1 Introduction

1.1 This is a regulatory committee with a specific responsibility to make decisions on planning applications and decide whether enforcement action should be taken against breaches of planning control. Reports to it include the relevant information needed for committee members to reach a decision.

1.2 The City Council has a number of standard considerations that must be covered in reports requiring a decision. To assist committee members and to avoid duplication these are listed below, together with some general advice on planning considerations that can relate to recommendations in this report. Where specific implications are material planning considerations they are included in the individual agenda items.

2 Planning policy & guidance

2.1 Planning applications must be decided in accordance with the provision of Development Plan, principally the Core Strategy, saved policies of the City of Leicester Local Plan and any future Development Plan Documents, unless these are outweighed by other material considerations. These include supplementary planning documents, site-specific development briefs produced by the City Council, and relevant national policy. Individual reports refer to the policies relevant to the recommendation.

3 Sustainability & climate change
3.1 The policies of the Local Plan and the LDF Core Strategy were the subject of a Sustainability Appraisal that contained the requirements of the Strategic Environmental Assessment (SEA) Directive 2001. Other Local Development Documents will be screened for their environmental impact at the start of preparation to determine whether an SEA is required. The sustainability implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined in each report.

3.2 Core Strategy Policy 2, addressing climate change and flood risk, sets out the planning approach to dealing with climate change. Saved Local Plan policies and adopted supplementary planning documents address specific aspects of climate change. These are included in individual reports where relevant.

4 Equalities and personal circumstances

4.1 Planning application decisions are monitored by the ethnicity 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. The results of this monitoring are included in one of the quarterly monitoring reports about performance of the service.

4.2 The City Council must also assess impact in race equality terms before approving major developments and must show that they have properly applied the principles of section 71 of the Race Relations Act whenever taking a significant planning decision. Section 71 of the Act requires that "due regard" be given to risks of unlawful discrimination and the need to promote equality of opportunity and good race relations between persons of different racial groups when public authorities exercise their functions.

4.3 The identity or characteristics, or economic circumstances of an applicant or intended users of a development are not normally material considerations. Where there are relevant issues, such as the provision of specialist accommodation or employment opportunities these are addressed.

5 Crime & disorder
5.1 Issues of crime prevention and personal safety are material considerations in development management recommendations. Where relevant these are dealt with in individual reports.

6 Finance

6.1 The cost of operating the development management service, including processing applications and pursuing enforcement action, is met from the Planning Management and Delivery Group budget which includes the income expected to be generated by planning application fees.

6.2 Development management decisions can result in appeals to the Secretary of State or in some circumstances legal challenges that can have cost implications for the City Council. These implications can be minimised by ensuring decisions taken are always based on material and supportable planning considerations. Where there are special costs directly relevant to a recommendation these are discussed in the individual reports.

6.3 Where impacts arise from developments the City Council can require developers to meet the cost of dealing with those impacts, such as increased demand for school places, through planning obligations. These must arise from the council’s adopted planning policies, fairly and reasonably relate to the development and its impact and cannot be used to remedy existing inadequacies in services or facilities. The council must be able to produce evidence to justify the need for the contribution and its plans to invest them in the relevant infrastructure or service, and must have regard to the Community Infrastructure Regulations 2010 and Circular 05/05. Recommendations to secure planning obligations are included in relevant individual reports.

7 Legal

7.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the Service Director (Legal Services) has been consulted and his comments are incorporated in individual reports.

7.2 Provisions in the Human Rights Act 1998 relevant to considering planning applications are Article 8 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property) and, where relevant, Article 14 (prohibition of discrimination).
7.3 The issue of Human Rights is the material consideration in the determination of planning applications and enforcement issues. Article 8 requires respect for pride in the family life and the home. Article 1 of the first protocol provides an entitlement to peaceful enjoyment of possessions. Article 14 deals with the prohibition of discrimination. It is necessary to consider whether refusing planning permission and/or taking enforcement action would interfere with the human rights of the applicant/developer/recipient. These rights are ‘qualified’, so committee must decide whether any interference is in accordance with planning law, has a legitimate aim and is proportionate.

7.4 The impact on the human rights of an applicant or other interested person must be balanced against the public interest in terms of protecting the environment and the rights of other people living in the area.

7.5 Case law has confirmed that the processes for determination of planning appeals by the Secretary of State are lawful and do not breach Article 6.

8 Background Papers

8.1 Copies of individual planning applications are available for inspection in the Customer Service Centre, New Walk Centre, on screen at relevant local customer service centres and on line at www.leicester.gov.uk/planning. Comments and representations on individual applications are kept on application files, which can be inspected by contacting the Planning Management & Delivery, extension 7286, and on line in the relevant application record.

9 Consultations

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

10 Report Author

10.1 Mike Richardson, Head of Planning Management & Delivery, 252 7244.
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Summary

- The application is referred to the committee as twelve objections have been received and the recommendation is for approval.

- Twelve objection letters raise concerns about the following issues: may set a precedent, traffic, light, outlook, privacy, emergency vehicle access, biodiversity, damage to neighbouring houses, maintenance of the driveway, loss of greenfield land is contrary to government policy.

- The main issues under consideration are residential amenity, appearance, highway safety and wildlife.

- The development is an acceptable form of backland development. The recommendation is for approval.
Introduction

The site is located within a residential area characterised by detached houses in large gardens.

Background

A number of permissions have been granted over the years for extensions to the existing house.

The Proposal

The proposal is for a four bedroomed detached house in the rear garden of number 10. The existing garage would be demolished and the proposed driveway would run down the side of the property in order to serve the new dwelling.

Policy Considerations

Core Strategy and saved City of Leicester Local Plan policies relevant to this application are listed at the end of this report.

Supplementary Planning Document (SPD) – Residential Amenity  
Supplementary Planning Guidance (SPG) – Vehicle Parking Standards  
Supplementary Planning Document (SPD) – Green Space  
6C’s Design Guide – Highways Guidance

Consultations

Environmental Services, Parks Service – A contribution should be made to improvement of Downing Drive open space. (Children’s Play - £608, Youth & Adult Play - £403, Total - £1011)  
Environmental Services, Street Trees – No objection  
Severn Trent Water Plc – No objection subject to conditions  
Highway Authority – No objections subject to conditions  
Leicestershire Fire & Rescue Service – No objection

Representations

Twelve objections. Grounds: Set precedent for more development in rear gardens, increased traffic, loss of light, outlook and privacy, emergency vehicles may struggle to gain access, loss of biodiversity, neighbouring houses may be damaged and occupants disturbed during construction, concern as to who would take responsibility for maintenance of the driveway, loss of greenfield land is contrary to government policy.
Consideration

Principle of development
There have been recent changes to national and local policy with respect of backland developments such as this.

In June 2010 the Government amended PPS3 to re-classify garden land as Greenfield land – a change from its previous definition as Brownfield land. This does not mean a total embargo on future infill and backland development on private gardens. While the Government’s policy change removes the presumption in favour of development of surplus garden land, other material planning considerations such as residential amenity, local neighbourhood character and biodiversity value need to be taken into account.

Policy CS8 has greater relevance in the consideration of ‘backland’ development applications. It sets out the proposed approach to such an application for the future including the following:

‘Small-scale infill sites can play a key role in the provision of new housing. However these should only be developed where damage can be avoided to the very qualities that make living in these neighbourhoods so desirable. Backland development is a significant issue in the suburbs, particularly in areas with larger gardens such as Aylestone, Evington, Knighton and Humberstone. The Council will therefore not permit development that does not respect the scale, location, character, form and function of the local area. Backland development should be compatible with the locality and any neighbourhood buildings and spaces in terms of design, layout, scale and mass. Development on garden land will not be permitted where it will have an unacceptable impact on levels of biodiversity in the neighbourhood.’

The policy sets out a list of criteria that an application must comply with, including respecting the scale, location, character, form and function of the local area. It also specifically refers to levels of biodiversity in the neighbourhood.

The site lies within a Primarily Residential Area. I believe the principle of a new dwelling is acceptable and the plot is large enough to accommodate an appropriate sized and sited dwelling.

Character and appearance
The development is likely to result in the loss of a number of trees at the rear of the existing house. These trees are typical of the trees in gardens in this area. While pleasant I do not believe any of them make an important contribution to the character and appearance of the area and they do not stand in the way of development. The new driveway will not harm street trees on Spencefield Lane.

The proposal is for a large detached house in an area of similar properties. I believe the design of the new house and driveway will maintain the character and appearance of the area.
Amenity

Of existing and new house

The new house will have adequate outlook to the front and rear and will be approximately 35m from the existing house. As such both it and the existing house will have adequate privacy.

The SPD – Residential Amenity states that the depth of rear gardens of houses should be no less than 11m and for four bedroomed houses should be a minimum of 100sqm in size. The rear garden of the new house will be approximately 260sqm in size and have a depth of about 16m. The rear garden of the existing house will be approximately 270sqm in size and will have a depth of 26m. These gardens are well in excess of the minimum standards and will provide adequate amenity for occupiers.

Of neighbours

The new house is further away from the other houses along Spencefield Lane than the existing house on site (35m). The separation distance is well in excess of that laid down in the SPD – Residential Amenity and I believe their amenity will be maintained to a reasonable level.

The windows in the house face to the front and rear. There are no side windows facing the houses along Uppingham Road. The rear windows will look into the rear garden of those properties especially number 555. The rear garden of number 555 will be 15m away from the rear windows of the proposed house. I believe this is sufficient.

The driveway is an adequate distance (2m) from the side wall at number 8 Spencefield Lane to avoid causing them significant disturbance.

Highways and parking matters

The SPG – Vehicle Parking Standards indicate two car parking spaces is a reasonable number for a four bedroomed house. Both the existing and new house will have space for more than two cars.

There is only space down the side of the existing house to build a driveway to ‘private driveway’ standards. According to the 6C’s Design Guide this could serve up to twenty one houses and could not be adopted. This implies that should other rear gardens come forward for development in this area then twenty one units could be adequately served from this driveway.

The Fire Authority have no objections to this development although they state that further development off this driveway may require an upgraded driveway and turning area.

Other matters

The rear garden is a typical suburban garden. I do not believe development here raises significant concerns about biodiversity and wildlife.
The development is likely to increase the number of people in the area who are then likely to make use of play space. As such a contribution should be made towards the provision of such facilities. No contribution has yet been secured however the applicants have indicated they will be submitting a legal agreement to secure them.

Conclusion

The proposed house is an acceptable form of backland development. I therefore recommend APPROVAL subject to the completion of the legal agreement to secure a contribution to off-site play space and the following conditions.

CONDITIONS

1. START WITHIN THREE YEARS

2. Prior to the occupation of the development the parking, turning and driveway area shall be laid out in accordance with the approved plan. It shall be retained. (To provide an adequate parking, turning and driveway area in accordance with policy AM12 of the City of Leicester Local Plan.)

3. The development shall not be occupied until a footway crossing has been provided at the vehicular access to the satisfaction of the City Council as local planning authority. (To ensure a satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

4. The development shall not be occupied until the redundant footway crossing and/or damaged or altered areas of footway or other highway has been reinstated to the satisfaction of the City Council as local planning authority. (For the safety and convenience of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

5. Prior to the occupation of the development drainage shall be implemented in accordance with details that have first been submitted to and approved in writing by the City Council as local planning authority. (to ensure the site has adequate drainage in accordance with policy BE12 of the City of Leicester Local Plan and policy CS02 of the Core Strategy.)

6. This consent shall relate solely to the submitted plans received by the City Council as local planning authority on the 5th & 12th May 2010 unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. REASON FOR APPROVAL. In the view of the City Council, the proposal complies with the relevant criteria in the City of Leicester Local Plan and Core Strategy policies listed in this decision, with Supplementary Planning Document – Residential Amenity, Supplementary Planning Guidance – Vehicle Parking Standards, 6C’s Design Guide – Highways Guidance, and there are no material considerations which outweigh these policies. The City Council considers that any harm can be overcome by the attached conditions.
## Policies relating to this recommendation

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<tr>
<td>2006_AM01</td>
<td>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.</td>
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<tr>
<td>2006_AM12</td>
<td>Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.</td>
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<tr>
<td>2006_PS10</td>
<td>Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.</td>
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<tr>
<td>2006_UD06</td>
<td>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.</td>
</tr>
<tr>
<td>2010_CS02</td>
<td>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.</td>
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<tr>
<td>2010_CS03</td>
<td>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'.</td>
</tr>
<tr>
<td>2010_CS06</td>
<td>The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.</td>
</tr>
<tr>
<td>2010_CS08</td>
<td>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.</td>
</tr>
<tr>
<td>2010_CS14</td>
<td>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.</td>
</tr>
<tr>
<td>2010_CS15</td>
<td>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.</td>
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<tr>
<td>2010_CS17</td>
<td>The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.</td>
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<tr>
<td>2010_CS19</td>
<td>New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.</td>
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**Summary**

- Application relates to part of the Towers hospital site.
- Site currently owned by the Leicestershire PCT who are in the process of disposing of the site.
- Site consists of a range of buildings from single storey to four storeys used in connection with the sites use as a hospital. Some buildings to the east of the site have already been vacated.
• Small section of the site located in the Old Humberstone Conservation Area (area of open space)
• There are two listed buildings adjacent to the eastern part of the site and there are a several protected trees (40) within the site.
• Part of the site is located within a residential area and part is allocated in connection with the use as a hospital.
• The application is in outline form with all matters reserved apart from access.
• Five points of access are shown instead of the original six.
• The site area has been amended to remove Humberstone Grange Clinic listed building to the east of the site.
• The indicative layout has been amended to remove one of the through routes from Gipsy Lane to Herongate Road and indicate the position of SUDS features.
• Nine objections have been received regarding traffic, conservation, flooding, ecology and level of development.
• The principle of residential development is considered acceptable.
• The proposed accesses are considered acceptable.
• The indicative layout submitted is generally acceptable, however, there are a number of concerns regarding numbers of units, location of dwellings, parking areas and open space.
• Additional protected species surveys were required. These have been submitted, however, some reptile surveys are still outstanding. No protected species have been within the site, pending on the outcome of the reptile surveys.
• An energy statement was submitted, however, I am awaiting comments from the Better Buildings Officer as to the suitability of the statement.
• A section 106 Agreement is required to secure contributions at reserved matters stage for open space (one LAP on site and contributions based on the open space SPD for children youth and adult play), education (formula based), affordable housing (20% provision) and highways ( £47,000 towards traffic calming of Gipsy Lane and Herongate Road,£13,000 for temporary Traffic Regulation Orders and signage, £10,000 to review Traffic Regulation Orders and £45,765 towards public transport improvements.
• Application recommend for approval subject to the signing of the Section 106 Agreement and outstanding issues regarding ecology and flooding.

Introduction
The application relates to an area that forms part of the wider Towers Hospital complex. The site is boarded by Gipsy Lane to the north and Humberstone Heights golf course, Thurcaston Lane to the east and two storey housing, Herongate Road to the south and predominantly 2 storey housing and buildings within the Towers site to the west.
The site currently contains buildings associated with the Towers hospital ranging from single and two storey residential accommodation for patients and staff to hospital buildings (clinics) ranging in height from single storey to 4 storeys (Francis Dixon Lodge.) There are areas of open space within the site notably fronting Gipsy Lane close to its junction with Thurmaston Lane and an area bordered by residential properties on Herongate Drive (numbers 19 – 33).

Land levels differ greatly across the site with Gipsy Lane set at a higher level. There is a difference of approximately 7 metres from Gipsy Lane down to Herongate Road.

There are approximately 40 trees with Tree Preservation Orders (TPO) within the site. They are focused on the area of land close to the junction of Gipsy Lane and Thurmaston Lane and surrounding Francis Dixon Lodge (including a line on Gipsy Lane) and on the corner of Thurmaston Lane/Herongate Road. Some of these trees are located on highway land.

The site is adjacent to a listed building (Humberstone Grange Clinic – Grade II)(originally formed part of the application site, later removed) to the north eastern boundary of the site. The building faces into the site with the area of open space to its west forming part of its gardens. In addition, on the corner of Gipsy Lane/Thurmaston Lane is Grange Cottage also a Grade II listed building. This corner of the site up to the edge of the open space is located within the Old Humberstone Conservation Area.

Part of the site (to the east from Herongate Road to Gipsy Lane and including doctors accommodation fronting Gipsy Lane (Gimson Close) is allocated for residential purposes in the development plan. The remainder of the site is allocated as community uses in association with its hospital use.

**Background**

A large area of the Towers hospital site was subject to a development brief which was adopted as Supplementary Planning Guidance (SPG) in 2002. Following the publication of the document a number of applications have been submitted to develop the site for residential purposes. Subsequently land to the north east and south of the site has been developed as a new housing development. The north east of the site contains a listed building which once formed one of the main hospital buildings and contained wards and associated buildings. These are currently in the process of being converted to flats and will also have an element of new build housing around them.

Most of this application site did not form part of the original SPG, only a small section to the west was included which includes an access from Gipsy Lane and part of a clinic. The applicants have prepared a development brief, which is an update to the 2002 SPG and includes the current application site and the remaining Towers hospital buildings to the west. The brief provides information to guide future developers and provides an indicative layout. Officers from the Council’s Planning Management and Delivery and Planning, Policy and Design teams have had input into the brief. However, the final indicative layout is not fully endorsed by officers.
The Proposal

The application is in outline form and seeks the principle of residential development on the site. Approval is also sought for access into the site with four accesses on Gipsy Lane, one on Thurmaston Lane and three on Herongate Road.

The indicative layout submitted demonstrates that 210 units could be accommodated on the site ranging from 2 – 4 storeys and would contain a mix of houses, flats, parking areas and open space.

The layout has been based on homezone principles to slow down traffic throughout the site and deter ‘rat runs’ through the site.

The application is accompanied by the following documents:

- Phase 1 Habitat Survey
- Archaeological desk based assessment
- Planning, Design and Access Statement
- Tree Report
- Flood Risk Assessment
- Transport Assessment

The red line site boundary has been amended to remove Humberstone Grange Clinic from the application site.

The red line has been amended further to remove a section of land alongside 39 Herongate Road which goes up to the road frontage. This has been removed as it belongs to a third party. There would therefore only be two accesses on Herongate Road.

The indicative layout has also been amended to reflect the change in the red line.

An addendum to the design and access statement has been received.
Additional information has been submitted regarding energy.

A further ecology report has been submitted.

Additional information regarding SUDS has been submitted.

Following comments from the EA, further SUDS information has been submitted and another indicative layout to illustrate the position of potential SUDS features has been submitted.
The applicants have provided additional information in relation to the loss of the existing facilities on site and state the following:

In terms of the outpatient units (Oakham House, Francis Dixon Lodge and the Jasmine Centre) the facilities they offer will be moved to other facilities.

In terms of the residential accommodation some patients have already been moved elsewhere and the buildings are vacant, other premises are used temporarily by shift workers and are let out on short term leases.

The trust will be consolidating their facilities on one site in another part of Leicester over the coming years.

The facilities currently delivered on the application site and the main Towers hospital buildings are limited to small scale outpatient care (application site), and offices/administration in the main Towers Hospital, all of which will over time be phased to an alternative site.

The trust are actively marketing their site for sale and anticipate disposing of the site within the next few years.

Policy Considerations
Development Plan policies relevant to this application are listed at the end of this report.
Supplementary Planning Guidance – The Towers, Site Development Guidance
Supplementary Planning Guidance – Vehicle Parking Standards
Supplementary Planning Document– Residential Amenity
Planning Policy Statement 5: Planning and the Historic Environment
Planning Policy Statement 9: Biodiversity and Geological Conservation
Planning Policy Statement 25: Development and Flood Risk

Consultations
Pollution Control – Land
Requested a Phase 1 Site Investigation report. However, following discussions with the applicant’s agent have agreed that this can be subject to a condition.

Pollution Control – Noise
Have no objection.

Play and Youth Development Officer
A small centrally located open space to provide some shared amenity space for future residents is required.

If the development is to include some small family units then this open space could incorporate on-site play provision in the form of a LAP (Local Area for Play). In addition to any on-site LAP provision an off-site contribution to improve existing play facilities with the local area is required, and this contribution would be based on the number of family dwellings and associated bedroom numbers.

Similarly an off-site contribution for the enhancement of existing Youth/Adult Outdoor Playing Space is also required, and this would also be based on the number of units proposed for this development.

The development site falls within the Humberstone & Hamilton ward, which currently exhibits a deficiency in space for children and young people, and outdoor sports facilities (PPG17 compliant Open Space Assessment), and this development will increase the pressure on the existing open space provision within the area. Therefore off-site contributions will be required in accordance with Core Strategy Policy CS19.

Archaeology

There is the potential for significant archaeological assets on the site. There will be a need for an archaeological field evaluation on the site, however, the possibility that any of the buried archaeological assets which warrant preservation is very small. If there are any significant buried remains on the site, they will need to be recorded prior to their destruction. However, this matter can be resolved by attaching a condition to any consent requiring a programme of archaeological work to be submitted.

Director Housing Strategy / Options

The site presents an excellent opportunity to meet the City’s needs for family accommodation, including for large families. They recommend a condition be attached to any consent or inclusion in a Section 106 Agreement, that requires the following: 20% affordable housing, a written schedule of affordable housing, appropriate mix of house types, all homes to lifetime home standards and management arrangements.

Consideration should be given to ensure the site is provided with good pedestrian and transport links to allow connectivity to nearby developments and any proposed local centre.

Highway Authority

There are some issues that need to be addressed in the Transport Assessment (TA) in terms of speed tests. They would expect traffic calming along the sites frontage on Herongate Road. The TA does not describe how the development will be linked to existing bus stops, pedestrian links and the existing cycle network. The development should contribute to improvements to bus stops. Linkages to the
existing network could be along Gipsy Lane on to Thurmaston Lane to the north of the proposed toucan crossing across Hamilton Way.

There would need to be contributions to enhance public transport provision.

The internal network of roads does not reflect previous comments requiring access for emergency vehicles and refuse lorries, the use of tracking to demonstrate vehicle movements and how parking courts would be used.

Maximum parking levels for the site should be provided given the sites location. There are concerns about car parking spaces being accessed directly from Herongate Drive.

Contributions will be required for traffic calming around the vicinity of the site to include Gipsy Lane and Herongate Road with a cost of £47,000. A review of Traffic Regulation Orders in the area at a cost of £10,000 is also required.

Public transport contributions are also required to provide four bus stops and two bus shelters around the boundaries of the site. This would equate to £45,765.

They have no objection to the removal of one of the points of access on Herongate Road which would result in the route being a no through route from Gipsy Lane. Adequate turning facilities have been proposed, and it would not have a significant affect upon the distribution of traffic as outlined in the TA. However, it may be beneficial to create a link so that a cul-de-sac is not created.

Whilst the speed tests requested have not been carried out this is not considered a reason for refusal. The Highway Authority may carry out these tests. They recommend a number of conditions be attached to any consent.

Comment further that £13,000 would be required for temporary TRO’s and signage during the construction of the traffic calming features.

A total of approximately £115,765 would be required for highways contributions.

Trees

An Arboricultural Implications Assessment (AIA), an Arboricultural Method Statement (AMS), detail of any proposed work, hard, soft landscaping within proximity of retained trees root protection area's (RPA's) would be required. However, this could be secured by condition.

Retained trees will need to be protected in accordance with BS 5837 (2005) Tree in Relation to Construction Recommendations, throughout the development process. Works to trees will need to be in accordance with the arboricultural report supplied and BS 3998 (2010) Tree Work recommendations.

Nature Conservation Officer
The Phase I Ecology report is acceptable. In terms of protected species, there is no evidence that badgers are using the site and therefore no mitigation is required. The buildings have been inspected for bats and no evidence was found in any of the buildings. However, the site itself is considered suitable for foraging for bats. Enhancements should be incorporated into the design, roosting opportunities and reinforcement of habitat linkages and feeding areas. This item could be conditioned; however, it would be preferable to have some layout in principle at this stage. No breeding bird survey has been completed but it is likely that the site will contain breeding birds. The design plan should reinforce the connectivity and green network of existing habitats on site and provide new opportunities through enhancements and appropriate planting schemes.

The report found that the site is likely to provide suitable habitat for reptiles and recommend further surveys be carried out. This survey should be completed at the appropriate time of year (April – June and/or September/October) and the findings submitted prior to the application being determined.

In terms of Great Crested Newts (GCN), there are records within 2km of the site, however, the suitability of the pond within the site for GCN’s is low and the pond contains ornamental carp which reduces the likelihood of GCN’s. No further surveys are required.

The findings of all the reports are acceptable subject to the reptile survey being submitted.

Severn Trent

Have no objection to the proposal subject to a drainage condition.

Conservation Advisory Panel (CAP)

Support the proposed residential use. They noted the area contains many fine trees and open space and would like any development to retain as much of this as possible. They asked if Francis Dixon Lodge could be retained and converted.

Environment Agency

Originally objected to the application on the grounds of lack of information regarding Sustainable Urban Drainage (SUDS). Further work has been completed by the applicant to demonstrate the type and amount of SUDS that may be appropriate. This information is considered to be acceptable subject to conditions.

Transforming the Learning Environment (Education)

I am still awaiting comments on the need for developer contributions. I will report them to your committee.

Representations
I have received nine objections on the following grounds:

- Lack of open space
- Overdevelopment of a small site where there is residential development nearby
- Lack of privacy to houses adjacent to the site
- Exacerbate traffic problems on existing main road and bus route, which will further be compounded by the Manor Farm development.
- Development will require sufficient car parking otherwise existing on street problems will be exacerbated.
- Character of the conservation area should be preserved.
- Further erosion of the area’s historical importance.
- Out of keeping with the Grade II listed building and its grounds
- Pond within the site could contain great crested newts.
- Infilled pond removed various habitats including newts and frogs.
- Impact on wildlife including removal of hunting area.
- Loss of green space in the Humberstone area.
- Amount of time to comment on the application. (Neighbouring properties were given 21 days in which to comment on the application which is the period set by national legislation.)
- Site used to contain fields before the Towers site expanded. Told site would not be developed further.
- Exacerbate already high noise levels due to increased development in recent years.
- Exacerbate pollution from vehicles.
- Increase in light pollution.
- Loss of space to walk dogs. (Appears to relate to the nearby Manor Farm site and not the application site.)
- Perceived impact on quality of life due to character of modern housing, social housing leading to increased crime and anti – social behaviour.
- There is an abundance of water within the site.
- Other applications cited as examples of flood problems in Humberstone.
- There may be blocked up wells in gardens.
- The measures used in Hamilton to control water show how widespread problems with water control are in the wider area.
- Springs are shown on Ordnance survey maps.
- Groundwater flooding should be taken into consideration.
Consideration

Principle of Development

Part of the site is located within a residential allocation (Montrose Court) and the remainder in connection with its current use as a hospital.

Core Strategy Policy 1 notes that ‘developments to provide health facilities to serve local communities will be supported’. Whilst the proposal does not relate to the provision of health facilities, the Council will support the provision of replacement facilities in partnership with the NHS Trust. CS Policy 8 ‘Existing Neighbourhoods’ states that the Council will work closely with a range of partners including health agencies to enable facilities where they are needed. The applicants have provided confirmation that the facilities that will be displaced from this site will be catered for elsewhere. I therefore consider appropriate measures are in place to ensure continuity of care.

Whilst the original Towers SPG did not extend to this part of the site the majority of the site has been developed for residential purposes. It is intended that the remainder of the site to the west would comprise a range of uses including a local centre. Although not part of this application I consider that these facilities would be of great benefit to existing and future residents.

I therefore consider the principle of residential development is acceptable on this site and is in accordance with the relevant policies.

Urban Design

The applicants have submitted an indicative layout that illustrates how they consider the site could be developed in the future. Whilst they have not applied for design to be considered at this stage outline applications now require a significant amount of information to be submitted with the application, including an indicative layout. An understanding of the sites constraints and opportunities will provide a basis for assessing what could potentially be developed on the site.

The applicants have submitted a design and access statement and an addendum to this statement, to provide an understanding of the sites context.

The design and access statement should examine the context of the site including its characteristics and surroundings, which should lead to a thorough analysis providing developable areas, and identifying constraints.

The applicants have attempted to do this through the design and access statement and its addendum. I consider that the documents could be amended further to provide a more in depth analysis and larger diagrams. However, it does provide a basic understanding of the site and its context. Further work is therefore not required at this stage.
I consider the general layout of the routes from north to south and east to west acceptable as this would provide permeability through the site.

I consider that the layout submitted goes some way to demonstrate how the site could be developed. There would be an element of frontage to Gipsy Lane which is welcomed, however, this would be set back from the road. This is due to a significant number of existing trees fronting Gipsy Lane and into the site which are covered by a Tree Preservation Order. Therefore this established tree line will dictate the position of development along Gipsy Lane. There is also an area of open space which abuts Humberstone Grange Clinic which would need to be retained. I consider the retention of the trees to Gipsy Lane is a guiding principle for the future development of this site. Careful consideration would need to be given to residential properties facing Gipsy Lane to ensure activity but also maintaining a minimum distance to root protection from protected trees. In addition the location of any dwellings should not result in requests in the future to fell any protected trees due to the impact they are having on residential amenity.

The area of open space fronting Gipsy Lane needs to be retained as shown. The area is of ecological importance and also contains a significant number of protected trees. Where possible there should be activity and surveillance of this space with dwellings fronting on to it. The dwellings in this area should also have an acceptable relationship to the listed Humberstone Grange clinic. The area of the site which wraps around Humberstone Grange clinic and sides onto Thurcaston Lane needs to carefully address this corner. There is a pedestrian route indicated alongside the boundary with Humberstone Grange clinic. Whilst a connecting route through to Thurcaston Lane is welcomed the layout currently shows the sides of houses and a parking court alongside this route. This would not ensure that this route is provided with an appropriate level of natural surveillance and could lead to an unsafe route being provided.

Towards the centre of the site development is suggested in the form of blocks which have car parking spaces within their centre. Large independent parking areas are also shown. I have concerns about the amount of open space given to car parking and especially those within the centre of residential blocks. Whilst they would be provided with some element of surveillance from the rears of properties they may become the focus for anti social activity. Parking courts should be used as a last resort after all on plot and on street parking has been provided. A more detailed analysis of the site could lead to a different layout.

The part of the development which is situated in-between existing dwellings on Herongate Road and a retained hospital building fronting Gipsy Lane do provide a form of perimeter development which backs on to the existing housing and retained building. A route through the site from west to east is also provided. I consider the general form of development shown for this part of the site is acceptable, in that the guiding principle should be to ensure security to the existing residential properties and retained Towers building.

Development is also shown fronting Herongate Road and wrapping around the corner with Thurcaston Lane. I consider this acceptable; however, consideration would need to be given to building heights especially on the corner. There are
protected trees on the corner of Thurmaston Lane and Herongate Road which fall just outside of the site but are protected by tree preservation orders. Again careful consideration is needed to ensure development does not have an adverse impact on the trees and does not result in pressure in the future for their removal.

A number of open spaces are shown throughout the site, some are existing and others would be provided for the development. I consider careful consideration needs to be given to the location of the open spaces to ensure they are provided with natural surveillance and are usable spaces. Some of the spaces shown may not fulfil those objectives.

In terms of access points seven are indicated altogether, two of which would provide direct access from Gipsy Lane to Herongate Road. The applicant has based the layout on home zone principles which means the layout is such that the routes from Gipsy Lane to Herongate Road are not direct as they are offset and there are features such as landscape areas and changes in road surfaces along the route. There is also an east west route but again this route is not direct. The third access from Gipsy Lane is no longer a through route and terminates at a turning head alongside 39 Herongate Road.

I consider whilst the home zone principle is well intended it may not accord with the requirements of the 6C’s Highways, Transportation and Development Guide which has specific requirements for home zones, including the requirement for emergency services vehicles and refuse vehicles to be able to access the site safely.

I also consider the road layout may be confusing to users of the site. As the layout is indicative only there are no guarantees that a reserved matters submission would follow these principles. I consider the location of the access points are acceptable as they would provide permeability through the site. If home zone principles were not followed I consider that traffic calming measures could be implemented along the routes especially those from Gipsy Lane to ensure that these do not become ‘rat runs’.

On the whole I consider that the proposed layout has attempted to respond to the sites constraints and opportunities. However, there are certain areas of the layout that are not considered to be acceptable. I consider it necessary to attach a condition which requires a design code to be submitted with any reserved matters application. This will ensure the basic design principles are captured in any future scheme, and framework layer plans are submitted to show design principles. A note will also be attached to state that the indicative layout submitted is not necessarily the right layout for the site.

Conservation

The site has a distinct historic context including part of the Old Humberstone Conservation Area and Listed buildings of Humberstone Grange Clinic and Grange Cottage.

It is important that any proposal respects the historic character and fabric of the area. Whilst the application is in outline form, it should be possible to develop some
principles to ensure the development is sympathetic to the listed buildings and character of the conservation area.

Ecology

The site has been subject to several surveys for protected species including bats, badgers, great crested newts and reptiles. No protected species have been found to be present on the site, however the substantial trees are likely to be used for foraging. In terms of reptiles, not all of the surveys have been completed. To date no reptiles have been found, however, I will report the outcome of the findings of the final surveys to your committee.

Energy

The applicants have submitted information in relation to potential renewable energy options. This information is currently being reviewed and I will report the outcome to your committee.

Flooding

The applicant had submitted an indication of where potential SUDS features may be located, which is considered to be acceptable subject to conditions.

Contributions

Whilst the application is in outline form the nature of the development and size of the site are such that developer contributions would be required. However, because numbers of dwellings are not known at this stage specific amounts cannot be entered into the Section 106 Agreement. Therefore the following will be secured:

- **Affordable Housing**
  A requirement for 20% affordable housing, details of the mix, type, location, lifetime home standards and management arrangements.

- **Highways**
  A total of approximately £102,765 towards traffic calming to Gipsy Lane and Herongate Road and 4 bus stops and 2 shelters.

- **Education**
  A formula will be inserted into the agreement to require a certain amount of money per dwelling for primary and secondary school places depending on whether they are for a flat or house. I am currently awaiting this information. This is based on a
demonstrable shortage of school places at schools with catchment areas covering this site.

- **Open Space**

On site play provision in the form of a LAP (Local Area for Play).

A contribution towards playing space and youth and adult playing space based on the number of units and in accordance with guidance

An open space contribution would be required for playing space and youth and adult playing space. These contributions will be calculated in accordance with the adopted Open Space SPD and will reflect the number of units proposed and associated bed rooms.

A draft Section 106 Agreement has been submitted and is currently being looked at by our legal department. The education contribution still needs to be added to the agreement, once I have received comments.

**Conclusion**

I consider that the principle of residential development on this site is considered acceptable. The loss of the hospital facility is considered acceptable as replacement facilities are provided elsewhere. The access points are also considered acceptable subject to conditions ensuring that traffic calming measures are in place to prevent rat runs.

The application is recommended for APPROVAL subject to the outstanding issues regarding energy, ecology, education and the SECTION 106 AGREEMENT.

**CONDITIONS**

1. **START BY - OUTLINE**

2. Detailed plans and particulars of the appearance, landscaping, layout and scale of the development (referred to in Condition 1 as reserved matters) shall be submitted to and approved by the City Council as local planning authority. The following level of detail will be expected with any reserved matters application:

   1) Detailed drawings to a scale of not less than 1:500 including road and plot layouts.

   2) Detailed drawings to a scale of not less than 1:100 showing the siting, design, and external appearance of the buildings, including particulars of the materials to be used for external walls and roofs.

   3) Details of the siting and design of any vehicular access to a highway or estate road.
4) Details of the means of foul and surface water disposal;

5) Detailed drawings to a scale of not less than 1:500 of a landscaping scheme showing the following details:

a) the positions, heights and species of existing trees.
b) proposals for felling and retention of existing trees.
c) proposals for tree planting, including the number, species, heights of planting and positions of all trees, shrubs and hedgerows;
d) proposals for the provision of incidental grass areas or other open spaces, including particulars of the treatment of hard surfaces, and any other features intended to enhance the attractiveness of the environment;
e) proposals for the provision of screen walls or fences, including details of heights, positions, designs and types of construction.
(To secure the satisfactory development of the site.)

3. No development shall take place until a Design Code has been submitted to and agreed in writing with the local planning authority. The content and scope of the Design Code shall be agreed with the local planning authority and address the following:

1) Character areas,

2) Development block types and principles including key groupings of buildings,

3) Architectural and Sustainable Design Principles including materials palette,

4) Building types and uses,

5) Street types including cross sections, parking arrangements, street trees, hard and soft landscaping features and street furniture,

6) Public transport routes and facilities such as stops and shelters,

7) Footpath and cycle way design,

8) Boundary treatments,

9) Open space areas including parks, squares and equipped areas for play,

10) Lighting of outdoor spaces,

11) Wildlife habitats and ecological areas,
12) Recycling and refuse storage,

13) Secure-by-Design principles,

14) Vehicle parking principles including the provision of facilities for the disabled, cycles and powered two wheelers,

15) Opportunities to maximise resource efficiency and climate change adaptation in the design of the development through external means such as landscaping, orientation, massing and external building features.

No development shall commence until the Design Code has been approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Design Code and each reserved matters application submitted shall be accompanied by a statement demonstrating how the development proposed addresses the approved Design Code. (To secure a high standard of design and a coordinated approach to development in accordance with Policy CS3 of the Core Strategy.)

4. No development of a dwelling(s) shall take place until a sample panel of the materials to be used in the construction of the external surfaces for that house type has been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1m x 1m and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. A new sample panel shall be provided for each house type. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until the completion of the development. (To secure a high standard of design and a coordinated approach to development in accordance with Policy CS3 of the Core Strategy.)

5. No works shall begin on the site until: 1) The application site has been investigated for any contamination arising from current or former uses, including further leachate testing. A detailed site investigation report incorporating a suitable risk assessment shall be submitted to and approved by the Local Planning Authority. 2) For all risks identified by the above assessment as being unacceptable for the proposed use, remediation proposals shall be submitted to and approved by the Local Planning Authority. 3) Before any part of the development is occupied, a completion report relevant to that part of the development shall be submitted to and approved by the Local Planning Authority. The report shall contain: a) A full description of the works undertaken in accordance with the approved remediation proposals. b) Results of any additional investigation or remediation works undertaken. c) A statement, signed by the developer or the approved agent confirming that all remediation work has been satisfactorily completed. (To ensure that the site free from contamination including protecting the water environment in accordance with Policy PS11 of the City of Leicester Local Plan).

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in
writing with the City Council as local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. (To ensue to all reasonable lengths, that all contamination on-site is accounted for and suitably treated, in accordance with Policy PS11 of the City of Leicester Local Plan.)

7. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and retained. The scheme shall also include:

A pond with adequate sizings and swales as shown on the indicative master plan, to be agreed at the detailed design stage, as shown on Capita Symonds Drawing No; Cs/046768/DR/001: ‘Conceptual Drainage Layout, paired with a maintenance scheme, for the lifetime of the development. (In the interest of alleviating the risk of flooding, to improve and protect water quality and in accordance with Policy BE20 of the City of Leicester Local Plan.)

8. The development hereby permitted shall not be commenced until such time as a scheme for the provision and implementation of surface water run-off limitation less 20% upon existing rates has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority (To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the sit and in accordance with Policy BE20 of the City of Leicester Local Plan.)

9. No development shall take place until a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the City Council as local planning authority. The scheme shall be implemented as approved. (In the interests of protecting the water environment and in accordance with saved Policy PS11 of the City of Leicester Local Plan.)

10. No development shall take place on each phase or sub phase until a scheme to install trapped gullies has been submitted to, and agreed in writing by, the local planning authority. The scheme shall be implemented as agreed. (In the interests of protecting the water environment and in accordance with saved Policy PS11 of the City of Leicester Local Plan.)

11. Soakaways shall not be used within the proposed development until such time as soakaway testing has been completed, submitted, and accepted in writing by the City Council as local planning authority. Testing should be carried out
as detailed in BRE Digest 365. (To ensure the ground is suitable for soakaway drainage of surface water, and in accordance with Policy PS11 of the City of Leicester Local Plan.)

12. Piling using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. (To ensure the piling method does not introduce a pathway for the contaminants to migrate into controlled waters and in accordance with Policy PS11 of the City of Leicester Local Plan.)

13. Prior to the commencement of any built development, a programme of archaeological work in accordance with a written scheme of investigation shall be submitted to and approved by the City Council as local planning authority, and shall be implemented by the applicant. The work shall be carried out by a body to be submitted to and approved by the local planning authority. No work shall take place in the site except in accordance with these approvals. (To ensure satisfactory archaeological investigation and recording and in accordance with Core Strategy policy CS18.)

14. Any reserved matters application shall be accompanied by the following details in relation to any trees it is proposed to retain within the reserved matters site:

1) An Arboricultural Implications Assessment and Arboricultural Method Statement which include a Tree Constraints Plan that clearly identifies above and below ground constraints

2) Details of tree protection fencing

3) Details of the proposed methodology for carrying out any works within any Retained Tree Root Protection Area.

Development shall only be carried out in accordance with the approved details. (In the interests of protecting retained trees, especially those covered by Tree Preservation Orders and in accordance with Policy UD06 of the City of Leicester Local Plan.)

15. TPO TREES TO BE PROTECTED FROM DAMAGE

16. EXISTING TREES, SHRUBS, HEDGES TO BE PROTECTED

17. All retained trees will need to be protected in accordance with BS 5837 (2005) Tree in Relation to Construction Recommendations, throughout the development process. Works to trees will need to be in accordance with the arboricultural report supplied and BS 3998 (2010) Tree Work recommendations. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
18. Before development commences the provision of both surface water and foul sewerage drainage works shall be completed in accordance with the details to be agreed with the City Council as the local planning authority and retained as such. (To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to ensure that the development is provided with a satisfactory means of drainage.)

19. No more than 150 dwellings shall be served off a single point of any access within the development. (To secure a satisfactory form of development in the interests of highway safety and in accordance with saved Policy AM02 of the City of Leicester Local Plan and Policy CS14 of the Core Strategy.)

20. All streetwork construction details, junction, carriageway and footway design, roads, footpaths and verges together with all drainage works and street lighting works shall be constructed in accordance with Leicester City Council’s adopted ‘6C’s Design Guide (HTD)’ as well as ‘Design Manual for Road and Bridges’. As part of reserved matters applications, details of the means of access including longitudinal and cross sections of roadways and surface water drainage shall be submitted to and approved by the local planning authority in consultation with the Leicester City Council Highway Authority. Development shall be carried out in accordance with the approved details. (In the interest of highway safety and in accordance with Policy AM02 of the City of Leicester Local Plan and Policy CS14 of the Core Strategy.)

21. The sight lines on each side of each vehicular access shall be provided at the time of development and shall thereafter be retained. Vehicular visibility splays will be designed and provided in accordance with Leicester City Council’s adopted ‘6C’s Highway, Transportation and Development Design Guide (HTD)’. (In the interest of highway safety and in accordance with Policy AM02 of the City of Leicester Local Plan and Policy CS14 of the Core Strategy.)

22. All access driveways and any car parking or turning areas shall be surfaced with a permeable hard bound material (not loose aggregate) for a minimum distance of 5m behind the highway boundary. (To reduce the possibility of deleterious material being deposited in the highway in the interest of highway safety.)

23. Where vehicular access gates higher than 1 metre are erected, they shall be set back a minimum distance of 5 metres behind the highway boundary for residential development and shall be hung so as to open inwards only. (In the interest of highway safety and in accordance with Policy AM02 of the City of Leicester Local Plan and Policy CS14 of the Core Strategy.)

24. 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary at each private (or shared) drive access within the development. (In the interest of highway safety and in accordance with Policy AM02 of the City of Leicester Local Plan and Policy CS14 of the Core Strategy.)
25. Dropped kerbs and ramps suitable for wheelchairs and prams, shall be provided at the time of development in the footways at all major pedestrian crossing points, at road junctions, at each vehicular access and at footway crossings in accordance with details to be agreed in writing with the local planning authority in consultation with Local Highway Authority. (In the interest of highway safety and in accordance with Policy AM02 of the City of Leicester Local Plan and Policy CS14 of the Core Strategy.)

26. Details of the location and design of any street furniture along public footpaths that provide seating shall be included as part of the submission of reserved matters applications along with a programme for its implementation. The details shall be implemented in accordance with the approved programme. (In the interest of highway safety and in accordance with Policy AM02 of the City of Leicester Local Plan and Policy CS14 of the Core Strategy.)

27. Prior to occupation of any dwelling on the site, the content of a Residents Travel Pack shall be agreed in writing with the local planning authority in consultation with Leicester City Council Highway Authority. (In accordance with Policy AM02 of the City of Leicester Local Plan and Policy CS14 of the Core Strategy.)

28. Prior to commencement of development a strategy for the provision of public on-street cycle parking will be agreed in writing with the local planning authority in consultation with Leicester City Council Highway Authority. The strategy shall include details of the location, design (including shelters where appropriate), lighting and programme for delivery of cycle parking facilities. The strategy shall be implemented in accordance with the approved details and retained as such. (In the interest of highway safety and in accordance with Policy AM02 of the City of Leicester Local Plan and Policy CS14 of the Core Strategy.)

29. Prior to first occupation of any part of the development, a scheme for the provision of public transport facilities for the site shall be agreed in writing by the local planning authority in consultation with Leicester City Council Highway Authority. The scheme will include details of the location and design of lit and covered shelters, seating, Kassel kerbs, information points, signing and bays, and a programme for their implementation. The agreed scheme shall be implemented in accordance with the approved programme prior to the first occupation of any dwelling and retained as such. (To ensure satisfactory public transport facilities are available for residents in accordance with policy CS15 of the Core Strategy.)

30. Prior to commencement of any built development a Public Lighting Strategy shall be agreed in writing by the local planning authority in consultation with Leicester City Council Highway Authority. The Strategy shall include details of the location, type and design of lighting to be used in public areas. The Strategy shall thereafter be implemented in accordance with the approved details and retained as such. (In the interest of highway safety and in accordance with Policy AM02 of the City of Leicester Local Plan and Policy CS14 of the Core Strategy.)
31. Existing vegetation and hedgerows with the potential to accommodate birds will only be managed or removed outside the bird breeding season (March to August), unless otherwise agreed by the local planning authority. (In accordance with Policy CS13 of the Core Strategy and Planning Policy Statement 9: Biodiversity and Geological Conservation.)

32. Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that order with or without modification) hard surfacing of front gardens shall not be carried out without the granting of specific planning permission or reserved matters approval from the local planning authority. (In the interests of visual amenity and sustainable travel ensuring that there is no uncontrolled proliferation of car parking within the site, and to ensure that SUDS measures are not eroded on a piecemeal basis, in accordance with Policy CS3 of the Core Strategy.)

33. This consent shall relate solely to the amended site location plan ref no. INT17/1-003 and plan indicating access points ref:INT 171/0-10 received by the City Council as local planning authority on 8th April 2011, and plan ref:Cs10467681DR1001 - conceptual drainage layout received on 19th May 2011, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. REASON FOR APPROVAL. In the view of the City Council, the proposal complies with the relevant criteria in the City of Leicester Local Plan and Core Strategy policies listed in this decision, and there are no material considerations which outweigh these policies. The City Council considers that any harm to visual amenity, residential amenity and the street scene can be overcome by the attached conditions.

2. The applicant is advised that the indicative layout submitted with the application is not necessarily the correct layout for the site, and the application has not been conditioned to be in accordance with that plan. Further work may need to be undertaken to establish the constraints and opportunities of the site, this can form part of the design code condition.

3. The Environment Agency offers the following advice: As part of the Agency's objective to further the sustainable use of our water resources we are promoting the adoption of water conservation measures in new developments. Such measures can make a major contribution to conserving existing water supplies. The Agency recommends the installation of fittings that will minimise water usage such as low, or dual, flush WC's, spray taps and economical shower-heads in the bathroom. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's
within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.

4. The Environment Agency offers the following advice: Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles.

5. Before the development is begun, the developer is required to enter into a Section 278 Agreement (Highways Act 1980) with the City Council as Local Highway Authority to secure works including a scheme for improvements along Gipsy Lane and the length of Herongate Road fronting the development comprising safety measures, on-road cycle lanes and 20mph Zones and the provision of level access at proposed bus stops.

**Policies relating to this recommendation**

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

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

2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.

2006_BE16 Planning permission will be granted for the development of renewable energy installations where local impacts are not outweighed by wider benefits. Major developments must realise their potential for incorporating renewable energy technologies.

2006_BE20 Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.

2006_H03 Provides guidance on minimum net densities to be sought for residential development sites according to location.
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006_H07</td>
<td>Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.</td>
</tr>
<tr>
<td>2006_PS10</td>
<td>Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.</td>
</tr>
<tr>
<td>2006_PS11</td>
<td>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.</td>
</tr>
<tr>
<td>2006_UD06</td>
<td>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.</td>
</tr>
<tr>
<td>2010_CS01</td>
<td>The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.</td>
</tr>
<tr>
<td>2010_CS02</td>
<td>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.</td>
</tr>
<tr>
<td>2010_CS03</td>
<td>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'.</td>
</tr>
<tr>
<td>2010_CS06</td>
<td>The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.</td>
</tr>
<tr>
<td>2010_CS07</td>
<td>New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.</td>
</tr>
<tr>
<td>2010_CS08</td>
<td>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.</td>
</tr>
<tr>
<td>2010_CS14</td>
<td>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.</td>
</tr>
<tr>
<td>2010_CS15</td>
<td>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.</td>
</tr>
</tbody>
</table>
2010_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.

2010_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

2010_CS19 New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.

**Recommendation: Conditional approval**

<table>
<thead>
<tr>
<th>20102050</th>
<th>502-504 MELTON ROAD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal:</td>
<td>CHANGE OF USE FROM CAR SHOWROOM (NO USE CLASS) TO PLACE OF WORSHIP (CLASS D1); FIRST FLOOR EXTENSION TO PROVIDE TWO ANCILLARY SELF CONTAINED 2-BED FLATS, CONFERENCE ROOM AND OFFICES (CLASS A2) (AMENDED PLANS).</td>
</tr>
<tr>
<td>Applicant:</td>
<td>MR ARVIND TANNA</td>
</tr>
<tr>
<td>App type:</td>
<td>Change of use</td>
</tr>
<tr>
<td>Status:</td>
<td>Change of use</td>
</tr>
<tr>
<td>Expiry Date:</td>
<td>13 April 2011</td>
</tr>
<tr>
<td>SSB</td>
<td>WARD: Rushey Mead</td>
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</tbody>
</table>

**Summary**

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• The application site is a mixed use area;
• The proposal is for a change of use of a car showroom to a place of worship;
• The applicants have been seeking suitable premises for some time;
• Councillor Clair has requested a committee decision and there have been 15 objections to the proposal; noise and car parking;
• Parking provision meets the required standard;
• The proposal is acceptable and recommended for approval.

Introduction

The application site is located to the north of the city on the east of Melton Road. It consists of a two and a single storey building. The first floor is occupied as a self contained flat with the ground floor being used as a car showroom. There is also a repair workshop and car park to the rear of the premises. The site is accessed form Alderton Close which is also the access to Watermead Park. Pedestrian access is also available from Melton Road. To the rear of the premises are residential properties.

Background

Pre application discussion with the applicant suggested that an application for such a use would be regarded favourably subject to satisfactory details in respect of parking, traffic, insulation of the building and hours of use amongst other things. The applicant was advised that as the site adjoins residential properties it is likely that a sound insulation scheme would be required.

The application has been submitted on behalf of Pushti Nidhi group of Hindu's who until recently had their premises at 58 Loughborough Road. This is a terrace property, which has now been left to the owner's daughter. They are in effect “homeless” at the moment. I am not aware of any problems associated with their use of this site as a place of worship.

The Proposal

The applicant proposes a change of use of the premises to a place of worship and also alteration and extension of the first floor to incorporate a two self contained ancillary flats for the priests and some office space. There is provision for 40 car parking spaces; four disabled space and 12 cycle parking spaces.

All materials use would match the existing.

Other reports submitted with the application: -

Noise Survey Report – concludes that the projected noise levels are well within the permitted level.

Transport Assessment
Green Travel Plan

Policy Considerations

Development plan policies relevant to this application are listed at the end of this report. The key Core Strategy Policy is CS16 which aims to encourage culture and creativity to flourish.

Consultations

Environmental Services, Noise Team – No objection subject to conditions
Highway Authority – No objections subject to conditions

Representations

Councillor Clair has requested a Planning Committee decision as he has had representation from a number of constituents to the rear of the premises. 15 objections have been submitted. Concerns expressed:
• Loss of privacy from flats;
• Increase in vehicular movement, lack of parking and resulting noise and pollution;
• Need for double yellow lines to restrict parking;
• Increase in litter;
• Increased traffic risk to elderly and children;
• Concern during main festivals
• Drugs; youths congregating; anti social behaviour;

Consideration

Principle of the Use

Core Strategy Policies CS08 and CS16 support the principle of new places of worship in Leicester. Policy CS08 states that “in considering proposals for new places of worship the Council will take account of the demand for it within the local neighbourhood, the scale of activities for which it is likely to be used and the nature of the area around it”. No evidence of the need for the premises has been provided although I understand that the group have been looking for more suitable premises since they no longer have a home.

The site is generally suitable for a D1 use as it is close to public transport and the main road network, and is in a relatively mixed land use area. This particular group have been looking for suitable premises for some time and are prepared to accept a personal consent, if necessary. 
Amenity

Although the area is designated a residential there is a mix of uses within close proximity of the site.

The noise survey report suggests that the use would not produce unreasonable levels of noise. Furthermore it can be minimised with sound insulation and appropriate conditions. There are no issues of overlooking or over shadowing as a result of the first floor extension. The existing distance between residential properties and the proposal is being maintained, (16m). The design has been amended after submission to sit more comfortably with the surrounding environment and is acceptable.

I am recommending that the hours of use be restricted to (0730-2300 hours). This will minimise any potential conflict with local resident in future. I have also attached a condition restricting the excessive use of amplified music and call to prayer as it is likely to be detrimental to nearby residents.

Highway and parking matters

The site is located in parking zone 4 and which suggests a maximum of 44 car parking spaces plus 2 disabled parking spaces. The applicant proposes 36 car parking spaces, 4 disabled and 4 minibus spaces. I consider this acceptable.

The provision of the travel plan and associated car parking management plan will help to ensure that the car park is utilised to optimum level and that visitors to the site are advised about alternatives to the private car such as walking, cycling and public transport to minimise the amount of traffic generated by the site. The location is likely to favour these alternatives.

However there will be a need for the review of traffic regulation orders and the applicant has agreed to fund the cost of this. There will be occasions when more people visit the venue than is the norm, however I understand that this will be no more than three to four occasions a year. This will be spread throughout the day and not all at once. I consider the site will be able to cope with this particularly as further parking restrictions may be introduced in the form of double yellow lines.

Conclusion

The city council is committed to supporting the provision of places of worship catering for the various religions in the city. There is also a general shortage of suitable sites for places of worship within the city. The scale of this development is relatively small.

The extension and alterations to the building will maintain the character and appearance of the area. The provision of self-contained flats at first floor level will give the premises additional security by providing natural surveillance. The removal of the repair workshop is likely to be of benefit to local residents, as there will a
reduction in noise and odours. I consider that the proposal is unlikely to have any significant detrimental impact upon the character or amenity of the area.

I recommend APPROVAL subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS

2. With the exception of prayer/community hall (as marked on the submitted plan) the premises shall not be used outside the hours of 0700 to 2300 daily. (In the interests of the amenity of nearby occupiers and in accordance with policy PS10 of the City of Leicester Local Plan.)

3. Space shall be provided within the site for the secure and sheltered storage of 12 bicycles. This space shall be reserved for these purposes at all times. (To provide for the parking requirements of cyclists and to promote sustainable means of transport in accordance with Saved Policies AM02 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy.)

4. Before the use is begun, an insulation scheme to prevent the transmission of noise to the flats above and adjacent properties shall be carried out in accordance with details which shall first have been submitted to and approved by the City Council as local planning authority. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

5. Before the change of use is implemented a travel plan with timetable for implementation shall be submitted to and agreed in writing by the City Council as local planning authority. The agreed details of the travel plan shall be implemented within the required timescale. (In the interests of sustainability and highway safety and in accordance with policy CS15 of the Core Strategy.)

6. FACING BRICKS TO MATCH

7. There shall be no live or amplified music or voice played, which would be detrimental to the amenities of occupiers of nearby residential properties. (In the interests of the amenities of nearby occupiers and in accordance with Policy PS10 of the City of Leicester Local Plan.)

8. The development shall not be occupied until any necessary adjustments to restrictions on street parking have been implemented around the vicinity of the site in accordance with details to be agreed in writing with the City Council as the local planning authority. (To enable the safe and free flow of pedestrians and traffic in accordance with policy AM12 of the City of Leicester Local Plan 2006.)

9. The parking space(s) shown on the approved plans shall be provided at the time of development and shall be retained. (To secure adequate off-street parking provision, in accordance with policy PS10 of the City of Leicester Local Plan and Core Strategy policy CS3.)
10. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 7th April 2011 and the amended car parking Rev D received May 2011. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. REASON FOR APPROVAL. In the view of the City Council, the proposal complies with the relevant criteria in the Saved Policies of the City of Leicester Local Plan and Core Strategy policies listed in this decision, St Georges Area Strategy Guidance, Supplementary Planning Guidance – Vehicle Parking Standards, and there are no material considerations which outweigh these policies. The City Council considers that any harm to can be overcome by the attached conditions.

2. Condition 8 is likely to be satisfied by the review and implementation of Traffic Regulation Orders to amend parking provision immediately adjacent to the site.

Policies relating to this recommendation

2010_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.

2010_CS16 The Council aims to develop culture and leisure facilities and opportunities which provide quality and choice and which increase participation among all our diverse communities. New developments should create an environment for culture and creativity to flourish.

2010_CS01 The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.

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_AM05 Planning permission for large scale development will not be granted unless provision is made for access to and for bus routes.
2006_PS10  Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.

**Recommendation: Conditional approval**

<table>
<thead>
<tr>
<th>20110284</th>
<th>COOPER STREET, ADJACENT NO.7</th>
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</thead>
<tbody>
<tr>
<td><strong>Proposal:</strong></td>
<td>VARIATION OF CONDITIONS 1 (DESIGN AND MATERIALS) AND 14 (PLANS) ATTACHED TO PLANNING PERMISSION 20080111 FOR TWO AND FOUR STOREY PRINTING WORKS (CLASS B2); ANCILLARY PARKING</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>RP &amp; PP Parmar</td>
</tr>
<tr>
<td><strong>App type:</strong></td>
<td>Operational development - full application</td>
</tr>
<tr>
<td><strong>Status:</strong></td>
<td>Smallscale Major Development</td>
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<tr>
<td><strong>Expiry Date:</strong></td>
<td>31 May 2011</td>
</tr>
<tr>
<td><strong>AS</strong></td>
<td>WARD: Latimer</td>
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</tbody>
</table>

- This application is referred to the Committee as there are 22 objections to the proposal and the recommendation is for an approval.
- Approval has already been given for the printing works and certain works have already started.
- This application is for the variation of the materials and plans conditions.
- The objections are on the previous decisions to approve an industrial use in the area, associated noise with building works and the end use as printing works and parking.
- The development has started again in that the brick work has commenced.
- The proposal is recommended for approval subject to conditions.
Introduction
This application relates to a 500 sq.m site (Site ‘A’) to the north side of Cooper Street, at the corner of Belgrave Road. It is located within a District Shopping Centre as defined in the City of Leicester Local Plan. To the rear of the site is a primarily residential area, consisting of terrace houses.

A separate application (20110285) has been received for the site (Site ‘B’) on the opposite corner.

Background
The site was vacant for a number of years, having previously been used as a builders yard and screened by advertisement hoardings.

The earliest history we have on this site is in 1984 (84/1983) for the erection of a caravan workshop which was refused.

A planning application (19951041) for a two and three-storey print works (Class B2), with parking/services area at side, was approved in 1996. That approval was the first to secure the principle of printing works on the site.

A further planning application (20011324) was submitted for the same proposal in 2001 and was again approved subject to conditions. The proposal was a renewal of application 19951041. The design included dormer windows and gable roofs that would run along from the existing terrace houses and had a height of approximately 9 metres (Cooper Street elevation). That height was approximately 0.5 metres higher than the existing terrace houses. The front elevation had a height of 9.5 metres to the eaves and 13.0 metres to the ridge. It was to be constructed in three colours of brick with window openings.

Separate applications (19951040 and 20011291) were approved for Site ‘B’. Work commenced on both sites, A and B, some time ago and the steel framework on each was substantially completed before work ceased.

Planning application 20070269 was a re-submission of the above development, which included an increase in the floor area, reduction of loading area and a completely different design, using different materials. That application was withdrawn as it was considered the applicant needed to address the alterations from the previously approved scheme.

Planning application 20080111 was approved for two and four storey printing works, ancillary parking. That was an amended version of the approved plan 20011324. The alterations to the previously approved plan included an increase in floor space by 288sq.m, internal floor layouts and alterations to the roof to accommodate the installation of solar panels as a renewable energy source. Work has now re-started on site.
The Proposal

This application is for the variation of conditions 1 (design and materials) and 14 (plans) to approved application 20080111.

The alterations to the design would be to the proposed roof and are as follows:

This submission indicates 58 solar panels to the main roof, 24 to the second highest part of the building and 18 to the third roof. The corner roof pitches would have 16 solar panels. The roof height to the ridge (at the highest point) would be raised from 14.5 metres to 16 metres. The height to the top of the side walls would remain as previously approved at 13 metres.

The wall closest to 7 Cooper Street would have a height of 8 metres to the eaves, which is the same as previously approved. The maximum height of the roof will be 10 metres to the top of the pitch (an increase in approximately 1.5 metres).

The access point has been moved closer to 7 Cooper Street by approximately 1.5 metres which I consider to be a minor alteration.

Some of the proposed materials have been submitted. The applicant has submitted details of the proposed bricks which are Hanson facing Clumber Buff. The remainder of the materials have still to be agreed.

Policy Considerations

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

There is additional guidance for vehicle parking contained in ‘SPG for Vehicle Parking Standards’ adopted 2002.

Representations

22 letters of objection have been received from residents of Cooper Street. The main issues relate to all the previous applications and that the objections of people living nearby are not taken into consideration. There also appears to have been a misunderstanding over the planning process. A response has been sent addressing those issues.

Their current objections are as follows:

- It is a residential area and not industrial.
- Noise during construction.
- Noise associated with the printing works.
- Lack of parking.
- Proposal will increase parking problems.

**Consideration**

**Principle of the development**

The application site remains inside a designated shopping area, adjoining a residential area.

The principle of the general industrial (Class B2) use has been established by the previous applications, along with the design details. This application is for an amendment to the roof design and for the agreement of the bricks to be used which vary from the previous application in that the approval indicated Vitessa white facing bricks and it is now proposed to use Clumber Buff brick. The roof would have a series of solar panels which has resulted an increase in the pitch of the roof but the height of the side walls remains the same. The objections do not relate to the materials or to the design. The proposed changes would not have any additional impact on the amenity of the residents in terms of noise and parking.

I consider that the main alteration of the new design from the previously approved scheme is acceptable. I am of the view that the development of two corners with the innovative design and materials would be a focal point and would add to the character and appearance of the area.

**Conclusion**

Overall, I consider the scheme acceptable. As the development is already well advanced, it would clearly be advantageous to see the work proceed to completion.

I therefore recommend APPROVAL subject to the following conditions:

**CONDITIONS**

1. The materials (except bricks) to be used shall be submitted to and approved by the City Council as local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)

2. Before the use is begun, an insulation scheme to prevent the transmission of noise to adjacent properties shall be carried out in accordance with details which shall first have been agreed in writing with the City Council as local planning authority. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

3. Provision shall be made at the time of development for surface water drainage from the car park to pass through a petrol/oil interceptor, details of which shall
be agreed in writing with the City Council as local planning authority in advance. (To minimise the risk of pollution of drains and watercourses and in accordance with policy BE18 of the City of Leicester Local Plan).

4. Within 2 months from the date of this permission full design details of how the development will contribute towards the regional and local plan target of 14% of renewable energy demand for the site shall be submitted to and agreed in writing with the City Council as local planning authority unless agreed otherwise. Before the development is occupied satisfactory evidence shall be submitted demonstrating satisfactory operation of the agreed scheme, including on-site installation, in accordance with the agreed details (To ensure sustainable energy efficiency in accordance with policy BE16 of the City of Leicester Local Plan and policy CS2 of the Core Strategy).

5. No machinery shall be installed or operated nor shall any processes be undertaken which are detrimental to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

6. No machinery shall be operated nor shall any processes be undertaken outside the building. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

7. The doors to the building shall be kept closed at all times when machinery is being operated or processes undertaken within the building, except to allow access or egress. In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local plan.)

8. No machinery shall be operated and no work shall be undertaken outside the hours of 0730 to 1800 hours Mondays to Fridays, and 0730 to 1300 hours Saturdays, nor at any time on Sundays or officially recognised public holidays. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

9. No deliveries shall be received or loaded outside the hours of 0730 to 1800 Monday to Friday and 0730 to 1300 Saturday, nor any time on Sundays or officially recognised public holidays. (In the interests of the amenities of nearby occupiers and in accordance with policies PS10 of the City of Leicester Local Plan).

10. Space shall be kept available within the curtilage of the site to allow for loading and unloading always to take place within the site. (In the interest of highway safety and in accordance with Policy AM01 of the City of Leicester Local Plan.)

11. The parking/service area shall be kept available at the same time as the remainder of the development and shall be retaining and kept available for use. (To ensure that parking/servicing can take place in a satisfactory manner and in accordance with Policy AM11 of the City of Leicester Local Plan.)
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the premises shall remain in single occupation only and shall not be subdivided into alternative uses or users. (The City Council would wish to restrict the number of users of the building in view of the limited loading and unloading and parking facilities, and in accordance with policies AM11 and AM17 of the City of Leicester Local Plan.)

13. All windows on the rear elevation of the building shall be obscure glazed, sealed units, and shall be retained as such to the satisfaction of the City Council as local planning authority. (In the interests of the amenity of adjoining occupiers, in accordance with policy PS10 of the City of Leicester Local Plan.)

14. This consent shall relate solely to the submitted plans ref. no. ME031/11-01, 02, 03, 04, 05, 06, received by the City Council as local planning authority on 1st March 2011, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. REASON FOR APPROVAL. Although the City Council considers that the proposal is not in accordance with the development plan, it considers that the benefits associated with the development, that is provision of employment and regeneration of derelict site outweigh the harm to residential properties. It considers that the following matters are overriding material considerations that justify permitting the proposal: the development has already been approved and therefore the principle has been accepted and is in need of completing. The City Council considers that any harm to visual and residential amenity and the street scene can be overcome by the attached conditions.

Policies relating to this recommendation

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

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

2006_BE16 Planning permission will be granted for the development of renewable energy installations where local impacts are not outweighed by wider benefits. Major developments must realise their potential for incorporating renewable energy technologies.

2006_BE20 Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.

2010_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.

2010_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'.

2010_CS10 The Council will seek to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the City. The policy sets out proposals to achieve this objective.

2010_CS11 The Council supports a hierarchy of retail centres in Leicester. The policy sets out measures to protect and enhance retail centres as the most sustainable location for retail development.

<table>
<thead>
<tr>
<th>Recommendation: Conditional approval</th>
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Summary

- This application is referred to the Committee as there are 22 objections to the proposal and the recommendation is for an approval.
- Approval has already been given for the printing works and certain works have already started.
- This application is for the variation of the materials and plans conditions.
- The objections are on the previous decisions to approve an industrial use in the area, associated noise with building works and the end use as printing works and parking.
- The proposal is recommended for approval subject to conditions.

Introduction

This application relates to a 320sq.m site (Site ‘B’) to the south side of Cooper Street, at the corner of Belgrave Road. It is located within a District Shopping Centre as defined in the City of Leicester Local Plan. To the rear of the site is a primarily residential area, consisting of terrace houses.

A separate application (20110284) has been received for the site on the opposite corner (Site ‘A’) and work has started again to that site only.

Background

Planning permission was granted in 1968 for the manufacture of sectional fencing.

In 1975 (75/0560) planning permission was granted for the use of the land for sale and storage of motor cycles and tricycles. Permission was granted for a limited period of 18 months.

In October 1975 (75/1157) planning permission was refused for the demolition of building for storage and use of cleared site for parking cars in association with Natraj cinema.

In 1976 (76/1437) planning permission was refused for the use of the vacant site for the parking of ice cream vans and wholesale distribution of ice cream to vans.

In 1976 (76/1622) outline consent was granted for development of vacant land as builders merchant and DIY sales outlet and store.

In 1976 (76/1847) planning permission was granted for retention of existing building and its use with adjoining land for the storage and valeting of cars for trade purposes. Planning permission was granted for a limited period of 22 months.
In 1977 (77/0358) planning permission was granted for retention of existing building and its use with adjoining land for the storage and valeting of cars for trade purposes. Planning permission was granted for a limited period of 16 months.

In 1977 (77/0439) planning permission was refused for use of land for car sales and erection of temporary sales office.

A planning application (19951040) for a two- and three-storey print works (Class B2), with parking/services area at side, was approved in 1996. That approval was the first to secure the principle of printing works on the site.

A further application (20011291) was submitted for the same proposal in 2001 and was again approved subject to conditions. The proposal was a renewal of application 19951040. The design included dormer windows and gable roofs that would run along from the existing terrace houses, having a height of 8 metres to the eaves and 9 metres to the ridge (Cooper Street elevation). The front elevation had a height of 9 metres to the eaves and 13 metres to the ridge. It was to be constructed in three colours of brick with window openings.

Separate applications (19951041 and 20011324) were approved for Site ‘A’. Work commenced on both sites, A and B, some time ago and the steel framework on each was substantially completed before work ceased.

Planning application 20070270 was a re-submission of the above development, which included an increase in the floor area, reduction of loading area and a completely different design, using different materials. That application was withdrawn as it was considered that the applicant needed to address the issues relating to the alterations from the previously approved scheme.

Planning application 20080112 was approved for two and four storey printing works, ancillary parking. That was an amended version of the approved plan 20011291. The alterations to the previously approved plan included an increase in floor space by 147 sq.m, internal floor layouts and alterations to the roof to accommodate the installation of solar panels as a renewable energy source. Work had re-started on site.

The Proposal
This application is for the variation of conditions 1 (design and materials) and 14 (plans) to approved application 20080111.

The alterations to the design would be to the proposed main roof fronting Belgrave Road. The roof height to the ridge (at the highest point) would be raised from approximately 14 metres to 16 metres. The height to the top of the side walls would remain as previously approved at 13 metres.

The wall closest to 7 Cooper Street would have a height of 8 metres to the eaves, which is the same as previously approved. The ridge height at this point would also stay the same as previously approved.
Some of the proposed materials have been submitted. The applicant has submitted details of the proposed bricks which are Hanson facing Clumber Buff. The remainder of the materials have still to be agreed.

**Policy Considerations**

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

There is additional guidance for vehicle parking contained in ‘SPG for Vehicle Parking Standards’ adopted 2002.

**Representations**

22 letters of objection have been received from residents of Cooper Street. The main issues relate to all the previous applications and that the objections of people living nearby are not taken into consideration. There also appears to have been a misunderstanding over the planning process. A response has been sent addressing those issues.

Their current objections are as follows:

- It is a residential area and not industrial.
- Noise during construction.
- Noise associated with the printing works.
- Lack of parking.
- Proposal will increase parking problems.

**Consideration**

**Principle of the development**

The application site remains inside a designated shopping area, adjoining a residential Area.

The principle of the general industrial (Class B2) use has been established by the previous applications, along with the design details. This application is for an amendment to the roof design and for the agreement of the bricks to be used which vary from the previous application in that the approval indicated Vitessa white facing bricks and it is now proposed to use Clumber Buff brick. The roof would have a series of solar panels which has resulted an increase in the pitch of the roof but the height of the side walls remains the same. The objections do not relate to the materials or to the design. The proposed changes would not have any additional impact on the amenity of the residents in terms of noise and parking.
I consider that the main alteration of the new design from the previously approved scheme is acceptable. I am of the view that the development of two corners with the innovative design and materials would be a focal point and would add to the character and appearance of the area.

Conclusion

Overall, I consider the scheme acceptable. As the development is already well advanced, albeit currently 'stalled', it would clearly be advantageous to see the work proceed to completion.

I therefore recommend APPROVAL subject to the following conditions:

CONDITIONS

1. The materials (except bricks) to be used shall be submitted to and approved by the City Council as local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)

2. Before the use is begun, an insulation scheme to prevent the transmission of noise to adjacent properties shall be carried out in accordance with details which shall first have been agreed in writing with the City Council as local planning authority. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

3. Provision shall be made at the time of development for surface water drainage from the car park to pass through a petrol/oil interceptor, details of which shall be agreed in writing with the City Council as local planning authority in advance. (To minimise the risk of pollution of drains and watercourses and in accordance with policy BE18 of the City of Leicester Local Plan.)

4. Within 2 months from the date of this permission full design details of how the development will contribute towards the regional and local plan target of 14% of renewable energy demand for the site shall be submitted to and agreed in writing with the City Council as local planning authority unless agreed otherwise. Before the development is occupied satisfactory evidence shall be submitted demonstrating satisfactory operation of the agreed scheme, including on-site installation, in accordance with the agreed details (To ensure sustainable energy efficiency in accordance with policy BE16 of the City of Leicester Local Plan and policy CS2 of the Core Strategy).

5. No machinery shall be installed or operated nor shall any processes be undertaken which are detrimental to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
6. No machinery shall be operated nor shall any processes be undertaken outside the building. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

7. The doors to the building shall be kept closed at all times when machinery is being operated or processes undertaken within the building, except to allow access or egress. In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

8. No machinery shall be operated and no work shall be undertaken outside the hours of 0730 to 1800 hours Mondays to Fridays, and 0730 to 1300 hours Saturdays, nor at any time on Sundays or officially recognised public holidays. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

9. No deliveries shall be received or loaded outside the hours of 0730 to 1800 Monday to Friday and 0730 to 1300 Saturday, nor any time on Sundays or officially recognised public holidays. (In the interests of the amenities of nearby occupiers and in accordance with policies PS10 of the City of Leicester Local Plan).

10. Space shall be kept available within the curtilage of the site to allow for loading and unloading always to take place within the site. (In the interest of highway safety and in accordance with Policy AM01 of the City of Leicester Local Plan.)

11. The parking/service area shall be kept available at the same time as the remainder of the development and shall be retaining and kept available for use. (To ensure that parking/servicing can take place in a satisfactory manner and in accordance with Policy AM11 of the City of Leicester Local Plan.)

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the premises shall remain in single occupation only and shall not be subdivided into alternative uses or users. (The City Council would wish to restrict the number of users of the building in view of the limited loading and unloading and parking facilities, and in accordance with policies AM11 and AM17 of the City of Leicester Local Plan.)

13. All windows on the rear elevation of the building shall be obscure glazed, sealed units, and shall be retained as such to the satisfaction of the City Council as local planning authority. (In the interests of the amenity of adjoining occupiers, in accordance with policy PS10 of the City of Leicester Local Plan.)

14. This consent shall relate solely to the submitted plans ref. no. ME031/11A-01, 11B-02, 11B-03, 11B-04, 11B-05 received by the City Council as local planning authority on 1st March 2011, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT
1. REASON FOR APPROVAL. In the view of the City Council, the proposal complies with the relevant criteria in the City of Leicester Local Plan and Core Strategy policies listed in this decision, and there are no material considerations which outweigh these policies. The City Council considers that any harm to visual and residential amenity, and the street scene can be overcome by the attached conditions.

Policies relating to this recommendation

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

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

2006_BE16 Planning permission will be granted for the development of renewable energy installations where local impacts are not outweighed by wider benefits. Major developments must realise their potential for incorporating renewable energy technologies.

2006_BE20 Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.

2010_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.

2010_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'.

2010_CS10 The Council will seek to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the City. The policy sets out proposals to achieve this objective.

2010_CS11 The Council supports a hierarchy of retail centres in Leicester. The policy sets out measures to protect and enhance retail centres as the most sustainable location for retail development.
Recommendation: Conditional approval

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Summary

- Demolition and new development to form new school. Relocation of playing field and sports facilities.
- Site defined for community, education and leisure use and green space.
- The main issues are design, impact on playing field provision, drainage, the amenity of neighbouring residents, parking and highway safety.
- Information has been sought to ensure the development is acceptable in considering the main issues above.
- Recommended for approval subject to satisfactory information.

Introduction

The application relates to Crown Hills College situated on Gwendolen Road with a site covering 6.6 hectares. There are houses/bungalows to the north and south. Mayflower Primary School is located on the opposite side of Ethel Road. Goals Soccer Centre is located to the south east. The City Learning Centre is on the Westside of the college fronting Gwendolen Road with Coleman Primary School beyond. To the west of the playing fields is a cricket field. The application site slopes southwards towards Ethel Road.

The area to the south of the existing college buildings is defined as Green Space in the adopted local plan. The site of the college is identified for ‘Community Education & Leisure’ use in the local plan.

Background

‘Building Schools for the Future’ (BSF) is a strategic approach to capital investment in school buildings that will create the environment for the Government's secondary educational transformation. It is proposed that around 180 schools across England are to benefit from over £2 billion of investment.

Under the scheme, the intention is that every secondary aged child will be educated in a ‘21st Century environment’ within 15 years. Schools will be rebuilt, remodelled or upgraded to provide flexible, inclusive, attractive learning environments in which teachers want to teach and pupils want to learn.

In Leicester, it is proposed that building works will take place over four phases. The first phase affecting four schools has been completed. The proposed completion of the last phase is expected in 2014. Rushey Mead School was the first school to be given planning permission (20100154) for redevelopment under phase 2 of the BSF
Programme. The redevelopment of The City of Leicester College and Crown Hills Community College are also included in Phase 2 of the Programme.

The College has an extensive planning history.

The Proposal

The application is for the redevelopment of the college, involving the demolition of all of the existing buildings. The proposed new building will be located on the western part of the site, on land currently used for sports facilities. The building will be two to three storeys in height with the main entrance located at first floor level (due to the site’s topography) from Gwendolen Road. It will provide a gross internal floor space of 11,658sq m.

The school buildings will be operational for community use with some buildings being open to public use outside of school core hours at weekends and during holidays.

The vehicle access on to Gwendolen Road will be retained and will provide access to the car park adjacent to the City Learning Centre. The car park will provide 59 spaces and will be available to staff, visitors and members of the public attending community activities at the end of the school day. A car park providing 40 spaces will be created in front of the building. The car park at Goals Soccer Centre has 130 spaces and will be retained for staff parking up until 18.00 hours. Pedestrian and cycle access will be provided from the north off Gwendolen Road and the south off Ethel Road. A total of 250 cycle parking spaces would be provided.

The remaining part of the site to the rear of the school buildings will be laid out as outdoor playing fields, with a hard surfaced multi-use games area and grass pitch provided to the south east and north east corners of the site. A habitat area, science garden and horticultural area is shown in the south west corner of the site.

The proposal includes the provision of a sports hall, which will form an integral part of the new school building. This will be part funded by the English Cricket Board and will also be a cricket centre of excellence.


Policy Considerations

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

SPG Vehicle Parking Standards

SPG Tree Protection
Energy Efficiency and Renewable Energy SPD

Central Government
PPS 1 Delivering Sustainable Development
PPS 9 Biodiversity and Geological Conservation
PPG13 Transport
PPG 17 Planning for Open Space, Sport and Recreation
PPG25 Development and Flood Risk
PPS 22 Renewable Energy
PPG 24 Planning and Noise

Consultations
The Local Highway Authority, has no objection to the proposal in principle, discussions are still taking place with the applicant in respect of details.

Severn Trent Water has raised no objections to the proposal subject to a planning condition requiring agreement in respect of details of works for the disposal of surface water and foul sewage.

Sport England has asked for more information on the current and proposed playing fields and general sport provision before making any formal comments.

The Environment Agency has no objection to the proposal subject to conditions relating to a the installation of oil and petrol separators for the drainage from the car park, a Sustainable Urban Drainage system and a scheme for surface water run-off limitation.

The City Archaeologist advises that the proposal does not have significant archaeological implications.

Energy – Additional clarification has been sought in respect of renewable energy proposals.

The Police Architectural Liaison Officer has made several comments about security and safety during the school day and during periods of community use. Pupil access to the building should be controlled, and the use of CCTV, natural surveillance and lighting would increase security. A detailed schools management plan is essential.

Representations
At the time of writing this report no third party representation have been received.
Consideration

Principle of Development:

The Local Development Framework: Core Strategy 8 Existing Neighbourhoods, states that: ‘The City Council wants to create neighbourhood groups of schools and will ensure that the Local Development Framework supports School Organisation and Implementation Plans, the Building Schools for the Future programme and the Integrated Services Hubs model, which will help support the drive for school improvement and attainment. Due to the densely populated urban nature of the City, with the exception of schools serving new housing development, new schools will be rebuilt on existing sites.’ A key objective of the Core strategy is “to raise the standards of educational attainment, skills and training in Leicester. The replacement college is on an existing site and meets the objective of this policy. The inadequacies of the existing Crown Hills College accommodation are recognised. Much of the existing accommodation is not fit for purpose as some of the buildings are in a poor condition.

Design:

I consider that the overall design solutions have sought to integrate the provisions of UD01 in terms of sustainable designs which have regard for existing landscape characteristics, scale, and are appropriate in their context. I consider that the indicative details of landscaping are acceptable to comply with provisions of policy UD06 Landscape subject to further details to be agreed as part of a landscaping condition. The college proposes to retain most of the existing boundary fencing and mature trees.

The predominant material to be used on the external elevation will be a local brick. Intermittent use of curtain walling at natural open or circulation areas will lighten and contrast the brickwork and provide focal entry points to the building.

Confirmation on sustainable drainage techniques has been sought from the applicant.

The closest residential properties are on the opposite side of Gwendolen Road and bungalows located to the north east corner of the site. The position of the new building will result in development being further away from all of these properties. By opening up the area adjacent to the bungalows, the public footpath running between them and the site will be much more visible and should therefore feel safer to use. I do not consider that the proposal would significantly adversely affect the amenities of neighbouring residents.

Playing fields and impact on Green Space/Green Wedge

The playing fields are designated Green Space, the development on the playing fields is technically a departure from the Local Plan. I do not consider that the
proposal would result in an unacceptable loss of playing field provision. I am of the view that the proposal would be unlikely to compromise the predominantly open and undeveloped character of the Green Space. I consider that the provisions of policies GE09 and GE15 relating to Green Space, Playing Fields are not compromised as adequate alternative playing field provision is being made available. The final comments of Sport England are still awaited at the time of writing this report.

Ecology/Landscaping

Further nocturnal bat surveys will be required together with a full assessment of the existing buildings and trees for evidence of bat roosts. Suggestions have been made to the applicant for the enhancement of landscaping proposals and biodiversity benefits.

Renewable Energy:

An Energy and Sustainability Strategy has been submitted which sets out the sustainable construction and renewable energy proposals for the schools with particular details relating to this college. Confirmation of the adequacy of these proposals is still awaited.

Highway Issues and parking provision

The existing use of the site is currently a community college with a floor area of 10,816sqm. The proposal represents an increase in floor space by 842sqm to 11,658sqm. The proposal will see the same number of staff and pupils retained. There would be an increase in parking provision by 38 parking spaces. 130 parking spaces are provided on the Goals car park which the college has use of during weekdays up until 18.00 hours. 59 spaces are available at the City Learning Centre which are available to the school at any time. To compensate for the shortage of car parking available after the Goals car parking reverts back to Goals usage, a further out of hours car park is provided off Gwendolen Road by utilising an existing access and car park.

There would be 230 new cycle parking spaces increasing the total number to 250. I consider that this would help to ease parking problems in the area especially at the start and finish of the day. An interim Travel Plan has been submitted with the application. The Travel Plan Officer will liaise with the applicant on the issues contained within the Travel Plan.

The school buildings will be operational for community use with some buildings being open to public use outside of school core hours at weekends and during holidays. This will impact on the profile of traffic generated at the site and the Highway Authority would want the Travel Plan to reflect the traffic management of trips generated by the community use.

In relation to the service yard, staff car park and community use access off Gwendolen Road, the highway authority had concerns over the sightlines to access. The applicant has already provided a proposal for the treatment of the accesses in relation to these
concerns. Their proposals would need further collaboration before acceptance however in principle the plans are seen as suitable, subject to a safety audit being carried out.

There are on street parking problems during mornings and afternoon school opening and closing hours on Gwendolen Road and localised streets that are associated with parents dropping off students. The Highway Authority recommend that a review of the Traffic Regulation orders in that area is undertaken to ensure that if necessary TROs are introduced or altered to help alleviate and control any localised parking problems to residents. The parking problems can also be a highway safety issue to students as they negotiate crossing the road between parked cars.

Parking for a D1 use of 12,212sq m should provide a maximum provision of 1 space per 22 sq m which would equate to a maximum total of 555 car parking spaces being required. The College is proposing a total of 229 parking spaces reducing to 99 after 1800 hours. Although this is significantly less than 555 spaces, the Highway Authority are satisfied with the justification for parking as presented in the Transport Assessment as well as the Travel Plan measures proposed to help reduce the vehicle trips generated at the site.

I consider that the details of the proposal meets the provisions of policies AM01 (Pedestrians and People with Limited Mobility); AM02 (Cycling and Development), AM05 (Requirements for bus provision); AM09 (Transport Assessments), AM10 (Road Safety), AM15 (Design of Car Parks) and AM11(Parking Provision in accordance with the updated Vehicle Parking Standards SPG) and appendix 01 of the local plan. The Local Highway Authority is satisfied with the proposal subject to conditions.

In conclusion I consider that the proposed replacement college would represent an improvement to physical and learning environments for children and young people, improvement to vehicular, pedestrian and cycle accesses and make a positive contribution to local environment without resulting in an unreasonable detrimental effect on the amenities of the residents of the nearby residential area.

Subject to confirmation that the proposal is acceptable to Sport England, that the Renewable Energy provision is satisfactory and that minor amendments are made to the landscaping proposals, I consider the proposal to be acceptable and recommend APPROVAL subject to the following conditions:

CONDITIONS

1. **START WITHIN THREE YEARS**

2. The sight lines on each side of each vehicular access 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 AM01 of the City of Leicester Local Plan.)

3. Dropped kerbs and ramps, suitable for wheelchairs and prams, shall be provided at the time of development in the footways at all major pedestrian
crossing points, at road junctions, and at footway crossings in accordance with
details to be agreed in writing with the City Council as local planning authority.
(For the safety and convenience of pedestrians including disabled people and
pram and wheelchair users; and in accordance with policy AM01 of the City of
Leicester Local Plan.)

4. The development shall not be occupied until footway crossing(s) have been
provided at each vehicular access and any redundant footway crossings
and/or damaged or altered areas of footway or other highway have been
reinstated to the satisfaction of the City Council as local planning authority.
(To ensure a satisfactory means of access to the highway and for the safety
and convenience of pedestrians and other road users and in accordance with
policy AM01 of the City of Leicester Local Plan.)

5. Before use of any part of the development, all parking areas (including
disabled persons parking) shall be surfaced and marked out in accordance
with details which shall first have been agreed in writing with the City Council
as local planning authority, and shall be retained and not used for any other
purpose. The parking areas to be surfaced shall be of a permeable material.
(To ensure that parking can take place in a satisfactory manner, and in
accordance with policy AM01 of the City of Leicester Local Plan.)

6. Space shall be kept available within the curtilage of the site to allow for
loading and unloading always to take place within the site. (In the interests in
highway safety, and in accordance with policy AM01 of the City of Leicester
Local Plan and Leicester City Councils' adopted standards in the '6C's Design
Guide - Highways, Transportation and Development.)

7. A turning space to enable vehicles always to enter and leave the site in a
forward direction, shall be kept available within the site. (In the interests of
highway safety, and in accordance with policy AM01 of the City of Leicester
Local Plan and Leicester City Councils' adopted standards in the '6C's Design
Guide - Highways, Transportation and Development.)

8. Before the development is begun, details of the design of vehicular, cycle and
pedestrian accesses, including dropped kerbs, visibility splays, surface
markings, signage, pedestrian guardrails, materials to be used for
pedestrian/cycle footways, gates and their siting shall be agreed in writing with
the City Council as local planning authority. The agreed scheme shall be
implemented before the occupation of the development. (In the interests of
highway safety and in accordance with policies AM01 of the City of Leicester
Local Plan and Leicester City Councils' adopted standards in the '6C's Design
Guide - Highways, Transportation and Development.)

9. Any gates placed at the Gwendolen Road staff and visitor access shall be
designed to open inwards only and set back a minimum of 5 metres from the
back of the highway. Any gates placed at the Gwendolen Road service access
shall be designed to open inwards only and set back a minimum of 12 metres
from the back of the highway. (In the interests in highway safety, and in
accordance with policies AM01 and PS10 of the City of Leicester Local Plan
10. Before the development is begun, a scheme shall be agreed in writing with the City Council as local planning authority indicating details of temporary site entrances, temporary storage areas for soil and other materials, and the placing of plant and site huts to be adopted during building operations and shall be implemented. (In the interests of highway safety, visual amenity, and residential amenity in accordance with policies AM01 and PS10, of the City of Leicester Local Plan.)

11. Before the development is commenced details related to the layout geometry with tracking, signing, lining and alterations, ‘Swept Path Analysis’, visibility splays and stage I/II Safety Audit are to be submitted for the Gwendolen Road access proposal and agreed in writing by the Planning Authority in consultation with the Highway Authority. (In the interests of highway safety and in accordance with Leicester City Councils' adopted standards in the '6C's Design Guide - Highways, Transportation and Development.)

12. The development shall not be occupied until a review of the Traffic Regulation Orders surrounding the development along Gwendolen Road and the neighbouring residential streets surrounding the access has been conducted. (In the interests of highway safety and residential amenity in accordance with policies AM01 and PS10 of the City of Leicester Local Plan)

13. Before the development is brought into use parking spaces for powered two wheeler (PTW) vehicles and a minimum of 250 secure and sheltered cycle parking spaces shall be provided within the curtilage of the site. The PTW/cycle parking should be well lit, secure and covered. The details of the PTW/cycle parking shall be shall be agreed in writing with the City Council as local planning authority. (In the interests of satisfactory parking provision and in accordance with policy AM02 of the City of Leicester Local Plan.)

14. The development shall not be brought into use until a Travel Plan, approved by the City Council as local planning authority, has been brought into operation and the provisions therein shall be implemented within the specified timescales. The Travel Plan shall include an element of car parking management to deal with deliveries, staff parking and the planning of events traffic generated for community use. (To ensure that the development is in accordance with the City Council's objectives of securing more sustainable transport provision in accordance with Leicester City Councils' adopted standards in the '6C's Design Guide - Highways, Transportation and Development.).

15. The development shall not be brought into use until a Travel Management Plan, detailing access arrangements, approved by the City Council as local planning authority, has been brought into operation and the provisions therein shall be implemented within the specified timescales. (In the interests of highway safety in accordance with Leicester City Councils' adopted standards in the '6C's Design Guide - Highways, Transportation and Development.).

and Leicester City Councils' adopted standards in the '6C's Design Guide - Highways, Transportation and Development.)
16. Before construction of any building is begun the materials to be used on all external elevations and roofs 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 UD01 and UD02 of the City of Leicester Local Plan.)

17. Before any boundary treatment is begun, details of new/replacement boundary fencing/railings shall be agreed in writing with City Council as local planning authority. (In the interests of amenity and in accordance with policies PS10 and GE09 of City of Leicester Local Plan)

18. Before any landscaping is begun, a detailed landscaping scheme showing the treatment of all parts of the site which will remain unbuilt upon shall be submitted to and agreed in writing with the City Council as local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots). The approved landscaping scheme shall be carried out within one year of completion of the development. For a period of not less than ten years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan.)

19. Before the development is begun all existing trees, shrubs or hedges to be retained on the site shall be protected by fences erected at a distance equivalent to not less than the existing spread of the branches from the trunk, in accordance with details which shall first have been agreed in writing with the City Council as local planning authority. No materials whatsoever shall be stored, rubbish dumped, fires lit or buildings erected within these fences; no changes in ground level shall be made within the spread of any tree, shrub or hedge without the previous written consent of the local planning authority. No trees shall be used as anchorages, nor shall any items whatsoever be affixed to any retained tree. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan.)

20. Before construction of any building is begun, design details shall be submitted and agreed in writing with City Council as local planning authority to demonstrate how the development shall minimise energy consumption and contribute towards the regional and local plan target of 15% renewable energy of the total predicted energy demand for the site. The development shall be carried out in accordance with the agreed details and a completion report shall be submitted within 12 months of the occupation of the development, providing evidence to demonstrate satisfactory operation of the on-site installations. (In the interests of securing energy efficiency in accordance with Policy BE16 of the City of Leicester Local Plan and Core Strategy policy CS2)
21. The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators for the drainage from the car parking areas has been submitted to, and approved in writing by the City Council as local planning authority. The scheme shall be implemented as approved. (To prevent pollution through loss or spillage of oil and in accordance with policy PS11 of the City of Leicester Local Plan)

22. The development hereby permitted shall not be commenced until such time as a scheme for the provision, implementation and maintenance of a Sustainable Drainage (SuDs) system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. (To prevent flooding by ensuring the satisfactory storage of surface water from the site and in accordance with Policy BE20 of the City of Leicester local plan).

23. The development hereby permitted shall not be commenced until drainage plans for the disposal of surface water and foul sewage has been submitted to and approved in writing by of the City Council as Local Planning Authority. The scheme shall include provision for and implementation of surface water run-off limitation less 20% upon existing rates. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the City Council as local planning authority. (To prevent flooding by ensuring the satisfactory disposal of surface water from the site and to minimise the risk of pollution and in accordance with Policies PS11 and BE20 of the City of Leicester local plan).

24. Any temporary vehicular access/es shall be closed and the buildings shown to be removed on the approved plans shall be demolished and the land restored in accordance with the details shown on the plans no later than one year from the completion of the proposed buildings unless otherwise agreed in writing with the City Council as local planning authority. The demolition shall only be carried out in accordance with a written method statement submitted to and agreed with City Council in advance. (In the interests of the amenity of the occupiers of nearby residential properties and in accordance with policies GE09 and PS10 of City of Leicester Local Plan.)

25. Measures shall be taken as a result to protect the development from hazards associated with landfill gas, in accordance with the recommendations in the submitted Geo-environmental report, and a verification report shall subsequently be submitted to Leicester City Council as Local Planning Authority. (The site is within 250 metres of a landfill site known to have accepted wastes within the last 30 years and it is considered that there is a perceptible risk of landfill gas adversely affecting it.)

26. There shall be no live or amplified music or voice played which would be detrimental to the amenities of occupiers of nearby properties. (In the interests
of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

27. Prior to the development commencing, details of ventilation systems (particularly with regard to noise emissions from roof top, kitchen and boiler house systems) shall be submitted to and approved by the City Council as local planning authority. (To safeguard the amenity of the neighbouring properties and in the interests of visual amenity and in accordance with policies PS10 and UD01 of the City of Leicester Local Plan.)

28. Before the development is begun, a scheme covering the details of the following shall be submitted to and agreed in writing with the City Council as local planning authority:

1. the availability of the sports facilities (indoor and outdoor) for the local community outside school hours, within a reasonable pricing structure;

2. The specifications for the construction of the new playing pitches;

3. A phasing plan and timetable to limit the disruption to local teams currently using the pitches;
   The agreed scheme shall be implemented in accordance with the agreed timetable.

(In the interest of satisfactory playing field provision and in accordance with Core Strategy policy CS13.)

29. No illumination of any external area of the site including the installation of floodlighting to playing pitches shall take place unless and until details regarding such lighting have been submitted to and approved in writing by the local planning authority. Thereafter any lighting shall be installed and operated in full accordance with such approved details. (In the interests of visual and residential amenity in accordance with Core Strategy policies CS17 and CS2 and policy PS10 of the City of Leicester Local Plan.

30. This consent shall relate solely to the submitted plans received by the City Council as local planning authority on 15/03/2011, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. REASON FOR APPROVAL. In the view of the City Council, the proposal complies with the relevant criteria in the City of Leicester Local Plan policies listed in this decision, and with SPG 'Vehicle Parking Standards' and 'Energy Efficiency and Renewable Energy'. Although the proposed development partly would be sited in the Green Space, it would not have an unacceptable impact on the overall provision of green space in the area. There are no material considerations, which outweigh the said guidance and policies. The City Council considers that any harm to visual amenity, residential amenity, the
street scene, and highway safety can be overcome by the attached conditions.

2. In respect of the Travel Plan condition the following should be included:

a) Identify modal splits, proposals including marketing and promotion, targets, objectives, time scales and monitoring techniques to encourage the use of non-single private car means to travel.

b) Include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use.

c) Identify a person as co-ordinator and a point of contact for the purpose of the Travel Plan.

d) Include provision in terms of facilities offered to promote the use of sustainable travel to all users (and as such will need to consider showers, lockers, cycle parking, car parking management policies, P2W parking, car share spaces, disabled car park spaces and a Travel Plan marketing strategy) as part of its physical surroundings and management systems.

e) A car parking management plan for all users and events/activities held at the development. This will also include parking surveys on and off site.

f) The setting up of a website and notice board with references to sustainable travel route planners to the site for all users prior to development being in use. Provision of ready reference route planner guides for walking, cycling, bus use etc.

g) Include an Events Travel Plan

h) Include a Parking Management Plan for all users and usages of the site (including parking layout plan) covering on and off site, and events/activities held at the development. The Parking Management Plan will identify suggested parking available on and off site for car users including attendees praying and parents dropping off/picking up children from madressa, powered two wheeler users, cycle users, coach and minibus parking, deliveries to the site. The Parking management Plan should also identify signage on and off site for the development.

i) Include a Traffic Management Plan will identify the methodology of: how day to day and events will be managed through stewards, marshals or volunteers, how the entry of the site will be managed day to day and for events, how the site entrance and internal routes will be managed, so as to avoid any traffic build up and promote the smooth running of the site (including parking enforcement measures). The Plan will also include how off site parking will be monitored so as not to cause any traffic impact problems to residents/shops in area. The Plan will also suggest the best suggested routes for users to the site if they do use off site parking.
j) Include participation as part of an area wide Travel Plan in looking at transport issues with organisations in the area affected by traffic impact. Please contact Mr. Bal Minhas, telephone (0116) 252 6523 Travel Plan Officer to agree details. For information pertaining to the School Travel Plan please contact Mr Mark Korczak School Travel Plan Officer (0116) 2528982.

3. In relation to the condition on Traffic Regulation Orders for Gwendolen Road and the surrounding neighbouring streets a review of the TRO’s is to be carried out in consultation with Mr. Michael Jeeves telephone (0116) 2527272. The outcome may involve setting up TROs at an estimated minimum cost of £4,000 to alleviate on street parking issues in the surrounding streets to the school.

4. The above proposal involves works on the public highway on land outside your control. You are therefore required to submit technical details for approval under a Section 278 process to the Highway Authority before development commences. For further information regarding this process including technical approval please contact Mr David Sankar, telephone (0116) 2526600.

5. Any work within the public highway will require the approval of the Highway Authority in addition to the planning permission hereby granted. The developer should also, at least six weeks before works on site commence, consult with the Highways Management Section (Telephone 0116 223 2010) to determine whether construction traffic necessitates the provision of any temporary footway crossings. This is to ensure that apparatus within the footway will be protected from damage caused by the heavier loadings of construction plant and deliveries and that the surface of the footway will remain safe for footway users during the works.

6. The development should comply with the requirements of the Disability Discrimination Act in respect of access to the building and other facilities. Further information can be obtained by contacting Paul Leonard-Williams, Disabled Persons Access Officer: telephone (0116) 252 7290.

7. The Environment Agency gives the following advice in respect of SUDs techniques:
Given the size of the site and the existing disproportionately high run-off rate, if using CIRIA guidance, the site should really mimic greenfield with SUDS techniques and therefore reduce flows further than just 20%. In terms of the site area, it could be feasible to provide a significant betterment in excess of 20% utilising a comprehensive SUDS regime. Tanked storage for a site this large, is not appropriate in line with SUDS guidance.

The incorporation of SUDS manages surface water run-off and seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and
quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

8. The status of bat colonisation of the site should be kept under review until the development is carried out and/or buildings are demolished, by annual re-surveys of habitats, buildings and other features by a suitably experienced ecologist. The developer is under obligation to undertake surveys and take appropriate measures to protect the protected species during the development process.

9. To enable the agreement of materials, the submission of a sample board of all of the proposed materials will be required.

**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_BE16 Planning permission will be granted for the development of renewable energy installations where local impacts are not outweighed by wider benefits. Major developments must realise their potential for incorporating renewable energy technologies.

2006_BE20 Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.

2006_GE09 Planning permission will not be granted for development which would endanger or encroach upon Green Space as shown on the Proposals Map unless it meets the criteria set out.

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.

2010_CS01 The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved
quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.

2010_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.

2010_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.

2010_CS13 The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.

2010_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.

2010_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.

**Recommendation: Conditional approval**

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<tr>
<th>20110368</th>
<th>DOWNING DRIVE, CITY OF LEICESTER COLLEGE</th>
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<tr>
<td>Proposal:</td>
<td>REPLACEMENT COLLEGE BUILDING (CLASS D1); ASSOCIATED ACCESS, PARKING, LANDSCAPING AND SPORTS FACILITIES</td>
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<tr>
<td>Applicant:</td>
<td>Leicester Miller Education Company Limited (LMEC)</td>
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<tr>
<td>App type:</td>
<td>Operational development - full application</td>
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<td>Status:</td>
<td>Largescale Major Development</td>
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<td>Expiry Date:</td>
<td>14 June 2011</td>
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Summary

- Demolition and new development to form new school. Relocation of playing field and sports facilities.
- Site defined for community, education and leisure use and green space.
- The main issues are design, impact on playing field provision, drainage, the amenity of neighbouring residents, parking and highway safety.
- 2 letters and 2 petitions submitted in objection.
- Information has been sought to ensure the development is acceptable in considering the main issues above.
- Recommended for approval subject to satisfactory information.

Introduction

The application relates to The City of Leicester College situated on Downing Drive with a site covering 12.2 hectares. There are houses on all sides of the application site with Evington Leisure Centre, a Church, a Doctors Surgery and an area of open space located immediately to the south of the playing fields. A single dwelling is located to the rear of the leisure centre. This originally formed caretaker accommodation.

The area to the north of the existing college buildings is defined as Green Space in the adopted local plan. The site of the college is identified for ‘Community Education & Leisure’ use in the local plan.

Background

‘Building Schools for the Future’ (BSF) is a strategic approach to capital investment in school buildings that will create the environment for the Government's secondary
educational transformation. It is proposed that around 180 schools across England are to benefit from over £2 billion of investment.

Under the scheme, the intention is that every secondary aged child will be educated in a ‘21st Century environment’ within 15 years. Schools will be rebuilt, remodelled or upgraded to provide flexible, inclusive, attractive learning environments in which teachers want to teach and pupils want to learn.

In Leicester, it is proposed that building works will take place over four phases. The first phase affecting four schools has been completed. The proposed completion of the last phase is expected in 2014. Rushey Mead School was the first school to be given planning permission (20100154) for redevelopment under phase 2 of the BSF Programme. The redevelopment of The City of Leicester College and Crown Hills Community College are also included in Phase 2 of the Programme.

The College has an extensive planning history. The college currently occupies two separate buildings. The Wyvern building is located to the eastern end of the site and the Gill building to the western end. The College has been a specialist college for business and enterprise since September 2003 and was successfully re-designated in September 2007.

**The Proposal**

The application is for the redevelopment of the college, involving the demolition of all of the existing buildings. The proposed development will be located on land to the rear of the Wyvern building to provide a gross internal floor space of 12,740sq m. The accommodation will be two and three storeys, maintaining a consistent roof level but taking advantage of the differing ground levels.

The entrance will be located at the lower ground floor giving level access the main entrance plaza off Downing Drive. The out of hour’s sports community entrance is located adjacent to the sports hall fronting Downing Drive with its own distinct entrance off the main plaza. This could operate independently from the school outside of core hours, at weekends and during school holidays providing community use.

A car park providing 142 spaces will be created in front of the building. A separate pedestrian entrance to the school is proposed further to the east off Downing Drive. A total of 336 cycle parking spaces would be provided.

The remaining part of the site to the rear of the school buildings will be laid out as outdoor playing fields, with a hard surfaced multi-use games area and grass pitch provided to the south east corner of the building.

Policy Considerations

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

SPG Vehicle Parking Standards
SPG Tree Protection
Energy Efficiency and Renewable Energy SPD

Central Government
PPS 1 Delivering Sustainable Development
PPS 9 Biodiversity and Geological Conservation
PPG13 Transport
PPG 17 Planning for Open Space, Sport and Recreation
PPG25 Development and Flood Risk
PPS 22 Renewable Energy
PPG 24 Planning and Noise

Consultations

The Local Highway Authority, has no objection to the proposal in principle, discussions are still taking place with the applicant in respect of details.

Severn Trent Water has raised no objections to the proposal subject to a planning condition requiring agreement in respect of details of works for the disposal of surface water and foul sewage.

Sport England had asked for more information on the current and proposed playing fields and general sport provision before making any formal comments.

The Environment Agency has no objection to the proposal subject to conditions relating to a Sustainable Urban Drainage system and a scheme for surface water run-off limitation.

The City Archaeologist advises that the proposal does not have significant archaeological implications.

Energy – Additional clarification has been sought in respect of renewable energy proposals.

Representations
I have received 2 letters and 2 petitions (containing 11 signatures from residents of Woodnewton Drive and 14 signatures from residents of Chorley Wood Road respectively) objecting to the proposal on the following grounds:

- **Need for increased security through adequate periphery fencing since pupils currently cut through private gardens and damage property. The college needs to take responsibility for the maintenance of fencing.**
- **Pupils currently congregate at the edge of the playing fields close to the back of houses, often smoking. Litter accumulates along the boundary of the field and is rarely cleared.**
- **The position of the new fence proposed behind houses on Woodnewton Drive is shown to be at the top of the embankment which would, not only create an area of no-mans land between it and the boundary of the houses, but would also impede views.**
- **The proposed science garden is located in an elevated position close to the rear of houses and will reduce privacy and security.**
- **The new service road is close to the back of houses. Being at a higher level, it will be unsightly and cause noise disturbance. Waste bins will attract vermin. The positioning of this area shows a lack of concern for neighbours.**
- **The new school building being located on higher ground than the adjacent houses will appear dominant and intrusive and will reduce light, outlook and privacy for neighbouring residents.**
- **The value of houses will decrease (not a material planning consideration).**
- **The position of the existing bus stop will be affected by the new service access.**
- **With the positioning of the new building at the eastern end of the site, all traffic and pedestrian movements will be concentrated at this position on Downing Drive resulting in congestion. Pupils will be dropped off in front of houses on the opposite side of Downing Drive.**

**Consideration**

**Principle of Development:**

The Local Development Framework: Core Strategy 8 Existing Neighbourhoods, states that: 'The City Council wants to create neighbourhood groups of schools and will ensure that the Local Development Framework supports School Organisation and Implementation Plans, the Building Schools for the Future programme and the Integrated Services Hubs model, which will help support the drive for school improvement and attainment. Due to the densely populated urban nature of the City, with the exception of schools serving new housing development, new schools will be rebuilt on existing sites.' A key objective of the Core strategy is “to raise the standards of educational attainment, skills and training in Leicester. The replacement college is on an existing site and meets the objective of this policy. The inadequacies of the existing Crown Hills College accommodation are recognised. Much of the
existing accommodation is not fit for purpose as some of the buildings are in a poor condition.

The layout is also inefficient, with the two existing buildings being separated and at different ends of the site.

**Design:**

I consider that the overall design solutions have sought to integrate the provisions of UD01 in terms of sustainable designs which have regard for existing landscape characteristics, scale, and are appropriate in their context. I consider that the indicative details of landscaping are acceptable to comply with provisions of policy UD06 Landscape subject to further details to be agreed as part of a landscaping condition. The college proposes to supplement some of the existing boundary fencing with new fences. The area of playing field with the least surveillance is on the corner of Woodnewton Drive and Chorley Wood Road. Many residents have reported anti social behaviour in this location and concerns that the proposed new fence, which was shown to extend along the inside boundary of the science garden, will not secure the backs of their houses from unauthorised access. The applicants have been asked to enclose the science garden and extend the new fence across the back of these houses, around the boundary of the site. The fact that the new college building is sited further back on the site will also improve surveillance.

The predominant material to be used on the external elevation will be a local brick. Intermittent use of curtain walling at natural open or circulation areas will lighten and contrast the brickwork and provide focal entry points to the building. Large areas of glazing will provide an additional external feature.

Confirmation on sustainable drainage techniques has been sought from the applicant.

I note the concerns raised by objectors in respect of the need for secure boundary fencing and am currently discussing amendments to that proposed.

I also note the concerns of residents over the effect of the close proximity of the service access/area and the impact of the proposed building. Several options for redevelopment were considered, all of which were constrained by the fact that the existing buildings would need to be retained during the construction period to ensure the uninterrupted education of pupils. The proposed scheme was chosen since it made the most effective use of the land, maximising the potential to concentrate the sports facilities at one side of the site and providing the most prominent frontage to Downing Drive. The service area will have a secure access and will not be accessible to pupils. Whilst, levels of vehicular activity will undoubtedly increase in this vicinity since this area of the site is currently open space and is predominantly used for pupil recreation, it should improve security at the back of houses on Chorleywood Road, which has been an issue previously raised by residents.
The proposed building will be sited some 60m away from the rear elevation of the closest houses. There are classroom windows in this facing elevation and the land is raised from that of the houses. Whilst the development would be clearly visible, given the separation distance I do not consider that the development would result in any loss of light or significant loss of privacy. The mature hedge along this boundary provides a reasonable level of screening and it has been suggested to the applicant that additional planting should fill in any gaps in the existing hedgerow.

I do not consider that the proposal would significantly adversely affect the amenities of neighbouring residents.

Playing fields and impact on Green Space/Green Wedge

The playing fields are designated Green Space, the development on the playing fields is technically a departure from the Local Plan. I do not consider that the proposal would result in an unacceptable loss of playing field provision. I am of the view that the proposal would be unlikely to compromise the predominantly open and undeveloped character of the Green Space. I consider that the provisions of policies GE09 and GE15 relating to Green Space, Playing Fields are not compromised as adequate alternative playing field provision is being made available. The comments of Sport England are still awaited at the time of writing this report.

Ecology/Landscaping

Further nocturnal bat surveys will be required together with a full assessment of the existing buildings and trees for evidence of bat roosts. Suggestions have been made to the applicant for the enhancement of landscaping proposals and biodiversity benefits.

Renewable Energy:

An Energy and Sustainability Strategy has been submitted which sets out the sustainable construction and renewable energy proposals for the schools with particular details relating to this college. Confirmation of the adequacy of these proposals is still awaited.

Highway Issues and parking provision

The existing use of the site is currently a community college with a floor area of 13,212sqm. The proposal represents a decrease in floor space by 472sqm to 12,740sqm. The proposal will result in a decrease in the number of staff by 13 and increase the number of pupils by 168. There would be an increase in parking provision by 8 parking spaces including 16 spaces for disabled persons. There would be 279 new cycle parking spaces increasing the total number to 336. I consider that
this would help to ease parking problems in the area especially at the start and finish of the day. The Highway Authority are satisfied with the justification for parking as presented in the Transport Assessment as well as the Travel Plan measures proposed to help reduce the vehicle trips generated at the site. The Travel Plan Officer will liaise with the applicant on the issues contained within the Travel Plan.

The school buildings will be operational for community use with some buildings being open to public use outside of school core hours at weekends and during holidays. This will impact on the profile of traffic generated at the site and the Highway Authority would want the Travel Plan to reflect the traffic management of trips generated by the community use.

A ‘Transport Assessment’ has been submitted in support of this application. This document is generally acceptable however it should be noted that the highway authority had concerns with the access arrangements and in particular the treatment of the bus lay-bys along Downing Drive. In response to these concerns the highway authority has worked closely with the applicant to resolve them. The concerns deal with the issues of the service yard access and the impact upon the sight visibility. There are currently five vehicle access points off Downing Drive which will be consolidated into one barrier controlled, two way access. This access will serve the new staff/visitor car park. The three existing pedestrian accesses will also be consolidated into one main pedestrian access and a shared pedestrian and cycle access, both from Downing Drive. A separate, gated, two way service vehicle access is proposed off Downing Drive to the east of the site, for use by delivery, refuse and emergency vehicles.

The highway authority advises that a condition be imposed that deals with the service delivery management at the site so as to limit any detrimental highway impact and that a safety audit be conducted on the access proposal.

There are on street parking problems during mornings and afternoon school opening and closing hours on Downing Drive and localised streets that are associated with parents dropping off students. The Highway Authority recommend that a review of the Traffic Regulation orders in that area is undertaken to ensure that if necessary TROs are introduced or altered to help alleviate and control any localised parking problems to residents. This is dealt with by condition.

I consider that the details of the proposal meets the provisions of policies AM01 (Pedestrians and People with Limited Mobility); AM02 (Cycling and Development), AM05 (Requirements for bus provision); AM09 (Transport Assessments), AM10 (Road Safety), AM15 (Design of Car Parks) and AM11(Parking Provision in accordance with the updated Vehicle Parking Standards SPG) and appendix 01 of the local plan. The Local Highway Authority is satisfied with the proposal subject to conditions.
In conclusion I consider that the proposed replacement college would represent an improvement to physical and learning environments for children and young people, improvement to vehicular, pedestrian and cycle accesses and make a positive contribution to local environment without resulting in an unreasonable detrimental effect on the amenities of the residents of the nearby residential area.

Subject to confirmation that the proposal is acceptable to Sport England, that the Renewable Energy provision is satisfactory and that minor amendments are made to boundary fencing and landscaping, I consider the proposal to be acceptable and recommend APPROVAL subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS

2. The sight lines on each side of each vehicular access 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 AM01 of the City of Leicester Local Plan.)

3. Dropped kerbs and ramps, suitable for wheelchairs and prams, shall be provided at the time of development in the footways at all major pedestrian crossing points, at road junctions, and at footway crossings in accordance with details to be agreed in writing with the City Council as local planning authority. (For the safety and convenience of pedestrians including disabled people and pram and wheelchair users; and in accordance with policy AM01 of the City of Leicester Local Plan.)

4. The development shall not be occupied until footway crossing(s) have been provided at each vehicular access and any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated to the satisfaction of the City Council as local planning authority. (To ensure a satisfactory means of access to the highway and for the safety and convenience of pedestrians and other road users and in accordance with policy AM01 of the City of Leicester Local Plan.)

5. Before use of any part of the development, all parking areas (including disabled persons parking) shall be surfaced and marked out in accordance with details which shall first have been agreed in writing with the City Council as local planning authority, and shall be retained and not used for any other purpose. The parking areas to be surfaced shall be of a permeable material. (To ensure that parking can take place in a satisfactory manner, and in accordance with policy AM01 of the City of Leicester Local Plan.)

6. Space shall be kept available within the curtilage of the site to allow for loading and unloading always to take place within the site. (In the interests in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Leicester City Councils' adopted standards in the '6C's Design Guide - Highways, Transportation and Development.)
7. A turning space to enable vehicles always to enter and leave the site in a forward direction, shall be kept available within the site. (In the interests of highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Leicester City Councils' adopted standards in the '6C's Design Guide - Highways, Transportation and Development.)

8. Before the development is begun, details of the design of vehicular, cycle and pedestrian accesses, including dropped kerbs, visibility splays, surface markings, signage, pedestrian guardrails, materials to be used for pedestrian/cycle footways, gates and their siting shall be agreed in writing with the City Council as local planning authority. The agreed scheme shall be implemented before the occupation of the development. (In the interests of highway safety and in accordance with policies AM01 of the City of Leicester Local Plan and Leicester City Councils' adopted standards in the '6C's Design Guide - Highways, Transportation and Development.)

9. Any gates placed at the Downing Drive staff and visitor parking access shall be designed to open inwards only and set back a minimum of 5 metres from the back of the highway. Any gates placed at the Downing Drive service access shall be designed to open inwards only and set back a minimum of 12 metres from the back of the highway. (In the interests in highway safety, and in accordance with policies AM01 and PS10 of the City of Leicester Local Plan and Leicester City Councils' adopted standards in the '6C's Design Guide - Highways, Transportation and Development.)

10. Before the development is begun, a scheme shall be agreed in writing with the City Council as local planning authority indicating details of temporary site entrances, temporary storage areas for soil and other materials, and the placing of plant and site huts to be adopted during building operations and shall be implemented. (In the interests of highway safety, visual amenity, and residential amenity in accordance with policies AM01 and PS10, of the City of Leicester Local Plan.)

11. Before the development is commenced details related to the layout geometry with tracking, signing, lining and alterations, 'Swept Path Analysis', visibility splays and stage I/II Safety Audit are to be submitted for the Downing Drive access proposal and agreed in writing by the Planning Authority in consultation with the Highway Authority. (In the interests of highway safety and in accordance with Leicester City Councils' adopted standards in the '6C's Design Guide - Highways, Transportation and Development.)

12. The development shall not be occupied until a review of the Traffic Regulation Orders surrounding the development along Downing Drive and the neighbouring residential streets surrounding the access has been conducted. (In the interests of highway safety and residential amenity in accordance with policies AM01 and PS10 of the City of Leicester Local Plan)

13. Before the development is brought into use a minimum of 7 parking spaces for powered two wheeler (PTW) vehicles and a minimum of 337 secure and sheltered cycle parking spaces shall be provided within the curtilage of the
The PTW/cycle parking should be well lit, secure and covered. The details of the PTW/cycle parking shall be agreed in writing with the City Council as local planning authority. (In the interests of satisfactory parking provision and in accordance with policy AM02 of the City of Leicester Local Plan.)

14. The development shall not be brought into use until a Travel Plan, approved by the City Council as local planning authority, has been brought into operation and the provisions therein shall be implemented within the specified timescales. The Travel Plan shall include an element of car parking management to deal with deliveries, staff parking and the planning of events traffic generated for community use. (To ensure that the development is in accordance with the City Council’s objectives of securing more sustainable transport provision in accordance with Leicester City Council’s adopted standards in the '6C’s Design Guide - Highways, Transportation and Development.)

15. The development shall not be brought into use until a Travel Management Plan, detailing access arrangements for use of the service yard off Downing Drive, approved by the City Council as local planning authority, has been brought into operation and the provisions therein shall be implemented within the specified timescales. (In the interests of highway safety in accordance with Leicester City Council’s adopted standards in the '6C’s Design Guide - Highways, Transportation and Development.)

16. Before construction of any building is begun the materials to be used on all external elevations and roofs 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 UD01 and UD02 of the City of Leicester Local Plan.)

17. Before any boundary treatment is begun, details of new/replacement boundary fencing/railings shall be agreed in writing with City Council as local planning authority. (In the interests of amenity and in accordance with policies PS10 and GE09 of City of Leicester Local Plan)

18. Before any landscaping is begun, a detailed landscaping scheme showing the treatment of all parts of the site which will remain unbuilt upon shall be submitted to and agreed in writing with the City Council as local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots). The approved landscaping scheme shall be carried out within one year of completion of the development. For a period of not less than ten years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved
19. Before the development is begun all existing trees, shrubs or hedges to be retained on the site shall be protected by fences erected at a distance equivalent to not less than the existing spread of the branches from the trunk, in accordance with details which shall first have been agreed in writing with the City Council as local planning authority. No materials whatsoever shall be stored, rubbish dumped, fires lit or buildings erected within these fences; no changes in ground level shall be made within the spread of any tree, shrub or hedge without the previous written consent of the local planning authority. No trees shall be used as anchorages, nor shall any items whatsoever be affixed to any retained tree. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan.)

20. Before construction of any building is begun, design details shall be submitted and agreed in writing with City Council as local planning authority to demonstrate how the development shall minimise energy consumption and contribute towards the regional and local plan target of 15% renewable energy of the total predicted energy demand for the site. The development shall be carried out in accordance with the agreed details and a completion report shall be submitted within 12 months of the occupation of the development, providing evidence to demonstrate satisfactory operation of the on-site installations. (In the interests of securing energy efficiency in accordance with Policy BE16 of the City of Leicester Local Plan and Core Strategy policy CS2)

21. The development hereby permitted shall not be commenced until such time as a scheme for the provision, implementation and maintenance of a Sustainable Drainage (SuDs) system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. (To prevent flooding by ensuring the satisfactory storage of surface water from the site and in accordance with Policy BE20 of the City of Leicester local plan).

22. The development hereby permitted shall not be commenced until drainage plans for the disposal of surface water and foul sewage has been submitted to and approved in writing by of the City Council as Local Planning Authority. The scheme shall include provision for and implementation of surface water run-off limitation less 20% upon existing rates. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the City Council as local planning authority. (To prevent flooding by ensuring the satisfactory disposal of surface water from the site and to minimise the risk of pollution and in accordance with Policies PS11 and BE20 of the City of Leicester local plan).

23. Any temporary vehicular access/es shall be closed and the buildings shown to be removed on the approved plans shall be demolished and the land restored.
in accordance with the details shown on the plans no later than one year from
the completion of the proposed buildings unless otherwise agreed in writing
with the City Council as local planning authority. The demolition shall only be
carried out in accordance with a written method statement submitted to and
agreed with City Council in advance. (In the interests of the amenity of the
occupiers of nearby residential properties and in accordance with policies
GE09 and PS10 of City of Leicester Local Plan.)

24. Measures shall be taken as a result to protect the development from hazards
associated with landfill gas, in accordance with the recommendations in the
submitted Geo-environmental report, and a verification report shall
subsequently be submitted to Leicester City Council as Local Planning
Authority. (The site is within 250 metres of a landfill site known to have
accepted wastes within the last 30 years and it is considered that there is a
perceptible risk of landfill gas adversely affecting it.)

25. There shall be no live or amplified music or voice played which would be
detrimental to the amenities of occupiers of nearby properties. (In the interests
of the amenities of nearby occupiers, and in accordance with policy PS10 of
the City of Leicester Local Plan.)

26. Prior to the development commencing, details of ventilation systems
(particularly with regard to noise emissions from roof top, kitchen and boiler
house systems) shall be submitted to and approved by the City Council as
local planning authority. (To safeguard the amenity of the neighbouring
properties and in the interests of visual amenity and in accordance with
policies PS10 and UD01 of the City of Leicester Local Plan.)

27. Before the development is begun, a scheme covering the details of the
following shall be submitted to and agreed in writing with the City Council as
local planning authority:

1. the availability of the sports facilities (indoor and outdoor) for the local
   community outside school hours, within a reasonable pricing structure;

2. The specifications for the construction of the new playing pitches;

3. A phasing plan and timetable to limit the disruption to local teams
   currently using the pitches;
   The agreed scheme shall be implemented in accordance with the agreed
timetable.

   (In the interest of satisfactory playing field provision and in accordance with
   Core Strategy policy CS13.)

28. No illumination of any external area of the site including the installation of
floodlighting to playing pitches shall take place unless and until details
regarding such lighting have been submitted to and approved in writing by the
local planning authority. Thereafter any lighting shall be installed and operated
in full accordance with such approved details. (In the interests of visual and
residential amenity in accordance with Core Strategy policies CS17 and CS2 and policy PS10 of the City of Leicester Local Plan.

29. This consent shall relate solely to the submitted plans received by the City Council as local planning authority on 15/03/2011, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. REASON FOR APPROVAL. In the view of the City Council, the proposal complies with the relevant criteria in the City of Leicester Local Plan policies listed in this decision, and with SPG 'Vehicle Parking Standards' and 'Energy Efficiency and Renewable Energy'. Although the proposed development partly would be sited in the Green Space, it would not have an unacceptable impact on the overall provision of green space in the area. There are no material considerations, which outweigh the said guidance and policies. The City Council considers that any harm to visual amenity, residential amenity, the street scene, and highway safety can be overcome by the attached conditions.

2. In respect of the Travel Plan condition the following should be included:
   a) Identify modal splits, proposals including marketing and promotion, targets, objectives, time scales and monitoring techniques to encourage the use of non-single private car means to travel.
   b) Include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use.
   c) Identify a person as co-ordinator and a point of contact for the purpose of the Travel Plan.
   d) Include provision in terms of facilities offered to promote the use of sustainable travel to all users (and as such will need to consider showers, lockers, cycle parking, car parking management policies, P2W parking, car share spaces, disabled car park spaces and a Travel Plan marketing strategy) as part of its physical surroundings and management systems.
   e) A car parking management plan for all users and events/activities held at the development. This will also include parking surveys on and off site.
   f) The setting up of a website and notice board with references to sustainable travel route planners to the site for all users prior to development being in use. Provision of ready reference route planner guides for walking, cycling, bus use etc.
   g) Include an Events Travel Plan
   h) Include a Parking Management Plan for all users and usages of the site (including parking layout plan) covering on and off site, and events/activities
held at the development. The Parking Management Plan will identify suggested parking available on and off site for car users including attendees praying and parents dropping off/picking up children from madressa, powered two wheeler users, cycle users, coach and minibus parking, deliveries to the site. The Parking management Plan should also identify signage on and off site for the development.

i) include a Traffic Management Plan will identify the methodology of: how day to day and events will be managed through stewards, marshals or volunteers, how the entry of the site will be managed day to day and for events, how the site entrance and internal routes will be managed, so as to avoid any traffic build up and promote the smooth running of the site (including parking enforcement measures). The Plan will also include how off site parking will be monitored so as not to cause any traffic impact problems to residents/shops in area. The Plan will also suggest the best suggested routes for users to the site if they do use off site parking.

j) Include participation as part of an area wide Travel Plan in looking at transport issues with organisations in the area affected by traffic impact.

Please contact Mr. Bal Minhas, telephone (0116) 252 6523 Travel Plan Officer to agree details. For information pertaining to the School Travel Plan please contact Mr Mark Korczak School Travel Plan Officer (0116) 2528982.

3. In relation to the condition on Traffic Regulation Orders for Downing Drive and the surrounding neighbouring streets a review of the TRO’s is to be carried out in consultation with Mr. Michael Jeeves telephone (0116) 2527272. The outcome may involve setting up TROs at an estimated minimum cost of £4,000 to alleviate on street parking issues in the surrounding streets to the school.

4. The above proposal involves works on the public highway on land outside your control. You are therefore required to submit technical details for approval under a Section 278 process to the Highway Authority before development commences. For further information regarding this process including technical approval please contact Mr David Sankar, telephone (0116) 2526600.

5. Any work within the public highway will require the approval of the Highway Authority in addition to the planning permission hereby granted. The developer should also, at least six weeks before works on site commence, consult with the Highways Management Section (Telephone 0116 223 2010) to determine whether construction traffic necessitates the provision of any temporary footway crossings. This is to ensure that apparatus within the footway will be protected from damage caused by the heavier loadings of construction plant and deliveries and that the surface of the footway will remain safe for footway users during the works.

6. The development should comply with the requirements of the Disability Discrimination Act in respect of access to the building and other facilities.
Further information can be obtained by contacting Paul Leonard-Williams, Disabled Persons Access Officer: telephone (0116) 252 7290.

7. The Environment Agency gives the following advice in respect of SUDs techniques:

Given the size of the site and the existing disproportionately high run-off rate, if using CIRIA guidance, the site should really mimic greenfield with SUDS techniques and therefore reduce flows further than just 20%. In terms of the site area, it could be feasible to provide a significant betterment in excess of 20% utilising a comprehensive SUDS regime. Tanked storage for a site this large, is not appropriate in line with SUDS guidance.

The incorporation of SUDS manages surface water run-off and seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

8. The status of bat colonisation of the site should be kept under review until the development is carried out and/or buildings are demolished, by annual re-surveys of habitats, buildings and other features by a suitably experienced ecologist. The developer is under obligation to undertake surveys and take appropriate measures to protect the protected species during the development process.

9. To enable the agreement of materials, the submission of a sample board of all of the proposed materials will be required.

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_BE16 Planning permission will be granted for the development of renewable energy installations where local impacts are not outweighed by wider benefits. Major developments must realise
their potential for incorporating renewable energy technologies.

2006_BE20 Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.

2006_GE09 Planning permission will not be granted for development which would endanger or encroach upon Green Space as shown on the Proposals Map unless it meets the criteria set out.

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.

2010_CS01 The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.

2010_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.

2010_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.

2010_CS13 The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.

2010_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.

2010_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
Recommendation: Conditional approval

<table>
<thead>
<tr>
<th>20110388</th>
<th>27 SMITH DORRIEN ROAD</th>
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<tr>
<td>Proposal:</td>
<td>SINGLE STOREY EXTENSION AT FRONT, FIRST FLOOR EXTENSION AT REAR OF HOUSE, RETENTION OF DORMER EXTENSION AT REAR &amp; ALTERATIONS TO ROOF (CLASS C3) (AMENDED PLANS)</td>
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<tr>
<td>Applicant:</td>
<td>Mr U PATEL</td>
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<tr>
<td>App type:</td>
<td>Operational development - full application</td>
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<tr>
<td>Status:</td>
<td>Householder development</td>
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<tr>
<td>Expiry Date:</td>
<td>1 June 2011</td>
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<td>AS</td>
<td>WARD: Coleman</td>
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- This application is being reported to the committee as Councillor Mayat has requested a committee decision.
- It is a semi detached house in the residential area.
- It is for a single storey porch and canopy to the front, a first floor extension to the rear and for the retention of a dormer extension to the rear.
- The objections are: loss of light and outlook, the appearance of the proposal, the dormer looks like a three storey building, noise, overdevelopment and loss of privacy.
- The main issues under consideration are: impact on the street scene, loss of light and outlook and loss of privacy.
Introduction

The application relates to a semi-detached property that is currently being used as a dwellinghouse (Class C3).

Background

20100812 – Single storey extension at rear (3.62 metres deep) and rear dormer.

The application was amended to retain the existing chimney and reduce the depth of the single storey extension and size of the rear dormer so that they could be built under permitted development rights. The application was withdrawn following those amendments.

20101802 - Retention of single storey rear extension; alterations to roof (Class C3).

The proposal was a retrospective application for a single storey extension at rear and rear dormer.

- The single storey rear extension had a depth 3 metres (projection from rear on the boundary with No 25 Smith Dorrien Road) and a depth of 4 metres (projection from rear on the boundary with No 29 Smith Dorrien Road).
- The rear dormer was approximately 5 metres (width) x 2.22 metres (flat roof). The dormer extension was of a flat roof design and although bulky in form would not break the existing ridge line. Therefore planning permission was not required for the dormer.

The application was approved in February 2011.

The single storey rear extensions are under construction.

The Proposal

The proposal is for a first floor extension to be positioned above the 4 metres rear extension, which is closest to 29 Smith Dorrien Road. It would have a depth of 4 metres and a width of 2.8 metres with a hipped roof.
A new porch and canopy to the front is also proposed. It would have a depth of 1.1 metres. The porch would have a width of 2.1 metres and the canopy would have a width of 3 metres to be positioned to the front of the existing bay window. The canopy would be supported with a brick pillar to the boundary with 25 Smith Dorrien Road.

This is also a retrospective application for alterations to roof and the rear dormer.

The dormer to the rear has not been built in accordance with the previous plans which indicated that it fell within the limits of permitted development. The original ridge to the roof has now been raised by approximately 0.2 metres. Therefore, the dormer now requires planning permission. The cubic content of the dormer is approximately 20 cubic metres. It has a flat roof and one window to the rear elevation. The roof has been re-tiled.

Policy Considerations

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

Additional guidance is provided in supplementary planning document ‘Residential Amenity’ Appendix G.

Representations

Councillor Mayat has requested a committee decision on the grounds of the effect on the street scene and the proposal is overdevelopment.

Four objections have been received from the occupiers of the neighbouring properties and an agent working for one of those occupiers.

The objections are as follows:

- The front extension will have an impact on the light entering the living room.
- The pillar and roof are close to the front room bay window which will create shadows in the room.
- Impact on the street scene.
- The first floor extension will have a detrimental effect due to loss of light to the back bedroom and living room downstairs of 25 Smith Dorrien Road.
• The first floor extension will create a double storey at the back with a huge dormer at the top.
• Permission was granted for a large dormer, but the roof line has been raised without planning permission.
• The dormer looks like a three storey building.
• Already more noise emanating from the top floor.
• Loss of privacy in the rear garden.
• In addition there is a large store in the rear garden so the property is over developed.
• Inaccuracy of the submitted plans.

I have received a letter from Keith Vaz MP supporting the application.

Consideration

First floor rear extension

The first floor rear extension would be positioned approximately 3 metres away from the boundary with 25 Smith Dorrien Road. A 45° line would not be broken if taken from the edge of that adjoining properties closest ground floor window. To the other side (29 Smith Dorrien Road) there is a bathroom window closest to the proposal and at ground floor level the property has been extended. A 45° line would not be broken by the extension if taken from the edge/centre of 29 Smith Dorrien Road’s closest main habitable room window. I therefore consider that the first floor rear extension would not have unreasonable impact in terms of loss of light and outlook and is acceptable.

Porch/Canopy

There is a similar porch and dormer recently constructed at 23 Smith Dorrien Road, which received planning permission in October 2010 (20101478). There are front extensions to other properties on Smith Dorrien Road.

The proposal is located close to the principal front window to the neighbouring property at number 25 Smith Dorrien Road. The side elevation to the canopy is designed with a pillar opposed to a solid wall, which allows more light through to the neighbour’s window. Therefore I consider that the canopy and porch would not have significant impact and are acceptable.

Dormer
The rear dormer may be partially seen from Smith Dorrien Road in that the roof has been raised by 0.2 metres but in my opinion it would result in no significant visual impact on the street scene or the general character of the area. The front of the roof has been replaced whilst the rear contains the dormer to the full width of the existing roof.

The dormer is large and very prominent when viewed from the rear. It would be approximately 40 metres from the rear elevation of the properties to the rear on Gough Road. A person could look down onto the adjoining gardens from the dormer window but that would not be significantly different from a first floor bedroom window. The size and design of the dormer would be unacceptable if it were to be positioned on the front elevation or if it were more visible from the street scene. It is only partially visible from the highway due to the ridge line being raised, however the roof has been retiled to the actual dormer is not visible. I do not consider that the dormer is causing sufficient demonstrable harm to seek enforcement action to secure its removal.

I therefore consider that the proposal is not contrary to adopted policies and guidelines and that it would have a minimal impact upon the amenities currently enjoyed by the occupiers of the neighbouring properties. There would not be unreasonable impact on the adjoining properties in terms of loss of light and outlook to the front and rear windows.

I also consider that the proposal will have a minimal visual impact on the existing house and the street scene.

I recommend APPROVAL subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS
2. WALLS AND ROOF TO MATCH
3. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 21st April 2011, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. REASON FOR APPROVAL. In the view of the City Council, the proposal complies with the relevant criteria in the City of Leicester Local Plan and Core Strategy policies listed in this decision, and there are no material considerations which outweigh these policies. The City Council considers that any harm to visual amenity can be overcome by the attached conditions.

Policies relating to this recommendation

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

**Recommendation: Refusal**

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<tr>
<th>20110395</th>
<th>254A GREEN LANE ROAD</th>
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<tr>
<td>Proposal: VARIATION OF CONDITION 2 ATTACHED TO PLANNING PERMISSION 20051404 TO ALLOW USE OF FORECOURT FOR DISPLAY AND SALE OF GOODS</td>
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<tr>
<td>Applicant: MR PRATAP KHUNTI</td>
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**Summary**
• Councillor Mayat requested that the application be considered by the committee because the area has considerably changed.
• It is a retail unit outside the defined local shopping centre.
• The main considerations are impact on the character and appearance of the area and the amenity of nearby occupiers in terms of additional noise, disturbance, and access/parking.
• It is considered that the proposal is having further impact on the residential character of area and amenity of the adjoining houses and also set an unwelcome precedent in the area.
• Recommended for refusal.

Introduction

The application relates to a single storey retail shop (Class A1) on the north side of Green Lane Road. It is located near the junction with Kitchener Road within a Primary Residential area. The west boundary is a Primary Employment Area. There is no marked off street parking provision on site.

Background

The site has various planning history including various current and previous contraventions relating to the retail use.

Complainants were received in July 2010 through Former Councillor Mary Draycott from local residents that the forecourt is being used for the display or sale of goods - Breech of condition 2 of Planning Permission 20051404.

Site visits confirmed the use of the forecourt on going and consequently in Sept 2010, Enforcement Notice was served to cease the use.

October 2010, an appeal was made to the Planning Inspectorate but the appeal was made invalid in Jan 2011 due to non-payment of fee.

An enforcement action for non-compliance with the enforcement notice was initiated in January 2011, but the applicant submitted this application in March 2011 for consideration and Enforcement action held in abeyance whilst the planning application is under consideration.

20051404 - Following complaints, a retrospective application was submitted in July 2005 for a continuation of use of the unit as a retail shop (Class A1) from a hosiery manufacturing unit (Class B2), a new shop front, a canopy and roller shutters. This
The application was approved by the planning committee on 6\textsuperscript{th} January 2006 subject to conditions, in particular condition 2 - ‘The forecourt shall not be used for the display or sale of goods’.

20051572 – Non Illuminated fascia sign was approved in 2005.

20042348 – As above, similar change of use application was submitted and withdrawn in March 2005

Retrospective applications for the properties at 244, and 246 Green Lane Road for change of use from industrial (Class B2) to retail (Class A1) have been refused.

248 Green Lane Road is currently being used as a retail unit without the benefit of planning permission and is under investigation.

The Proposal

The application is for a variation of condition 2 attached to Planning Permission 20051404 to allow use of the forecourt for display and sale of goods. There is no parking provision on site.

Policy Considerations

Core Strategy and City of Leicester Local Plan policies relevant to this application are listed at the end of this report.

The adopted Core Strategy policy CS11 ‘Retail Hierarchy’ states that the council will support a hierarchy of retail centres in Leicester, with the main focus being the city centre followed by town centres then district centres.

Consultations

The Local Highway Authority (LHA): No objections

Representations

Councillor Mayat requested that the application be considered by the committee because the whole trading areas has considerably changed also the space used to display goods outside is part of the retail shop not the public space.
Former councillor Mary Draycott raised objections that the application, given the contravention history of the site be refused for the following reasons:

The applicant is continually in breech of planning conditions including conditions on goods display on the forecourt and the removal of canopy which were attached to the planning permission (20051404) for the change of use originally recommended for refusal by the officers but was agreed at committee.

The applicant failed to comply with the conditions as cars are being parked on half of the remaining forecourt blocking the pavement causing highway safety issues for the pedestrians at the junction with Kitchener road. At this junction cars are also reversing onto the highway escalating complaints from the local residents.

The applicants appeal against the enforcement action was lost and the Street Warden, Parking Enforcement and the Police have since all been involved to deal with the issues.

**Consideration**

**The Main issues are:**

- Impact on the character and appearance the area;
- Impact on the amenity of nearby occupiers in terms of additional noise, disturbance, and access/parking and traffic generation

The retail shop is not located within the existing Green Lane local shopping centre. Policy R03 - Local and District Shopping Centres states that retail development outside the Central Shopping Core will be confined to the existing and proposed shopping centres.

Core Strategy Policy CS11 ‘Retail Hierarchy’ states that the council will support a hierarchy of retail centres in Leicester, with the main focus being the city centre followed by town centres then district centres. The policy then goes on to say that the council will work with partners to protect and enhance retail centres as the most sustainable location for retail development by applying a sequential approach to the location of town centre uses. This is aimed at safeguarding the retail character and function of centres by resisting development that would detract from their vitality and viability and applying a sequential approach to new retail development and ensuring that it is consistent in scale with the size and character of the centre and its role in the hierarchy.

Despite being outside the designated local shopping area, planning permission (20051404) was granted by the planning committee subject to in particular condition
2 “The forecourt shall not be used for the display or sale of goods”. (In the interests of amenity)

The applicant has not submitted any justification or reasons to remove the above conditions. A site inspection has revealed that fruit, vegetables and other produce are being displayed for sale on the forecourt. Cars were parked outside the shop overhanging the footway.

Recently unauthorised retail development outside the designated Green Lane Shopping Area) in the surrounding area has taken place considerably affecting the character of the area. Retrospective applications for the retail development at 244, and 246 Green Lane have been refused (due to the location of the property outside a retail area, the loss of an employment use and the impact on the area due to lack of parking, loading and unloading facilities. 248 Green Lane Road is currently being used as a retail unit without the benefit of planning permission and is under investigation by the Enforcement Compliance Team.

Other applications in the area for a change of use of residential to retail use outside the defined local shopping centre have constantly been refused in the past 10 years. The reasons for refusal are: maintaining the vitality and viability of the defined Green Lane Road shopping centre.

Use of the forecourt for display and sale of goods appears out of character in the immediate area due to its location within a residential area surrounded by houses and being outside the designated shopping areas.

I consider that it is important not to encourage further retail activity outside the designated area. It would not only set a precedent which would make similar applications difficult to resist but would likely to have a serious effect upon maintaining the vitality and viability of the Green Lane Road shopping centre. This would have a further detrimental effect on the character and amenity of the area by attracting traffic, adding to the congestion and on street parking problems in the area, detrimental to residential amenity of the nearby occupants by reason of noise, nuisance and disturbance.

Conclusion

I consider that the goods for sale displayed in the forecourt obstructs the space at the front forecourt and would increase retail activity outside the shop adding to the congestion and on street parking, detrimental to residential amenity of the nearby occupants by reason of noise, nuisance and disturbance. Use of the forecourt for display and sale of goods appears out of character in the immediate area due to its location within a residential area surrounded by houses and outside the designated shopping areas.
I consider that the proposal is therefore contrary to Core Strategy policies CS03 and CS11 and policies PS10 and R03 of the City of Leicester Local Plan. I therefore consider that it recommend for REFUSAL for the following reason:

**REASONS FOR REFUSAL**

1. Use of the forecourt for display and sale of goods is out of character in the immediate area due to its location within a residential area surrounded by houses and outside the designated shopping areas. The goods for sale displayed in the forecourt obstructs the space at the front forecourt and would increase retail activity outside the shop adding to the congestion and on street parking, detrimental to residential amenity of the nearby occupants by reason of noise, nuisance and disturbance. As such the proposal is contrary to Core Strategy policies CS03 and CS11 and policies PS10 and R03 of the City of Leicester Local Plan.

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

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

2006_R03 Retail development outside the Central Shopping Core will be confined to the existing and proposed shopping centres.

2010_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'.

2010_CS11 The Council supports a hierarchy of retail centres in Leicester. The policy sets out measures to protect and enhance retail centres as the most sustainable location for retail development.

2010_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.
Recommendation: Conditional approval

20110416 35-35A HENTON ROAD

Proposal: CHANGE OF USE FROM HOUSE (CLASS C3) AND WORKSHOP (CLASS B1) TO TWO HOUSES (2 X 2 BED) (CLASS C3); SINGLE STOREY EXTENSION AT REAR; ALTERATIONS

Applicant: MR RAJEAVE LOTAY
App type: Change of use
Status: Change of use
Expiry Date: 6 June 2011
HR WARD: Western Park

Summary

- Application being reported to committee as 14 objections received on grounds including loss of privacy, overdevelopment, and increase in litter, noise and crime.
- Change of use from house and workshop to two houses.
• The main considerations are residential amenity, the provision of a satisfactory living environment and safety and security.
• Recommended for approval.

Introduction

The application relates to a two storey terrace property that has a lawful use as a dwelling house (Class C3) and single storey outbuildings that have a lawful use as a workshop (Class B1). The site is currently vacant. The site is located in an area characterised by high density terrace housing.

Background

Planning permission 20060349 was granted for a change of use form house to two self contained flats (1x1 bed and 1 x 2 bed) but was not implemented.

Planning permission 19851554 was granted for the change of use form house to four bedsits but does not appear to have been implemented.

The Proposal

The proposal is for change of use from house (Class C3) and workshop (Class B1) to two houses (2 x 2 bed) (Class C3).

The existing single storey workshop at the rear would be demolished and replaced with a single storey rear extension to the main building. The footprint of the proposed extension would be no greater than the existing detached workshop. It would measure 2.7 metres high with a flat roof.

The scheme has been amended to remove the proposed gate in the rear boundary wall to provide access onto a shared passage at the back of houses on Bolton Road.

Policy Considerations

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

Additional guidance is provided in Supplementary Planning Document ‘Residential Amenity’ and Supplementary Planning Guidance ‘Vehicle Parking Standards’.
Representations

There have been a total of 14 objections received from neighbouring properties. They include concerns over the use of the passage between the rear of the site and Bolton Road, increase in traffic, loss of privacy, overdevelopment of site including by the creation of garden area, increase in noise, litter, crime and burglaries and harmful to safety and security and the behaviour of tenants in the past has been poor and future tenants could have a negative effect on the well being of existing residents.

Consideration

The proposal is for the change of use to two dwelling houses in an area characterised by residential properties. It would also result in the removal of a light industrial workshop from the area, a less compatible use with residential. I consider the principle of the development to be acceptable subject to design and amenity.

Residential Amenity

The use of the derelict industrial building at the rear of the site as gardens to serve the proposed houses would not result in a significant increase in noise above the level expected in a residential area. It appears that the existing boundary walls that measure about 2 metres high would be retained. I consider this would provide adequate screening to prevent loss of privacy to the neighbouring properties. The removal of the existing self set vegetation it could be argued would give the site a tidier appearance.

The proposal would result in no additional first floor windows. I consider the window on the rear elevation of the single storey rear extension would result in no overlooking or undue loss of privacy due to the height of the boundary wall.

The proposal includes an adequate bin storage area at the rear of the proposed houses. This would avoid bins being stored on the street. Therefore I consider the proposal is unlikely to result in a significant increase in litter.

The existing 4 bedroom house requires a maximum two parking spaces and the workshop requires one, a total of three in accordance with the vehicle parking standards SPG. The proposal will result in the need for an additional parking space. There are no off street spaces available on site or at any of the other terrace houses within the street. I consider the potential increase in parking demand has been suitably mitigated by the provision of four secure cycle spaces on site. The site is also near to good public transport links.
The domestic scale of the rear extension would be in keeping with the character of the area. The materials would appear similar to the existing therefore it is unlikely to result in significant harm to visual amenity or the character of the area. It would measure 0.7 metres higher than the existing workshop but is unlikely to result in significant overshadowing of the neighbour No.33’s rear garden.

**Living Environment**

I do not consider the creation of two garden spaces in place of a workshop is overdevelopment of the site.

I consider the principle rooms will have adequate outlook in accordance with the SPD and natural light and ventilation. To protect the privacy of future occupiers of the properties the ground floor side facing windows will be fitted with obscure glass and retained as such.

A private garden will be provided for each house. The rear garden areas would total about 18sq metres each with a separate shared bin and cycle storage area. The garden areas are less than the 50sq metres recommended in the SPD but they are comparable to garden sizes in the area. Therefore I consider sufficient private outdoor amenity space would be provided and the development will provide satisfactory living environment.

**Safety and Security**

The main entrance to the proposed house would be at the front of property on Henton Road where there is good natural surveillance. A level access would be provided from the back of the footway.

The tenure of the proposed houses does not form part of this planning application. The behaviour of future tenants and their impact upon the well being of neighbouring residents cannot be controlled by the planning system.

**Conclusion**

The proposal is unlikely to result in a significant increase in noise and litter above the level expected in a residential area and less than would be expected for a light industrial use. It would also result in no significant harm to residential amenity including privacy, traffic movement and overshadowing. The overall appearance of the proposal would be in keeping with the domestic scale and character of the area and create a tidier site. The proposal is unlikely to result in problems of safety and security. Concerns relating to the behaviour of tenants and their impact upon existing residents well being cannot be considered as a significant material consideration to refuse this application.
I therefore recommend APPROVAL subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS

2. The ground floor side facing windows shall be fitted with obscure glass with a top light opening only and be retained as such. (In the interest of protecting the privacy of future occupiers of the properties and in accordance with policy PS10 of the City of Leicester Local Plan.

3. This consent shall relate solely to the submitted plans ref. no. B3096-02 received by the City Council as local planning authority on 11/04/2011, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. REASON FOR APPROVAL. In the view of the City Council, the proposal complies with the relevant criteria in the City of Leicester Local Plan and Core Strategy policies listed in this decision, and there are no material considerations which outweigh these policies. The City Council considers that any harm to visual amenity, residential amenity, safety and security and the residential character of the area can be overcome by the attached conditions.

Policies relating to this recommendation

2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.

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

2010_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'.

2010_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.

2010_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.
Summary

- Application being reported to committee on request of Councillor Connelly.
- Change of use from shop to massage parlour.
- The main considerations are impact upon the vitality and viability of the Narborough Road district shopping centre and impact upon the amenity of the surrounding properties.
- Recommended for approval.

Introduction

The application relates to a mid terrace property that is currently vacant but has a lawful use as a shop (Class A1). The property is located within Narborough Road...
District Shopping Centre as defined in the City of Leicester Local Plan (CLLP). The area to the rear of the property including Danvers Road is characterised by residential properties.

Background

Planning permission 20110013 has been granted for the ‘change of use of first floor from ancillary storage (Class A1) to one self contained flat (1 x 1 bed) (Class C3); external alterations’ but has not been implemented.

The Proposal

The proposal is for a change of use of the property from a shop (Class A1) to a massage parlour (no use class). The massage parlour would employ male and female masseuses offering holistic massage, Swedish massage and hot stone massage. Beauty treatments including facials and pedicures and sun beds would also be provided.

The application relates to the ground and first floor of the property. No external alterations to the property are proposed.

Policy Considerations

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

Additional guidance is provided in PPG24 ‘Planning and Noise’

Consultations

The Service Director Environmental Services (Noise Team) note that the proposed hours of opening 1100 -2000 is a period during which there is significant traffic noise from Narborough Road. To protect the amenity of the neighbouring first floor flats they request the inclusion of standard conditions relating to noise and vibrations.

Representations

Councillor Connelly has concerns that the application will have a detrimental affect on local and residential amenity.

An objection has been received from the owner of a neighbouring shop on the grounds that planning applications for all such establishments on Narborough Road
should be withdrawn. They make a suggestion that the proposal is for an illegal establishment.

A petition containing 7 signatures has been received objecting to the proposal on the following grounds:

- Pedestrian and road users safety,
- Concerns relating to obstruction to parking area to the rear and side of 254 Narborough Road,
- Anti-social behaviour and misuse of area and alley way as public convenience and rubbish dump,
- Additional noise to existing from Dominos,
- There are already existing saunas/massage parlours established on Narborough Road and another will completely lower the tone of the Neighbourhood which contains many resident children

Consideration

I consider in this case the proposed use provides health care facilities as well as beauty treatments. It is recommended that health and social care facilities are located within shopping centres. Many beauty salons are Class A1 retail shops. I therefore consider the principle of the development in this location is acceptable subject to amenity of the nearby occupiers, parking and traffic and the vitality and viability of the shopping area.

Vitality and Viability

The existing retail unit is vacant and has been for a number of months. The existing shopfront would be retained providing an active frontage. The main entrance into the property would be at the front therefore it is unlikely to result in a loss of pedestrian footfall along the principal shopping frontage. There are a large number of retail (Class A1) units within this section of the district centre. I consider the proposed use would not result in significant harm to the vitality and viability of the district centre.

Amenity

The proposed use is unlikely to result in significant noise and disturbance above the level expected within a shopping area. The proposed hours of use are between 1100 and 2000 hours Monday to Saturday and between 1100 and 1900 on Sunday. It will therefore be closed during the “core sleeping hours” between 2300 and 0700 identified in PPG 24. Conditions have been included to mitigate any impact on the amenity including residential amenity of the neighbouring properties.
Legal Issues

The concern that the proposed massage parlour is likely to be used for an illegal activity is not based upon the information submitted as part of this planning application.

I note the concerns relating to anti-social behaviour in the area, however I do not consider that there is a justification that the proposed use will be a significant contributor to it.

Parking and Traffic

Concerns are expressed by objectors in respect of additional traffic and parking and obstruction of an access which has no relevance to the proposed use. I do not consider that the proposal would generate any significant additional traffic or parking than its existing use as a retail shop.

Conclusion

I consider the proposal would result in no significant harm to the vitality and viability of the Narborough Road district shopping centre by maintaining an active frontage on the street. Any potential undue harm to the amenity of the surrounding properties would be mitigated by the hours of use and noise control conditions.

I therefore recommend APPROVAL subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS

2. The use shall not be carried on outside the hours of 0700 - 2300 daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

3. NO DETRIMENT FROM LIVE OR AMPLIFIED MUSIC OR VOICE

4. NO DETRIMENT TO AMENITY

5. This consent shall relate solely to the submitted plans received by the City Council as local planning authority on 19th April 2011, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. REASON FOR APPROVAL. In the view of the City Council, the proposal complies with the relevant criteria in the City of Leicester Local Plan and Core Strategy policies listed in this decision, and there are no material considerations which outweigh these policies. The City Council considers that
any harm to residential amenity and the vitality and viability of the district shopping centre can be overcome by the attached conditions.

**Policies relating to this recommendation**

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

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

**2010_CS11** The Council supports a hierarchy of retail centres in Leicester. The policy sets out measures to protect and enhance retail centres as the most sustainable location for retail development.

**PLANNING INSPECTORATE APPEAL DECISIONS**

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<td>Proposal:</td>
<td>RETROSPECTIVE APPLICATION FOR THE RETENTION OF PORCH AND CANOPY AT FRONT OF HOUSE (CLASS C3)</td>
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<td>Appellant:</td>
<td>Mr J Gohil</td>
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<td>16 March 2011</td>
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<td>OPP AREA: NW WARD: Charnwood</td>
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© Crown Copyright. Leicester CC Licence 100019264 2010. Not to Scale
Summary

- The application was refused under delegated powers.
- The appeal was allowed.
- The inspector concluded that in an area of higher architectural merit then there may have been a case to refuse the application. However in an area comprising of bland and drab housing the extension improved the character and appearance of the house and the street scene.

Location and Site Description

The property is a semi detached house surrounded to the front and side by other residential properties with allotments to the rear.

The Proposal

The proposal was a retrospective application for the retention of porch and canopy to front of house and was refused for the following reason:

- The proposal by reason of its design, siting and bulk will result in a detrimental visual impact on the character and appearance of the existing house and the street scene in conflict with policy CS03 of the City of Leicester Core Strategy.

The Appeal

The appellant argues that the proposal enhanced the character and appearance of the existing house and the area and that it set an example to other properties on the street. They dispute that it was not too large and provided examples of other properties in the area which had extended to the front.

The Appeal Decision

The appeal was allowed.

Commentary

The inspector considered that the houses on the street were bland, drab and of low architectural quality. The inspector acknowledged that it was a large and unusual designed extension that was clearly viewed from the street scene. However in an
area of higher architectural merit there may have been concerns but in this area it adds variety and interest to an otherwise flat frontage. The extension makes the area look lively and interesting and brings pride back into the appearance of the area in line with Central Governments localism agenda.