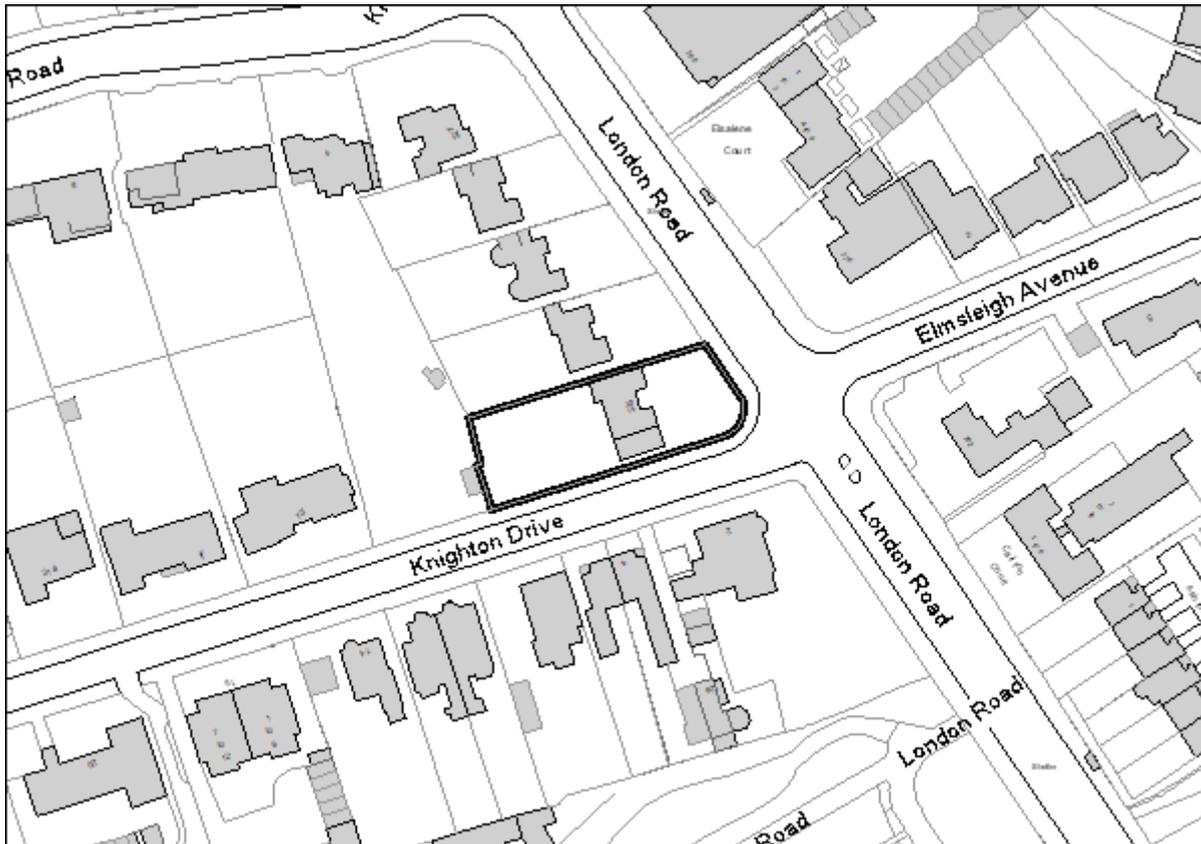


COMMITTEE REPORT

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|-----------------|---|----------------|
| 20231278 | 335 London Road | |
| Proposal: | Change of use from dwellinghouse (Class C3) to day nursery (Class E); construction of single storey extension at front; single storey extension at rear; associated parking (amended plans received 3/10/2023 and 17/10/2023) | |
| Applicant: | Mr Amit Patel | |
| App type: | Operational development - full application | |
| Status: | Minor development | |
| Expiry Date: | 16 November 2023 | |
| RB | TEAM: PD | WARD: Knighton |



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Summary

- Brought to committee due to level of objections.
- Objections received from 6 addresses within the city with main concerns being the principle of development, highways, and noise impact.

- Main issues are principle of development, neighbouring residential amenity, design, impact on the character and appearance of the Stoneygate Conservation Area and highways/parking impacts.
- The application is recommended for approval.

The Site

The site relates to a detached house located on the western side of London Road, located on the junction with Knighton Drive. The area is primarily residential.

The site comprises a detached house with detached garage located to the southern side next to Knighton Drive.

The property lies within the Stoneygate Conservation Area, covered by an article 4 direction that restricts permitted development rights for operational development. The rear of the site is within a Critical Drainage Area.

There are several trees to the front and rear of the property, none of which are protected by Tree Preservation Orders (TPOs).

Background

Application 19810245 for the construction of a detached garage at the side of the house was approved in April 1981. This permission has been implemented.

Application 19980403 for a single storey extension to the front and side of the house was approved in March 1998. This permission has been implemented.

Application 20020888 for a conservatory at the rear of the house was approved in July 2002. This permission does not appear to have been implemented.

Application 20202070 for the change of use from house (Class C3) to day nursery (Class E); alterations was approved on 17/02/2021. This permission is extant and could be implemented.

The Proposal

The proposal is for a change of use of the two storey detached dwelling (Class C3) at 335 London Road to a day nurse (Class E).

The application also proposes:

- the construction of a flat roofed single storey extension at the front, measuring 0.9m in depth, 3.7m in width and 3m in height. The extension would provide an extended reception area along with existing space behind.
- the construction of a flat roofed 'L' shaped single storey extension at rear, measuring 3.7m in depth to the Knighton Drive side, 2.4m in depth to the 333 London Road side, 13.4m in total width and 3.1m in total height.
- Car parking for seven vehicles, 4 cycle parking spaces to the front of the site for parents and visitors, 3 cycle spaces within the existing garage for staff.

Within the existing ground floor or the property, there would be a reception room, lobby, two playrooms and toilet areas. Within the rear extension there would be a sensory room and indoor garden room.

There would be a playroom, office, kitchen and toilets on the first floor.

The applicant is proposing to operate the day nursery between the hours of 7:30am and 6pm on Monday to Friday only. The nursery will cater for 48 children between the ages of 6 months to 8 years old.

The application form indicates that there would be two staff members. Clarification of this in the context of meeting the government requirements for the number of children proposed has been requested.

Amended plans have been received to reduce the bulk and design of the proposed front extension, to remove render proposed to the front elevation and to include cycle parking.

A revised Nursery Management Plan has been submitted during the course of the application process.

National Planning Policy Framework (NPPF) 2023

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

Paragraphs 92 and 93 (Promoting Healthy and Safe Communities)

Paragraphs 110, 111 and 112 (Highways)

Paragraphs 120 (Use of land)

Paragraphs 130 and 134 (Amenity and Good Design)

Paragraph 185 (Pollution)

Paragraphs 194, 195, 197, 199, 203, 206 (Heritage)

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity

City of Leicester Local Plan (2006) Saved policies - Appendix 1: Parking Standards

Consultations

Noise – No objection providing there is an hours of use condition restricting waste collection to daytime hours.

Highways – No objections

Trees and Woodlands – No objections, but recommends part of the arboricultural impact assessment and tree protection plan is conditioned.

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Representations

Nine letters of objection have been received from six addresses within the city. The letters raise the following concerns:

- Over concentration of nurseries and commercial properties in the area;
- Increased traffic congestion on Knighton Drive;
- Impact of the noise from the children playing outside;
- Accidents take place at the junction of London Road and Knighton Drive;
- The traffic congestion is an issue in the wider area and the site is close to a busy junction;
- On street parking will increase as a result of the change of use and will block residents driveways;
- The proposal would cause congestion exiting the car park onto London Road;
- Concerns over an insufficient amount of parking;
- The amount of noise made by children playing outside;
- There will be noise disturbance from the amount of vehicles visiting the site;
- Concerns on vehicle manoeuvring within the site;
- Seven car spaces would not be adequate even with staggered start and finish times for different groups of children;
- Increased impact on pedestrian and highways safety;
- The proximity of the entrances from the junction of London Road and Knighton Drive would result in poor visibility;
- The proposal would potentially reverse positive traffic calming measures;
- The speed limit should be reduced to 20mph.

Consideration

The main issues are the principle of development, design of the proposed extensions; impact on character and appearance of the Stoneygate Conservation Area; impact on residential amenity, trees, drainage and highways safety and parking.

Principle of development

Saved Policy H05 of the Local Plan (2006) commits the Council to refuse applications involving the loss of existing housing. The policy is predicated on the shortfall in housing supply, which is ongoing, meaning that the loss of housing is resisted. However, the policy does also recognise that, in exceptional circumstances, the loss of housing can be justified by the provision of other community benefits. I consider that the provision of a children's day nursery would offer such a community benefit. The proposed use would represent a relatively minor scale of day nursery compatible with residential locations such as the application site. Furthermore, some commercial uses are considered appropriate within residential areas such as dental surgeries, medical centres and nurseries as they offer a community benefit which would outweigh the harm from the loss of one residential unit.

Although there are existing commercial uses within the surrounding area, I consider that the addition of another commercial use would not result in an overconcentration of these uses and the provision of a nursery within a primarily residential would be more desirable than in a commercial area.

In addition, the use of the property as a day nursery has already been approved within the last three years. The approved application is extant and could still be implemented, which is a material planning consideration.

Therefore, the proposed development is considered compliant with saved policy H05 and acceptable in principle subject to the impact on character and appearance of the Stoneygate Conservation Area, design, residential amenity, highway safety and parking.

Character and Appearance

The application site is located in a primarily residential area whereby detached properties are set within relatively spacious plots on both the east and west of London Road.

There is a proposed flat roofed single storey extension to the front of the property, which has been set back slightly so that it is not flush with the existing elements to the side and would have a flat roof. The design has been rationalised and simplified to relate better to the existing property. I consider it necessary for the brick details and door details to be submitted prior to works above ground level.

The rear extension would be modern in design with a flat roof and bifold doors to the rear. Its design is clear, legible and is subservient to the main building. It would not be visible from the street scene and would be acceptable.

I consider it necessary to recommend a condition that window details and a brick sample provided for approval prior to works above ground level in order to preserve and enhance significance of the non-designated Heritage Asset.

I conclude that the proposed extension would comply with policies CS03 and CS18 of the Core Strategy (2014) and would not conflict with saved Policy PS10 of the Local plan (2006), and is acceptable in terms of the character and appearance of the area.

Residential amenity (*neighbouring properties*)

Policy PS10 of the Local Plan states that in terms of residential amenity any new development proposals should have regard to existing neighbouring and proposed residents in terms of noise, light, vibrations, smell and air pollution, visual quality of the area, additional parking and vehicle manoeuvring, privacy and overshadowing, safety and security, the ability of the area to assimilate development and access to key facilities by walking, cycling or public transport.

The neighbouring property at 333 London Road projects approximately 3m beyond the rear elevation of the application property. As such, I consider that the proposed single storey rear extension would not have a significant impact on the rear facing windows at the neighbouring property and would not result in a significant detrimental impact on the amenity of the neighbouring occupiers.

The nature of the proposed use as a day nursery for children between the ages of 6 months and 8 years is considered will give some rise in the levels of noise experienced by neighbours and local residents. In addition to this, the arrival and departure of children could give rise to some level of disturbance in the morning and evening times.

However, the submitted management plan states that there would be no more than 48 children and sets out a timetable for a typical day, along with the maintenance of the parking areas and how children would be managed when outside. It is unlikely that all of the children would be collected and dropped off at the same time every day.

Whilst the applicant has indicated the hours of use would be 0730 to 1800, I consider the hours of use would be appropriate and it would be reasonable to condition the proposed hours.

I consider it necessary to attach a condition to ensure that the use is managed in accordance with the submitted Management Plan. This would minimise the potential of noise and disturbance to neighbours whilst the nursery is in operation.

Other uses in Class E include a variety of other commercial uses. I consider that other uses could potentially give rise to harmful amenity impacts including additional demand for parking. I therefore recommend that a condition limit the permission to use applied for, meaning that any future alternative uses within Class E can be considered on their own merits.

I conclude that the proposal would comply with Policy CS03 of the Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006), and is acceptable in terms of amenity.

Highways and Parking

Seven parking spaces are proposed as part of the change of use. Five parking spaces would be provided at the front of the property and two spaces would be provided within the existing garage at the side of the property. The garage spaces would be tandem and would be for staff. Whilst tandem spaces are not ideal, the width of the spaces exceed our standards but the depth of the spaces fall short. I consider the current garage would not accommodate two cars and a condition can be attached to ensure this. It is proposed to mark the additional five spaces out.

The site currently benefits from two access points and dropped kerbs, one from London Road and the other from Knighton Drive. The proposal would introduce an 'in and out' system to improve traffic and manoeuvring. I consider that this is reasonable, providing that the traffic enters the site from London Road and exits onto Knighton Drive.

It is considered that subject to conditions ensuring the provision of six car parking spaces and seven cycle parking spaces and the provision of signs to both vehicle entrance and exits, the proposed development would not have an adverse impact on highways and pedestrian safety. Furthermore, in this instance, due to the limited parking restrictions along Knighton Drive and nature of the proposed use it is considered that there would not be demonstrable severe harm in terms of parking. I therefore conclude that the proposed development would not conflict with Appendix 1 of the Local Plan.

I consider that a condition securing that the proposed development would be in accordance with the submitted Travel Plan is necessary.

I consider that the proposal would increase the amount of traffic within the surrounding area, but this is unlikely to have a significant adverse impact on highway safety in the surrounding area or require additional traffic calming measures or changes to the speed limits on surrounding roads.

A number of conditions are recommended to secure the details submitted in support of the application, subject to which the proposal is considered would not result in a severe impact on highways and parking in accordance with the NPPF 2023, saved policies AM01, AM02 and AM11 of the Local Plan and Core Strategy policy CS15.

Trees

Two trees would be removed as a result of the proposed development, to the front of the property and are of poor health or of low amenity value. Neither tree is protected by a Tree Preservation Order (TPO). All other trees on site would be retained.

An Impact Assessment and Tree Protection Plan have been submitted. I consider it necessary to attach a condition to ensure that the works are carried out in accordance with the details provided and that the development does not adversely impact on any of the other trees within or adjacent to the application site.

Subject to a condition for replacement trees and a condition securing the tree protection measures submitted with the application, I consider that the proposal is acceptable, and complies with Core Strategy policies CS03 and CS18 and saved Local Plan policy UD06.

Flood Risk

The rear of the site is located within a Critical Drainage Area. I consider that a requirement for a scheme of sustainable drainage would be onerous, due to the limited increase in hardstanding at the site.

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

Conclusion

The proposed development represents an acceptable size, scale and form of development in a residential area. The resulting use of the site would be compatible with the residential area and the proposed alterations unlikely to have any significant detrimental impact on the character of the street scene or the property itself. I consider that the proposal will have minimal impact on the residential amenity in respect of noise and disturbance subject to conditions. The proposal would not have a severe impact on highways safety and would provide six car parking space within the site.

The impact on the character and appearance of the conservation area, design and trees is acceptable.

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

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

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)

2. Prior to any work above ground level and notwithstanding the materials details provided within the application form, the materials to be used on all external elevations shall be submitted to and approved by the City Council as local planning authority. The details shall include:

- a 2m x 2m brick sample panel including mortar and bonding;
- Window and door frame section details and door joinery details at 1:5 scale or 1:10 scale where appropriate;

The development shall be carried out in accordance with the approved details and shall be retained as such for the lifetime of the development. (To ensure that the details are agreed in time to be incorporated into the development and in the interests of visual amenity and the character and appearance of the area, and in accordance with Core Strategy policy CS03).

3. Traffic flow within the site shall be managed by a one-way system with vehicular access to the site from London Road and the vehicular egress from the site to Knighton Drive and shall be operated as such for the lifetime of the development. (In the interests of the satisfactory development of the site and in accordance with policies AM01, AM02 and AM11 of the City of Leicester Local Plan).

4. Before the occupation of any part of the development, 'WAY IN', 'WAY OUT' and 'NO ENTRY' signs shall be installed in accordance with the approved details and retained as such. (For the safety and convenience of pedestrians and other road users, and in accordance with saved Local Plan policies AM01 and AM02 and Leicester Core Strategy policy CS3.)

5. No part of the development shall be occupied until the five parking areas shown on the approved plans are surfaced and marked out in accordance with details shown on the approved plans and shall be retained for parking and not used for any other purpose. Notwithstanding the approved plans, the garage shall be used as one vehicle parking space and retained as such thereafter. (To ensure that parking can take place in a satisfactory manner, in the interest of highway safety, and in accordance with policies AM01 and AM11 of the City of Leicester Local Plan and Core Strategy policy CS03)

6. No part of the development shall be occupied until four secure cycle parking spaces have been provided to the front of the site for parent and visitor use and three cycle parking spaces have been provided within the existing garage in accordance with the approved plans and retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and AM11 of the City of Leicester Local Plan).

7. The development be carried out in accordance with the Travel Plan received on 05/07/2023. The Travel Plan shall be carried out in accordance with the timetable contained within the Travel Plan. The monitoring of travel modes (including travel surveys) shall be carried out of all users and patterns at regular intervals for a minimum of 5 years from the first occupation of the development brought into use. The plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with policies AM01, AM02, and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).

8. The use hereby approved shall not be carried on outside the hours of 07:30 to 18:00 Monday to Friday and at no other time. (In the interests of the amenity of neighbouring occupiers, in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policies PS10 and PS11 of the Local Plan (2006)).

9. All trees within the application site and neighbouring sites that are shown to be retained shall be protected from damage during building operations, in accordance with the Tree Protection Plan and Impact Assessment both received on 05/07/2023. Before any equipment, machinery or materials are brought on to the site for the purposes of the development, all existing trees, shrubs or hedges to be retained on the site shall be protected by fencing in accordance with British Standard BS 5837:2012. The location of the protective fencing shall not be within the root protection area of all retained trees. The fencing shall be maintained until all equipment, machinery and any surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and no alteration to the ground level shall be made without the prior written approval of the City Council unless this is clearly indicated on the approved plans. (To minimise the risk of damage to trees and other vegetation in the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS18).

10. The approved use shall be operated in accordance with the nursery management plan received on 09/10/2023, aimed at minimising disturbance to nearby residents and maintaining highway safety, and shall be operated at all times thereafter. (In the interests of the amenity of neighbouring occupiers, in accordance with saved Policies PS10 and PS11 of the Local Plan (2006)).

11. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order amending or revoking and replacing that Order with or without modification, the premises shall not be used for any purpose other than day nursery within Class E of the Order. (To enable consideration of the amenity, parking and and highway safety impacts of alternative Class E uses, in accordance with Policies CS03 and CS15 of the Leicester Core Strategy (2014) and saved Policies PS10 and PS11 of the Local Plan (2006)).

12. Development shall be carried out in accordance with the following approved plans:

Proposed Site Plan, 21090/DSA/BP/GF/EXT/A/002 Rev P02, received 06/07/2023

Proposed Site Layout, DWG//4279/001 Rev P03, received 09/10/2023

Proposed Ground Floor Plan, 21090/DSA/FP/XX/XX/A/003 Rev P08, received 17/10/2023

Proposed First Floor Plan, 21090/DSA/FF/XX/XX/A/008 Rev P01, received 17/10/2023

Proposed Roof Plan, 21090/DSA/SL/RP/XX/A/007 Rev P02, received 03/10/2023

Proposed Elevations, 21090/DSA/ELE/XX/XX/A/004 Rev P04, received 03/10/2023

Proposed General Arrangement, 21090/DSA/SL/GF/XX/A/006 Rev B, received 09/10/2023

(For the avoidance of doubt).

NOTES FOR APPLICANT

1. With regards to the Travel Pack the contents of the pack are intended to raise the awareness and promote sustainable travel. The applicant should seek advice from Leicester City Council's Travel Plan Officer

2. The effect of condition 11 of this planning permission is that future changes of use of the property will require planning permission from the City Council as local planning authority. (Permitted development rights for this property have been restricted).

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

The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.

2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.

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

2006_H05 Planning applications involving the loss of housing will be refused unless they meet criteria.

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

- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2006_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.