is untidy and overgrown. The plot of land is small in width and with the added constraints of the pelican crossing and a tree in close proximity of the site, I agree with the objector that site is too small to accommodate a modest size dwelling. However, in my view the site could adequately accommodate a small dwelling with provisions of an integral garage and/or hardstanding for vehicle\ s. I consider that it would be difficult to resist garaging\parking provision within the site when the existing land is already used for a garage within close proximity of the crossing.

The site is within a residential area and the proposal would comply with local plan policy. I have some concern regarding the potential siting of a dwelling on the site and resulting impact on amenities of the adjacent properties, including likely works to the tree on the school site. However, I do not consider that the proposal in its current form (ie outline application) justifies a refusal when further consideration relating to design, external appearance and landscaping can be assessed at the reserved matter stage.

I consider that the site is capable of development for residential purposes and therefore recommend **APPROVAL** subject to the following conditions:

CONDITIONS

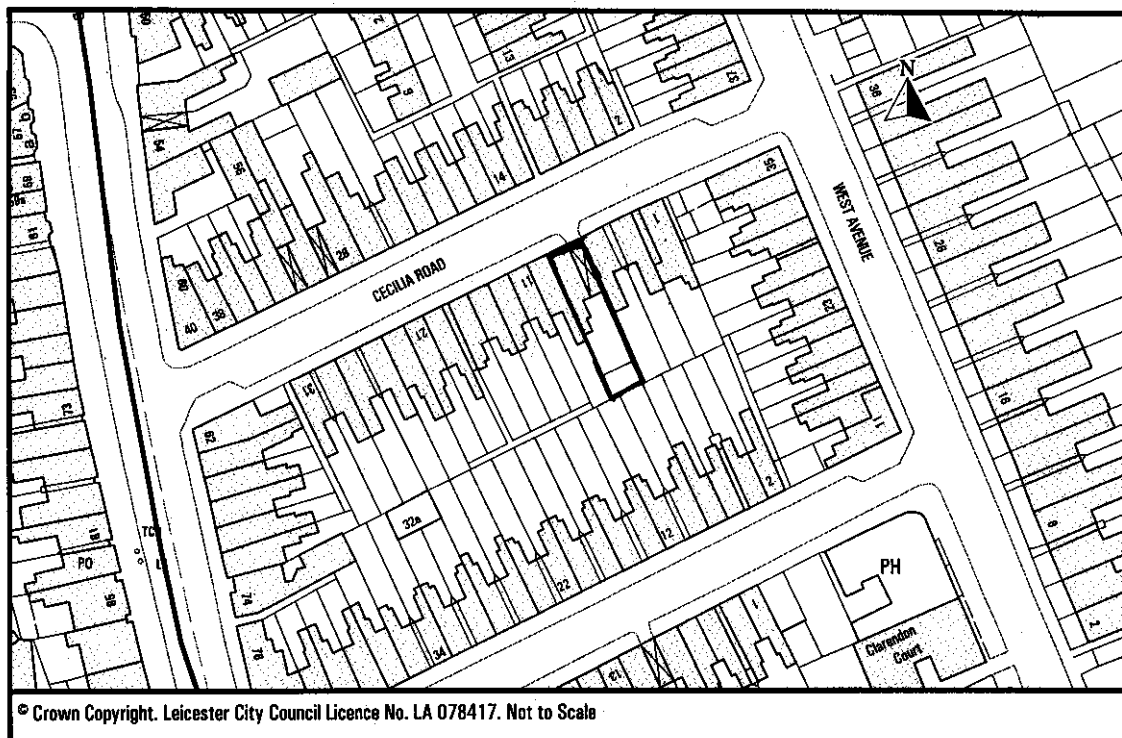
1. (0102) START BY - OUTLINE
2. (0106) DETAILS - SITING, DESIGN, APPEARANCE, ACCESS
3. (0108) PARKING PROVISION - OUTLINE
4. (0201) SIGHT LINES TO ACCESS (%) (T29)
5. (0202) STREETWORKS TO BE SATISFACTORY (%) (T29)
6. (0812) TURNING SPACE WITHIN SITE (%) (T29)

NOTE FOR APPLICANT

1. The design of the dwelling should reflect the design of other properties in the area.

OTHER APPLICATIONS RECOMMENDED FOR APPROVAL

20011891	7 CECILIA ROAD	
19/11/2001	AREA: E	WARD: East Knighton
DEV	REBUILDING OF COACH HOUSE TO FORM LIVING ACCOMMODATION ACCOMMODATION TO MAIN BUILDING	
FJD	MR B.MURPHY	

**Introduction**

The application relates to a terraced house located in a Primarily Residential area as defined in the City of Leicester Local Plan. There is a two storey 'coach house' to the rear of the yard.

Background

In 1970 an Established Use Certificate was granted with regard to car repair use of the coach house/workshop. More recently planning permission (20001646) was granted for the conversion of the coach house to self-contained living accommodation. A number of external alterations were also proposed.

A single storey extension to the main house was also approved under this consent.

The Proposal

It is proposed to demolish the existing coach house and rebuild it in exactly the same way re-using the existing materials. It is proposed to use it as self-contained living accommodation as before and the external alterations already approved will also be implemented.

Development Plan Policies

- H6 Within the Primarily Residential Areas, permission normally granted for residential development, subject to criteria.

Policy Considerations

Further criteria is contained in appendix 5 of the City of Leicester Local Plan

Consultations

None

Representations

One objection has been received from the occupier of an adjoining property who objects to the proposal on the following grounds:

1. The area is densely populated with limited street parking. The use as the building for residential purposes would result in increased demand for parking in this already congested area
2. The proposal would be intrusive to the privacy of adjoining properties given the height of the building and close proximity of the windows.
3. The outbuildings are likely to be let out independently to tenants, thus increasing people living there to ten.
4. The use of the building as a garage would be more appropriate.

Consideration

Planning permission was previously granted on the basis that the use would be more appropriate than the lawful use as a workshop. In addition to this it was felt that due to the height of the building and the lack of any directly overlooking windows, the proposal would not have an unreasonable effect on the privacy of neighbouring properties. A condition was also attached to the consent stating that the workshop should only be used as an annex to the existing dwelling house.

The existing structure is structurally unsafe. Therefore, the applicant intends to rebuild it to comply with building regulations rather than try and repair it. The applicant has supported the application by stating the following:

1. The Coach House forms an important element in the vicinity and there is a historical reason to maintain the established structure.
2. Planning permission has already been granted for the change of use, hence the principle of residential accommodation has already been established
3. The rebuilding would be identical to the existing structure making full use of the existing materials (slate and brick). Rebuilding would also result in better energy conservation.
4. The repairing of the existing structure would not result in the best visual appearance of the building.

I acknowledge the comments made by the applicant. I consider there to be a fundamental difference between a proposal, which amounts to a conversion or repair of an existing building, and complete re-building. In the case of the former, it is

possible to justify some deficiencies of design or spacing having regard for the established context. In the latter case any new residential development is measured by criteria contained in appendix 5 of the Local Plan, which requires 21 metres between facing windows of two storey houses where principal rooms are overlooked, and 11 metres between any elevations containing principal room windows and any site boundary. Clearly, the proposed scheme is unlikely to meet these guidelines and whilst I would normally recommend refusal, I consider refusal is not justified in this case given that it is intended to rebuild the existing structure in exactly the same way, using all existing materials; hence, visually the building will not change in appearance or height. Furthermore, the principle of the use and the external alterations has already been approved and I consider that the use of the building for residential purposes would not have an unreasonable impact on adjoining neighbours. Given its established use, the existing building could be let separately for a commercial use, the impact of which in terms of disturbance and traffic/parking could be much greater.

With regards to the objections I do not consider the traffic implications to be any different from the existing situation. The use of the coach house as a car repair workshop would in my opinion have had more of a detrimental impact on traffic and parking in the area. In terms of privacy, the building will be relatively low and there will not be any direct overlooking. I do not think that there will be an unreasonable threat to privacy of neighbouring properties.

To address the concerns about potential sub-letting of the building, I have added a condition as previously attached to the change of use recommending that it only be used as an annexe to the existing dwelling house.

In view of the above I have, on balance, concluded that the application should be approved. However, I would not wish to see this used as a precedent for other new build residential buildings of this type.

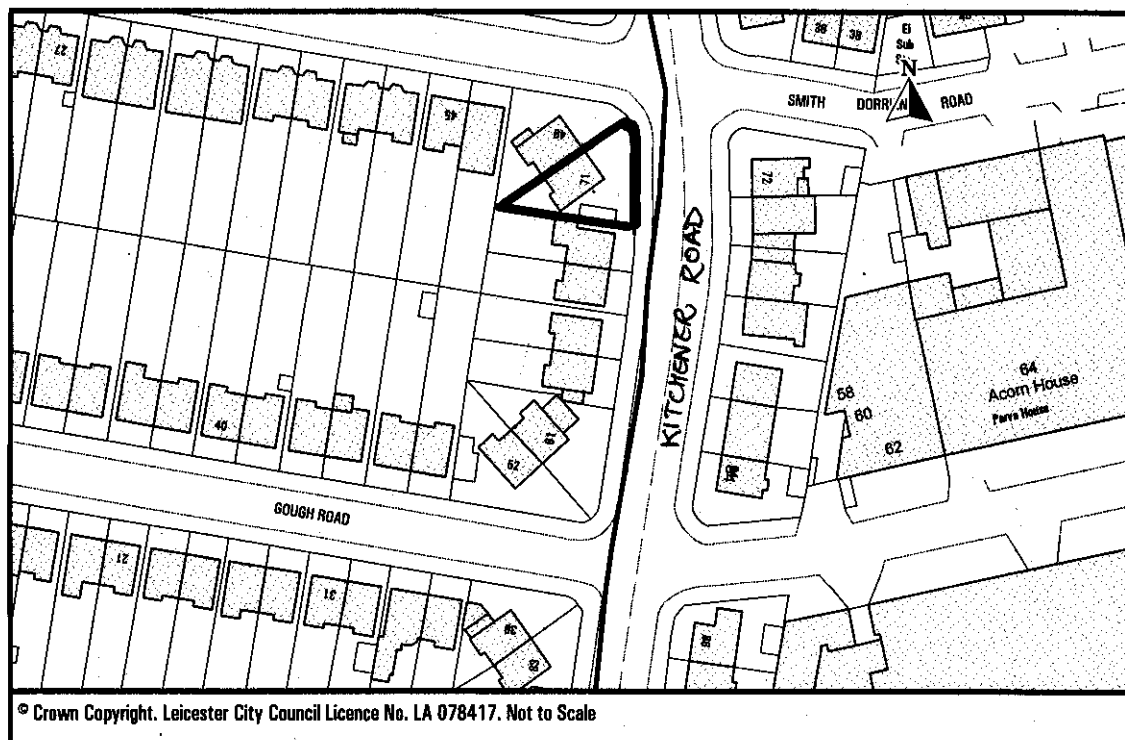
I recommend **APPROVAL** subject to the following conditions:

CONDITIONS

1. (0101) START WITHIN FIVE YEARS
2. The building hereby approved shall only be used as an annexe to the existing dwellinghouse and shall not be used, sold or otherwise disposed of as a separate dwellinghouse.(For the avoidance of doubt and because the City Council as local planning authority would wish to give further consideration to the establishment of a separate dwellinghouse on this site in accordance with policy H6 of the City of Leicester Local Plan)
3. Insofar as practicable the building hereby approved shall be constructed of bricks and slates reclaimed from the existing coachhouse or otherwise in materials to be agreed in writing by the City Council as Local Planning Authority.(In their interests of visual amenity and in accordance with policy H6 of the City of Leicester Local Plan)

OTHER APPLICATIONS RECOMMENDED FOR APPROVAL

20011932	71 KITCHENER ROAD
26/11/2001	AREA: E WARD: Charnwood
DEV	SINGLE STOREY EXTENSION AT REAR OF HOUSE
SS	MR VINDHANI

**Introduction**

The application property is a semi-detached dwelling house situated on the corner of Smith Dorrien Road and Kitcheners Road within a primarily residential area as defined in the Local Plan.

The Proposal

It is proposed to construct a kitchen/ dining room extension to the rear of the house, which would measure 5.8m by 2.4m. The proposed extension would have a mono pitched roof maximum 3.25m high.

Development Plan Policies

- EN18 Extensions to houses should normally match the existing house in materials, roof form, scale and proportion of openings.
- H6 Within the Primarily Residential Areas, permission normally granted for residential development, subject to criteria.

Policy Considerations

Policy H6 of the City of Leicester Local Plan states that within the Primarily Residential Areas planning permission will normally be granted for development for residential purposes except where, amongst other considerations, it would be likely to prove detrimental to the amenities of occupiers of nearby properties by reason of substantial loss of privacy or light, unsatisfactory access and parking arrangements; or its design is unsatisfactory.

Appendix 5 of the Plan contains criteria dealing with the design of single storey rear extensions. It states that, in the case of semi-detached houses, a single storey extension on or close to the boundary of up to 2.4m deep will in most cases be acceptable. Deeper extensions, it states, may be acceptable in some cases depending on the orientation of the property and the relationship of the extension to the windows of the adjoining house. Such extensions should not intersect a line taken at 45° from the centre of the ground floor window of the adjacent house closest to the boundary.

Representations

I have received a letter from the occupiers of 49 Smith Dorrien Road stating that they do not necessarily object to the proposal in principle but express concern about the scale of the extension and possible loss of light, which would have effect on their amenities.

Consideration

Due to the corner location, the pair of houses making up the application property and 49 Smith Dorrien Road is set at an angle to the other houses on Smith Dorrien Road and Kitchener Road. 49 Smith Dorrien Road has a living room window near to the boundary. The extension is designed with 2.4m depth to meet the above criteria, which is normally accepted in circumstances such as this. There is a close boarded wooden fence on the boundaries with the adjoining houses. Given that the application property is at lower level (approx. 300mm) than 49 Smith Dorrien Road and the eaves height of the extension would not be more than the height of the existing fence, I am of the view that the proposal would not have an unreasonable effect on the light of this property.

I do not consider that the proposal would have an adverse effect on the light of 73 Kitchener Road, which has a kitchen window near to the boundary with the application property. Although the remaining rear garden would be limited, I do not consider it would be reasonable to withhold consent for this reason, given that there is some private yard at the side and open garden space at front.

I do not consider that the proposal would have an unreasonable detrimental effect on the adjoining properties and the surrounding area or be contrary to the objectives of the above policies. I consider it acceptable and recommend APPROVAL subject to the following conditions:

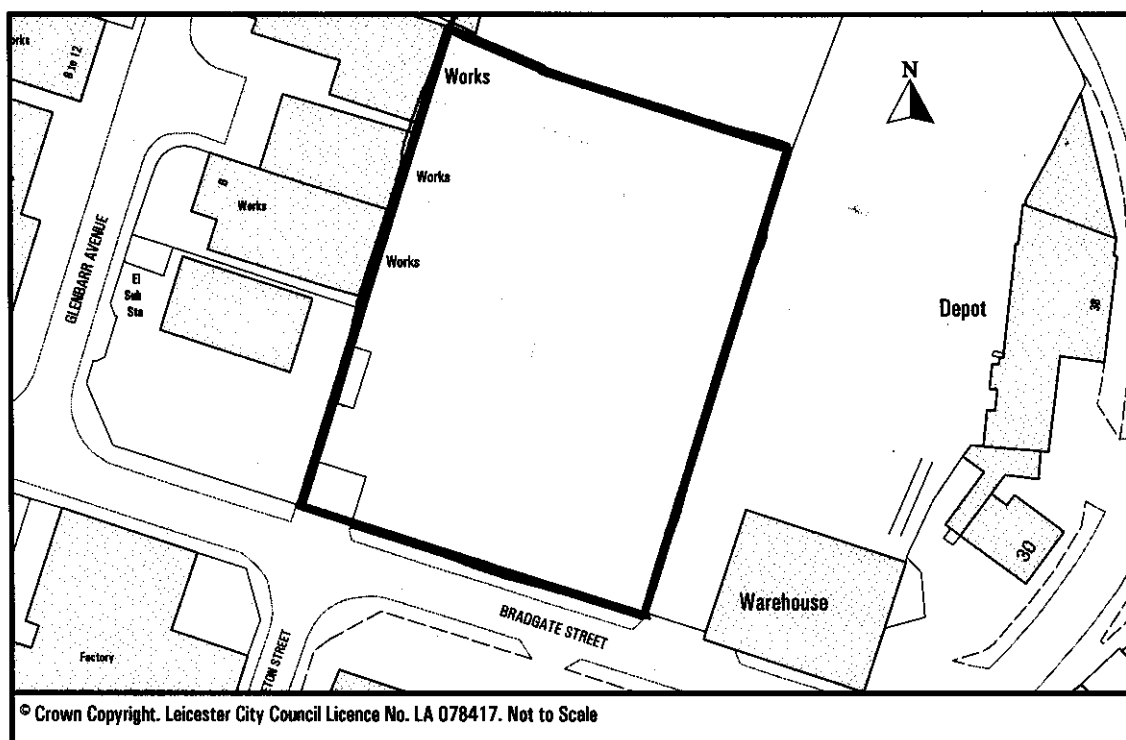
CONDITIONS

1. (0101) START WITHIN FIVE YEARS

2. (0305) WALLS AND ROOF TO MATCH (%) (EN18)

DEVELOPMENT BY THE CITY COUNCIL

20012001	BRADGATE STREET, LORRY PARK
05/12/2001	AREA: W WARD: St Augustine's
LA3	CHANGE OF USE FROM LORRY PARK (NO USE CLASS) TO OPEN STORAGE (CLASS B8)
BC	LEICESTER CITY COUNCIL

**Introduction**

The application site (0.49 ha) is vacant but was previously used for lorry park (no use class). The site is bounded by industrial uses, including the other side of the road. There is an existing mounding along the boundary of the site with Bradgate Street to discourage unauthorised use of the land by gypsies and travellers. In front of the mounding is a new 2m high palisade fence. The eastern and western boundaries of the site have 2m high chainlink fencing and the northern boundary has 2m high steel palisade fence.

Background

In August 1999 a planning application was refused for a change of use of part of former lorry park to temporary stopping place for gypsies and travellers; toilet block; boundary treatment and landscaping including 2m wall and gates to Bradgate Street.

The Proposal

The proposal is for the change of use of lorry park (no use class) to an open storage (Class B8) for scrap fridges and freezers. Consent is sought for a temporary period of 18 months. The proposed hours of use will be 0900 to 1700 Mondays to Fridays. It is estimated that 1 delivery will be made to the site per week.

Prior to the frige/freezer units being delivered to the site the following will be carried out at one of the Civic Amenity sites (CA):

1. Removal of refrigerant;
2. Removal of all loose internal fittings (shelves etc.), including cutting off all doors and the
3. CA contracted may remove the refrigeration equipment as scrap metal.

Development Plan Policies

- E4 Within Primarily Employment Areas permission normally granted for B1, B2 and B8 uses and not for changes to other land uses.

Policy Considerations

The application site is within a primarily employment allocation in the Local Plan.

Consultations

I have notified the Environment Agency of the proposal but have not received any representation.

Representations

I have notified the adjacent properties in the immediate area regarding the proposal and site notices have been displayed in the vicinity.

I have received one letter of representation from a commercial occupier at Glenbarr Avenue expressing concerns regarding the proposal and the effect on the environment, and seeks assurances from the Council that fridges will have all gases properly removed before they are stored next to their premises. In addition, a question has been raised whether the proposal will have any significant impact on traffic congestion, which is likely to result in new parking restrictions on Bradgate Street to accommodate it.

Consideration

The site is within an employment allocation and there is a presumption in allowing B8 uses. The main issues for consideration are the visual impact from open storage of the units on the surrounding area, traffic generation, potential health and safety issues and the representation.

At my request the applicant has provided additional information in support of their application. This information states that from the 1st January 2002 the Ozone Depleting Substance Regulations (ODR) comes into force and all scrap fridges and freezers, whose insulation foam and refrigeration equipment contain CFCs and

HCFs, will be classified as special hazardous waste. The Council already arranges for the removal of refrigerants but the insulation has to be treated using specialist equipment that is not yet available in this country. Furthermore, there is no definitive method of knowing which units contain CFC or HCFC blowing agents and which do not. As a result all units must be treated the same.

The applicant states that there are several private companies wanting to invest in treatment services but are not prepared to buy any equipment until the Environment Agency (EA) has set the minimum standards with which they have to operate. The EA are about to publish guidelines, but is not expected that any treatment services will be available for at least 6 months. Hence, the existing disposal routes of units have ceased and it is been left to the Local Authority to deal with their disposal for the interim period. It is estimated that up to 6000 units a year may have to be handled by the City Council.

I have been advised that no staff will be employed on the site to do any pre-treatment work and no machinery will be operated on the site. The units will be placed in rows and not stacked on top of each other, hence the maximum height of the storage is unlikely to exceed 2.5m. Moreover, the Waste Management Group of the City Council will monitor the operation.

Normally I would not recommend open storage because of the detrimental visual impact it would have on the surrounding area. However, in the view of information provided by the applicant I consider that in this instance a temporary consent for 18 months is acceptable with a condition which restricts the overall height of the storage on the site.

The proposal is likely to generate less traffic movement to the site than its present lawful use; lorry park, hence its unlikely to result in new parking restrictions on Bradgate Street to accommodate the new use.

The concerns raised by the objector have already been covered earlier in the report.

In conclusion, I consider the proposal acceptable and recommend a **LIMITED PERIOD APPROVAL** with the following conditions:

CONDITIONS

1. (0602) LIMITED PERIOD USE, NO REINSTATEMENT (EXPIRES; %) (30th June 2003; E4)
2. The site shall only be used for the storage of fridge and freezer units and the overall height of storage shall not exceed 2.5m from ground level. (In the interests of general amenity.)
3. (0501) NO DETRIMENT TO AMENITY (%)

PLANNING INSPECTORATE APPEAL DECISIONS

20018020A	7 ABBEY LANE
01/05/2001	AREA: C WARD: Abbey
ADV	THREE EXTERNALLY ILLUMINATED ADVERTISEMENT HOARDINGS (ONE 96-SHEET AND TWO 48-SHEETS)
AP	MILLS & ALLEN LTD

PLANNING INSPECTORATE APPEAL DECISIONS

20018021A	7 ABBEY LANE
01/05/2001	AREA: C WARD: Abbey
ADV	SEVEN EXTERNALLY ILLUMINATED ADVERTISEMENT HOARDINGS (ONE 96-SHEET AND SIX 48-SHEETS)
AP	MILLS & ALLEN LTD

PLANNING INSPECTORATE APPEAL DECISIONS

20018022A	7 ABBEY LANE
01/05/2001	AREA: C WARD: Abbey
ADV	FIVE EXTERNALLY ILLUMINATED ADVERTISEMENT HOARDINGS (ONE 96-SHEET AND FOUR 48-SHEETS)
AP	MILLS & ALLEN LTD

Location and Site Description

This is a joint report with Appeal Ref. 20018020A, 20018021A and 20018022A.

The three appeals relate to a site on the north east corner of Abbey Lane and Abbey Park Road. The site consists of a vacant industrial building and car park.

The Proposal

The appellants proposed to place a total of three 96-sheet and 12 48-sheet externally illuminated advertisement hoardings around the site on Abbey Park Road and Abbey Lane.

The hoarding were refused on the grounds of highway safety and visual amenity.

The Appeal Decision

The Inspector dismissed all three appeals stating that the appeal panels are quite large, particularly the 96-sheet. The panels would enjoy a prominent and exposed position forward of the building and close to the back edge of the pavement along the road frontage. This would give them a wide range of visibility and he considered, especially because of their size, siting and number, that they would stand out as unduly intrusive features in the street scene. The panels would also be externally illuminated which, in his view, would only serve to accentuate their inappropriate presence at night.

The Inspector also took note that there is no planning permission to develop the site. He considered that although the premises are empty they are not unsightly and that there was no justification for the panels on screening grounds.

Commentary

The Inspectors comments in terms of effect on the street scene and particularly his comment regarding justification for the panels on screening grounds relate well to and I consider support Policy EN26 and Policy EN33 of the City of Leicester Local Plan. I consider these to be important decisions in relation to a prominent site on one of the main radial routes into and out of the city.

PLANNING INSPECTORATE APPEAL DECISIONS	
20018041A	HIGH STREET EVINGTON, FORMER SOUTH LEICESTERSHIRE GARAGES.
06/09/2001	AREA: E WARD: Evington
PLA	TWENTY TWO SELF-CONTAINED FLATS; CHANGE OF USE OF CAR SHOWROOM TO TWO DWELLINGS (CLASS C3) (AMENDMENT TO PLANNING APPROVAL 20001265) (AMENDED PLANS)
FJD	NEWBUILD HOMES

Location and Site Description

The appeal site relates to an elongated site on the west side of High Street, located close to the junction with Main Street. The site is within a primarily residential area as defined in the City of Leicester Local Plan and within Evington Village Conservation area.

To the rear and west of the site is 'The Cedars' a public house of local architectural and historic interest and whose grounds contain TPO trees of significant amenity value

The Proposal/Decision

Planning permission (20001265) was granted in March 2001 for 20 flats and change of use of the car showroom to form two dwellings.

A subsequent planning application (20010740) was submitted as an amendment to the approved scheme and was subject to the appeal. It showed part of a residential block positioned closer to the protected trees on the rear boundary. The application was subsequently refused for the following reason.

1. The proposed development will lead to the loss of several protected trees of high amenity value in the Evington Village Conservation Area. The extension to block D would be less than 9 metres from the mature beech and lime trees at the rear of the site. Those trees are likely to be damaged during construction process such that

their decline would be significantly accelerated. The loss of these trees would have an adverse impact on the visual amenity currently enjoyed in this particular area and would be contrary to policy EN14 of the City of Leicester Local Plan.

The Appeal Decision

The applicant appealed and the Inspector has **DISMISSED** the appeal.

The Inspector concluded that the protected trees at the heart of the village play an important role in establishing the landscape character of the conservation area. The vigour of the trees have already been affected by the demolition that has taken place around the base of the trees, and the further cutting back of the crown spread and lower branches would unbalance their noble appearance. The proposal would lead to the disfigurement and possible loss of two protected trees and would thereby fail to preserve the character and appearance of the Evington Village Conservation Area.

Commentary

The Inspectors decision shows that the refusal of the extended residential block due to the potential impact on the protected trees was warranted. These trees form an important feature in Evington Village Conservation area and their loss would have been unacceptable.

PLANNING INSPECTORATE APPEAL DECISIONS	
20018044A	289 MELTON ROAD
12/09/2001	AREA: W WARD: Belgrave
ADV	ONE NON ILLUMINATED 48 SHEET ADVERTISEMENT
AB	SCORE OUTDOOR (MIDLANDS) LTD

Location and Site Description

The site of this appeal is on the gable end of 289 Melton Road. This is an end property in a terrace of similar residential properties situated on the eastern side of Melton Road. The gable end faces north and looks over an adjoining car sales site. There is another, smaller car sales site just to the north of that and then a local Police Station. On the opposite side of the road is a petrol filling station and an old 4-storey factory. To the north is an area of open space on the eastern side of Melton Road and an area of predominantly residential use on the western side.

The site itself is in an area allocated for predominantly residential use in the current Local Plan whilst the adjoining car sales sites are within an area allocated as 'White Land'.

In the Replacement City of Leicester Local Plan (Deposit Copy) the appeal site and adjoining properties, including the Local Shopping Centre north of the junction of Melton Road with Checketts Road/Marfitt Street will all be in an area allocated for primarily residential use.

The Proposal

The proposal was for an non-illuminated 48-sheet advertisement hoarding on the return flank wall of 289 Melton Road. The application was refused under the delegated powers procedure on 31st July 2001.

The Appeal

The application was refused on the grounds that it would be detrimental to visual amenity, contrary to policies EN26 and EN33 in the Local Plan, and that it would be a hazard to pedestrian and vehicular safety given its location near to an unmarked pedestrian crossing and a right turn facility for southbound vehicles in to Sandringham Avenue.

The Appeal Decision

The Inspector noted that the Regulations required that decisions be made only in the interests of amenity and public safety, though the relevant policies in the Local Plan were taken in to account as material considerations.

He considered that, bearing in mind its static and conventional nature, the presence of the proposed panel was unlikely to distract approaching drivers who were taking reasonable care of their own and other's safety.

On the other hand, as regards visual amenity, he considered that because of its size and elevated position on the wall the panel would be an over-large and unduly assertive feature on the domestic-scale property. In this respect he considered that paragraph 12 of the Annex to Planning Policy Guidance note PPG 19 was relevant. This states that in determining whether, on grounds of amenity, the display of a poster panel is appropriate on a building, the most important criterion is the overall visual effect on the entirety of the building. Given that the building retains its appearance as a house and forms part of a mainly residential terrace, he considered that the proposed panel would look out of place on the gable, despite the fact that it would overlook the frontage of a car dealership.

The Inspector concluded that the sign would be an intrusive feature in the largely non-commercial approach to the City at this point. The appeal was therefore dismissed.

Commentary

The site has been used for a number of years for the unauthorised display of a 48-sheet advertisement panel. Enforcement action was authorised by your Committee in 1993 but it appears that the sign continued to be displayed and more recently was being illuminated by projecting strip lights to the top and bottom of the hoarding. The hoarding was not removed until early in 2001 after the advertising company were threatened with prosecution proceedings in November 2000. The appeal relates to the subsequent application to re-display the hoarding.

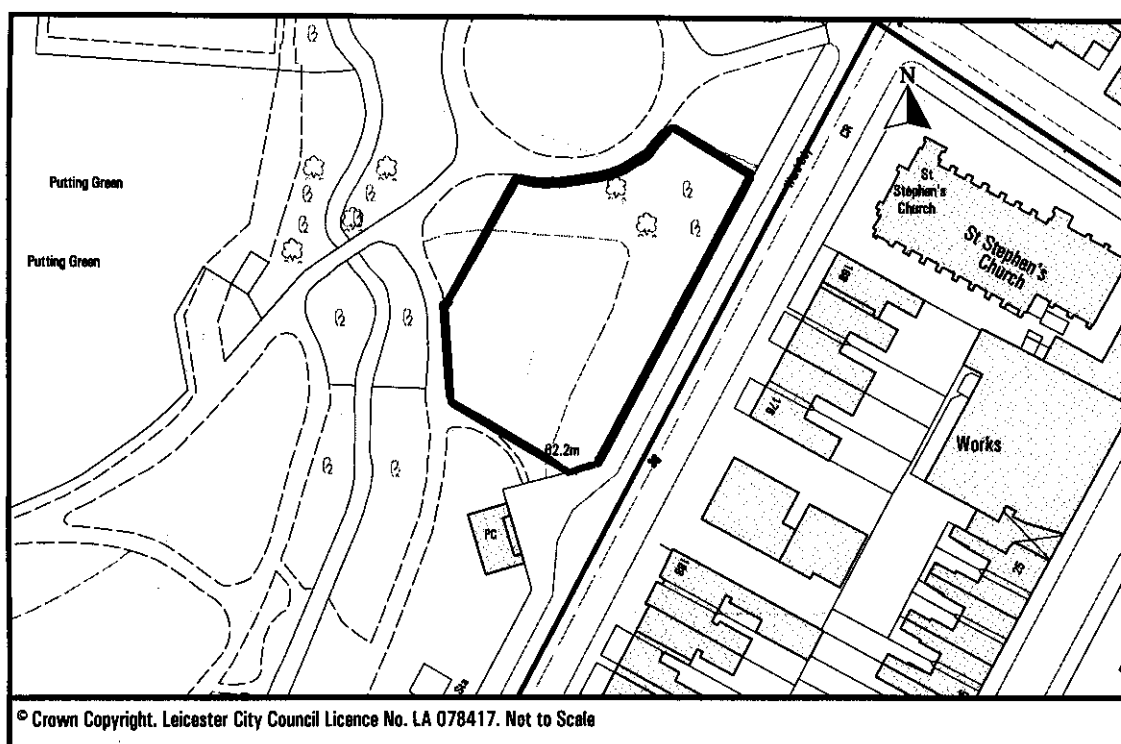
In the meantime the property at 289 Melton Road was included in an envelope improvement scheme which included the remainder of this terrace. This was

implemented during November 2000 by the Director of Housing as part of the North Belgrave Renewal Area Phase 2 to housing stock in the area.

The decision is therefore an important for this part of Melton Road where other improvements to housing stock in the area continue to be implemented.

OTHER ITEMS

20011898	EAST PARK ROAD, SPINNEY HILL PARK
18/12/2001	AREA: E WARD: Spinney Hill
DEV	TWO STOREY LOCAL POLICING UNIT
DJC	LEICESTERSHIRE CONSTABULARY



Introduction

The site is located near the north-east corner of Spinney Hill Park, which is designated as Public Open Space in the Local Plan and has a frontage to East Park Road of approximately 60 metres and a maximum depth of approximately 23 metres. The site also lies within the Spinney Hill Conservation Area.

Background

A previous application (20000796) for the local policing unit (LPU) was submitted in 2000, being intended to replace the obsolete Asfordby Street police station. This would have occupied a site slightly further to the north of, and overlapping with, that now proposed and would have had a dual frontage to East Park Road and St

Saviour's Road. Following various design changes, your Sub-Committee resolved to approve the application in January, 2001. However, the application was subsequently 'called in' by the Secretary of State for determination by him under the departure procedure and a public inquiry was provisionally scheduled for January 2002.

In the meantime, the submitted scheme had come under criticism from the Heritage Lottery Fund, who indicated that they would not be able to support the City Council's bid for funding for a park restoration scheme if the LPU proposal went ahead as proposed. Whilst not necessarily opposed to the development in principle, the HLF felt that the siting was poor, interfering as it did with part of the original path network in the north-east corner of the park, and also that more needed to be done to integrate the policing unit with the community function of the park in both design and operational terms. In order that these concerns could be addressed through a fresh application, the Police Authority requested that the public inquiry be postponed for three months. Their hope is that the Secretary of State will not find it necessary to call in the fresh application at all or would at least be able to consider it – as a 'preferred' scheme – at the same inquiry as the earlier application.

The Proposal

The revised application has attempted to address various issues which have been raised at the regular meetings which have been held with the Police Authority and representatives of the HLF while awaiting the Secretary of State's decision on call-in and subsequently.

The site area is slightly smaller than previously (approx 1600 sq m/0.4 acres as against 2000 sq m/0.5 acres). The building would also occupy a smaller footprint (18m x 30m). In order to achieve a similar floor area, the building would be wholly two-storey, as opposed to the part single, part two-storey scheme previously submitted. The proposed building is of a modern design, having brick facings with contrasting blockwork and a low-profile roof. Two tower structures towards the northern end would rise slightly above the main roof level.

The main vehicular access and car park (24 spaces) would be located at the southern end of the site frontage. A secondary vehicular access, intended to be for emergency use only, would be located at the northern end of the site, along with the main public entrance to the building. There would be an estimated 80 vehicle movements, in and out, over a 24 hour period.

The LPU would be open to the public from 08.00 to 20.00 hours but would be operational on a 24 hour basis.

In addition to staff offices and improved interview facilities, a gymnasium and dedicated community meeting room were to have been provided as part of the original scheme. It was intended that these would be accessible to the public and were seen as part of a programme aimed at breaking down barriers between the Police and the local community. The community room could, for example, be used to give talks on women's safety issues within the cultural requirements of the predominantly Muslim local community. The development of a partnership between the Police and the local community is seen as hopefully leading to a reduction in crime and people's fear of crime. However, it should be noted that the gymnasium

has had to be deleted from the revised proposal, while the community meeting room would now double as an interview room; a separate community room is no longer proposed.

The Police Authority also stated the following in support of the original application:

- The site has been selected following extensive consultations with local community groups and councillors. Surveys have shown overwhelming support for locating the police station in the park. It would address all of the problems associated with the Asfordby Street station and improve operational effectiveness.
- The proposed site would provide a high-profile police presence. Being located on a main road, it would enable better response times, whilst reducing noise pollution.
- The LPU would be located close to an accident 'hotspot'. The very presence of the LPU should help to improve the situation, allowing for informal surveillance and hopefully a reduction in accidents.
- Spinney Hill Park is an under-utilised leisure facility. Local residents and their children do not use it for fear of robbery and assault. (Within a period of 60 days in early 2000 there were three recorded incidents of robbery/mugging). Children play on the street instead, with the attendant problems that causes. The park attracts large numbers of itinerants, drug users and drunks, despite being a conservation area. Part of the park is overgrown and attacks on elderly park users have been recorded, centering on the nature reserve. The siting of the new LPU on the park would go a long way to solving these problems. It is also envisaged that CCTV surveillance of the park will be set up in due course, monitored from the police station.
- Some of the facilities in the park, including the tennis courts and bowls pavilion, are underused and vandalised. The proposed LPU would assist the management plan aimed at upgrading these facilities. The Police Authority is also prepared to replace features, such as the pond and trees, which might be displaced by the new building.

The application has been advertised as a departure from the Local Plan and as affecting the character of the Conservation Area.

Development Plan Policies

- EN6 The Council will seek to preserve the City's archaeological heritage.
- EN11 Development or demolition in Conservation Areas only approved if it preserves or enhances the area's character.
- EN12 Development in Conservation Areas to take account of building scale, form, materials and detail immediately surrounding.
- EN14 Development in Conservation Areas not normally approved if site coverage significantly exceeded or loss of garden/landscape.
- EN48 Permission not normally granted for development which would endanger or encroach upon Green Corridors or Greenspace.

- EN49 Where existing Green Corridor or Greenspace development extended, the green and open character should continue to dominate.
- EN59 Statutory local nature reserves and other nature parks will be established and maintained and protected from development.
- R2 In areas of open space deficiency, development on existing or proposed areas of open space or play areas not permitted.
- C3 Permission normally granted for community development except where proposal inadequate or adverse effects on amenity or traffic.
- T12 Permission not normally granted unless adequate provision for parking of vehicles including cycles off the highway.
- T18 Permission not normally granted for development if unacceptable amount of traffic generated.

Policy Considerations

The current Local Plan policies are largely carried over into the Replacement Local Plan (RLP), which is currently at deposit stage, with policy GE09 which again emphasises that development should not encroach upon or endanger green space, is only permissible where it would service or improve the character of the open space uses of the land, and where the green and open character of the area continues to dominate. Nevertheless, the supporting text to GE09 acknowledges: "However, a situation may arise where a site is required for a development for which an area of Green Space provides the only suitable location. The community benefit of the development would have to be carefully weighed against the irretrievable loss of open space."

RLP policy BE06 covers new development and changes of use in conservation areas. It is equivalent to existing Local Plan policy EN11 and requires that new development must preserve or enhance the character or appearance of the area. The list of Parks and Gardens of Historic Local Interest has not yet been included in the Building Conservation Directory but it is likely that Spinney Hill Park will be included. Policy GE11 covers development in such Parks and Gardens of Historic Interest.

Policy ST04 (Crime Prevention and Security) is effectively a 'new' policy which states:

"All development should take account of the potential impact on safety, security and crime. Measures should be taken to improve personal security, reduce the fear of crime and deter the incidence of crime and social behaviour."

There are no other policies specifically relating to policing unit provision.

Consultations

The Director of Arts and Leisure refers to the ongoing discussions with the Police Authority and the HLF and reiterates the Department's sincere wish to see the proposed LPU development appropriately integrated within the Landscape Restoration Project which is currently subject to consideration by the HLF. To this end the department supports the application. However, while the siting of the building away from the corner is an improvement, earlier concerns raised about the building design and the space around it have not been addressed. Concerns have

been expressed that while a 'pavilion'-type building had been expected, a horizontal slab building has been presented. The building is unwelcoming and there are concerns about the façade and lack of generous proportions to the windows. In addition, the effect of the building on the landscape needs to be considered. The design of the external space should be worked up with the LPU and not as an afterthought. The building and car park should be designed to retain mature trees. If loss is unavoidable then compensatory replacement planting should be stipulated.

The Archaeology Unit reiterates comments made on the previous application that the site is located within an area of archaeological interest, being on or near a medieval moat which possibly enclosed a manor house or similar, and it is likely that there are significant buried remains. Appropriate conditions are therefore recommended to require formal archaeological investigation in the event that permission is granted.

The Conservation Advisory Panel remains opposed to the principle of building on the park. The design of the building is considered aggressive and does not reflect the character of the area; the design is suitable for a business park but not a conservation area. The height appears excessive for a two-storey building. The proposal will generate extra traffic and increase traffic problems on East Park Road. Conversion of an existing building in the area should be sought instead.

The Victorian Society strongly objects to the proposal, both in principle and to the particular design proposed.

- The Council would be breaking the original terms of the sale to the corporation;
- The area around the park is desperately in need of open space; the Council should be trying to increase rather than reduce the tiny amount of open space available in this densely populated area of the city;
- The park is extremely well used throughout the year and the proposal is an aggressive insult to the local community and the peaceful, multicultural function of the park. In this compact multicultural area it would be an extremely poor gesture to community relations if the proposed building were erected in the park;
- The park is at the core of the Conservation Area; the design of the park is a gem and deserves even better recognition;
- Any building not related to park use would destroy the integrity of the almost intact intricate layout and design of the park;
- The design of the building is inappropriate in form, scale and materials. It is totally out of keeping with the domestic scale of the park and insensitive to the materials and character of other buildings in the locality;
- The Council is urged to upgrade both the quality and status of the park and seek to place it on the Register of Historic Parks and Gardens. . . in order that it may fully serve the twenty-first century.

The Heritage Lottery Fund welcomes the re-planning of the LPU to comprise two storeys so that the building can be kept in a location preferred by the Police Authority without further erosion of the historic path network and loss of an established entrance into the park. However, a number of reservations are expressed:

- The design does not appear to reflect the intention of a 'pavilion' type of building. There is little linkage between structure and landscape and the only balcony that has been added is a very small feature added to the road side elevation rather than providing the building's users the opportunity to overlook the park;

- Part of the benefit of siting the LPU in the park would be the perceived increase in surveillance and observation of park users afforded by the rear façade. This does not appear to have been particularly addressed;
- Appreciate that the design is a piece of contemporary architecture but do not understand how the design and materials relate to the historic landscape and fabric within the wider Conservation Area. . . This is not to say the building should not be modern in style but rather it should make a positive contribution to the landscape and present a more open and inviting face to the park;
- The re-planning of the Unit has reduced the amount of space for community facilities in the core building. In principle, we welcome the community facilities being provided in the interview room but we are unclear how it would work in practice;
- The HLF have agreed to postpone the review of sketch proposals for landscape setting to the building until a later stage in the design process but stress the importance of the setting of the LPU within the immediate and wider park setting.

(Note: The HLF comments were made on the basis of drawings presented at a pre-application meeting. Some further amendments were incorporated in the scheme actually submitted).

The Environment Agency has made a 'holding objection' to the proposal on the grounds that the proposed building is located close to the Evington Brook and a flood risk assessment will be required in order that the Agency can fully consider the scheme in this context. (The applicant has been advised of this requirement).

Representations

Seven letters of objection have been received, from the vicar of St Stephen's Church and local residents, expressing the following concerns:

- The proposal is an audacious raid on one of the City's premier resources which is already chronically inadequate, namely open recreational space, and is contrary to local plan policies relating to development on greenspace;
- The site is located in a Conservation Area and the development would create a dangerous precedent;
- The proposal is contrary to the Council's status as 'environmentally friendly';
- Parking problems will be exacerbated;
- East Park Road is a busy arterial road with a junior school nearby;
- Previous applications to build on the park have been turned down;
- The park is the only major green space in the area and is well used by people from the immediate neighbourhood and further afield;
- The proposal will adversely affect the nature area which has an established ecosystem with nesting owls, woodpeckers, foxes, great-crested newts, frogs and ducks.
- There are other empty buildings and spaces in the area which could be more appropriately be used, including sites on Sparkenhoe Street, Duxbury Road, Nottingham Road (old wood yard) and Evington Valley Road (Metalastik);
- The Council has already invested resources in an HLF bid which could tackle the need to regenerate without destroying the character of the park;
- Disputes that wide consultation was undertaken – no surveys seen which demonstrate overwhelming support for the project;

- Part of the bid includes the erection of CCTV cameras which could be done anyway to improve safety without building a police station;
- Disputes that the police station would reduce accident levels at the St Saviour's Road junction;
- Disputes that the proposal would in reality improve the police presence in the area which is already distinctly lacking. Suggests that officers from the Asfordby Street station be moved to Hamilton Police Station and the service operated from there;
- The proposal is gratuitous, lazy, cynical and typical of our times – the application should be denied in its entirety.

Consideration

General

There are no specific Local Plan policies relating to new Police Station provision in this part of the City. The proposal therefore falls to be considered on its own merits within the provisions of the wider policies listed above.

Legal position

The land which comprises Spinney Hill Park was conveyed to the Council in 1885. The covenants relating to the land stipulate that it be set aside for "public walks or pleasure grounds". These covenants apply to the central part of the park in perpetuity. However, they only applied for a period of 15 years to a perimeter strip 150 ft (45.7 m) deep, this being thereafter free from restriction, other than that any buildings be set back a minimum of at least 10 feet (3.2 m) from a road. The proposal would therefore comply with these parameters.

Need and location

The need to replace the existing Asfordby Street Police Station is not in dispute and it is clearly desirable to locate the new facility as centrally as possible in the area it is intended to serve. In this respect the proposed site is ideal, having good accessibility for the public and for operational purposes, as well as a recognisable 'presence'. It is recognised that there is a need to develop partnerships between the Police and local communities as part of the wider aims of reducing crime and disorder and encouraging ongoing urban regeneration. There is also the potential local benefit of enabling better surveillance of Spinney Hill Park which may help to increase its use even though its area will be reduced by virtue of the CLU development itself. However, there is no overriding reason to locate the facility on this site. Other sites are available or potentially available within the area, although I recognise that they may not have the same operational advantages.

The need to integrate the facility in the local community and break down barriers between the Police and the public has been stated to be one of the main objectives of the proposal. However, I am concerned that the community provision within the LPU appears to have been 'watered down' since the previous application and hence it is difficult to see how the function of the LPU will be enhanced in this context, other than by its physical presence.

Open Space

Although the area immediately surrounding the application site is not an area of open space deficiency by virtue of its proximity to the park, there is a wider area of deficiency covering the area to the south of St Peter's Road to London Road, east of Staveley Road to Coleman Road, and north of Green Lane Road to Humberstone Road. Spinney Hill Park represents the only major block of open space in this large, predominantly residential, area and I am concerned about any encroachment which would diminish its inherent value in this respect. Local Plan policy EN48 is clear that development should not encroach upon greenspace and is permissible only where it is appropriate to develop or extend existing buildings which service the recreational open use of the land (EN49). The proposal is therefore contrary to these policies. There is also the issue of the precedent this development would create whereby other public parks and greenspace serving local communities would come under pressure to accommodate development ostensibly catering for their needs. Indeed, some Members will be aware that previous enquiries for development of community buildings on Spinney Hill Park have been strongly resisted.

Design and Conservation

Although the Police Station will take up only about one-sixtieth of the total area of the park, I consider that its impact as a large building within the park landscape will be proportionately much greater.

Spinney Hill Conservation Area derives its character from the fact that the park is an 'island' of open space (with only a few 'ancillary' buildings on it at present) surrounded, on the opposite side of the perimeter roads, by substantial, individually-designed buildings dating from the late 19th/early 20th century. Given the historic character of the park itself, a large modern building will inevitably be an intrusive feature. Assuming that a reasonably sympathetic design is achieved for the building itself, the need for security fences and railings will inevitably tend to present an unfriendly, fortified appearance which would be out of character with the open landscape of the park.

Even if the principle is accepted, the design of the building presents a major problem, ideally having to reconcile the need to relate to the historic character of the park and its surroundings while affording a reasonable level of security and operational effectiveness. Whilst I do not necessarily object to a modern design, I do feel it to be important to incorporate traditional materials and possibly a more 'open' design than that submitted. I have discussed further design amendments with the applicants; amended plans are expected and I will report orally on these if received prior to your meeting.

However, irrespective of the design, I must reiterate that I consider that a large building of this kind would be an intrusive feature within the park and detract from its value and integrity as public open space. As such, I consider that the proposal will neither preserve nor enhance the character of the Spinney Hill Conservation Area and is therefore contrary to Local Plan policies EN11, EN12 and EN14.

Nature conservation

The north-east corner of the park is laid out as a nature area and is designated as such in the Local Plan. It forms part of the Evington Brook wildlife corridor and the green network of the city. By re-siting the LPU further away from the north-east corner of the park the impact on the nature area will be lessened. Nevertheless, there is likely to be loss or disruption of flora and fauna. The nature area is extremely important in a local context, being the only area of natural greenspace within a half-kilometre radius. Although it would be possible to re-create the nature area in a different part of the park, it would be expensive and could take a long time to re-establish. As such, I consider the revised proposal is still contrary to Local Plan policy EN59.

Traffic and parking

I consider the proposed off-street parking provision to be acceptable for operational and visitor requirements, bearing in mind that the site is also readily accessible by foot and public transport.

East Park Road is a classified Road and there is a general presumption against the formation of new accesses on such roads. I was particularly concerned about the original proposal, which had two accesses close to the East Park Road/St Saviour's Road junction. Although two accesses are proposed in the revised scheme, it is recognised that the northernmost one, which is closest to the junction, will be for emergency use only and will be gated to ensure that it is not used by other traffic.

The second access on the south side of the site is further away from the junction and close to the layby serving the public toilets and recycling facility which provides for some vehicular visibility on the right-hand side of egress. However, in order to improve visibility, variations to the existing Traffic Regulation Orders will be required to restrict waiting over appropriate distances and time periods. In the event of permission being granted, the actual details of the TRO will need to be agreed with the City Council and be the subject of consultation with local residents and the emergency services.

Conclusion

I do not dispute the need for a new police station to serve the East Park area and I consider that the revised proposal has gone some way to overcoming some of the objections to the previous scheme. Nevertheless, I consider that the fundamental issue of building on an area of public open space, and the resultant adverse impact on the character of the Conservation Area, remains. Hence, I must emphasise that had this application been submitted in 'first instance' I would therefore be recommending refusal. However, I have to have regard to the fact that your Sub-Committee has accepted the principle of the development in resolving to approve the previous application, and that the current scheme is effectively an amendment to the earlier one (albeit in a slightly different position). Therefore, SUBJECT TO THE DECISION OF THE SECRETARY OF STATE AND THE RECEIPT OF SATISFACTORY AMENDED PLANS, I recommend APPROVAL, subject to the following conditions:

CONDITIONS

1. (0101) START WITHIN FIVE YEARS
2. (0301) MATERIALS (WALLS AND ROOF) TO BE AGREED (%) (EN4 and EN11)
3. (0406) LANDSCAPING TO BE AGREED & CARRIED OUT: VERSION 2 (%) (EN11 and EN55)
4. Before the development is commenced, details of the treatment of all boundaries of the site shall be submitted to and approved by the City Council as local planning authority.
(In the interests of amenity and in accordance with policies EN11 and C3 of the City of Leicester Local Plan)
5. (0813) PARKING SPACES TO BE RETAINED
6. (0812) TURNING SPACE WITHIN SITE (%)
7. (0205) PROVISION OF FOOTWAY CROSSING(S) (%) (T14)
8. (0201) SIGHT LINES TO ACCESS (%) (T14)
9. (0915) ARCHAEOLOGY - DETAILS TO BE SUBMITTED
10. (0916) ARCHAEOLOGY - PROGRAMME TO BE AGREED
11. The proposed building shall not be brought into use until a scheme of landscaping for that area of Spinney Hill Park adjacent to the development site has been submitted to and approved by the City Council as local planning authority and shall have regard to: replacement tree and shrub planting; a replacement pond; demolition of any redundant structures; and new or modified pathways and lighting. The landscaping works shall be undertaken at the applicant's expense and in accordance with a timetable to be agreed.
(To provide adequate replacement landscaping to compensate for plants and other landscape features lost or displaced as a consequence of the development, to integrate the proposed development with other restoration and landscaping works to be undertaken in Spinney Hill Park, and in accordance with policies EN11 and C3 of the City of Leicester Local Plan)
12. Prior to the commencement of the development, details of required Traffic Regulation Orders on East Park Road adjacent to the application site shall be submitted to and agreed by the City Council, as local planning authority, and shall be implemented before the building is brought into use.
(To prevent vehicles parking and to improve visibility for the proposed vehicular accesses, in the interests of highway safety and in accordance with policy T14 of the City of Leicester Local Plan)
13. (0901) AMENDMENTS RECEIVED ON (DATE)

NOTES FOR APPLICANT

1. (1321) ARCHAEOLOGICAL ADVICE (RE CONDITION) (9 and 10)
2. With regard to condition 12, sufficient time must be allowed for the processing of the Traffic Regulation Orders, including publicity and responses to any representations received, prior to the commencement of the development. The applicant will be expected to finance all works reasonably required in implementing the TROs.