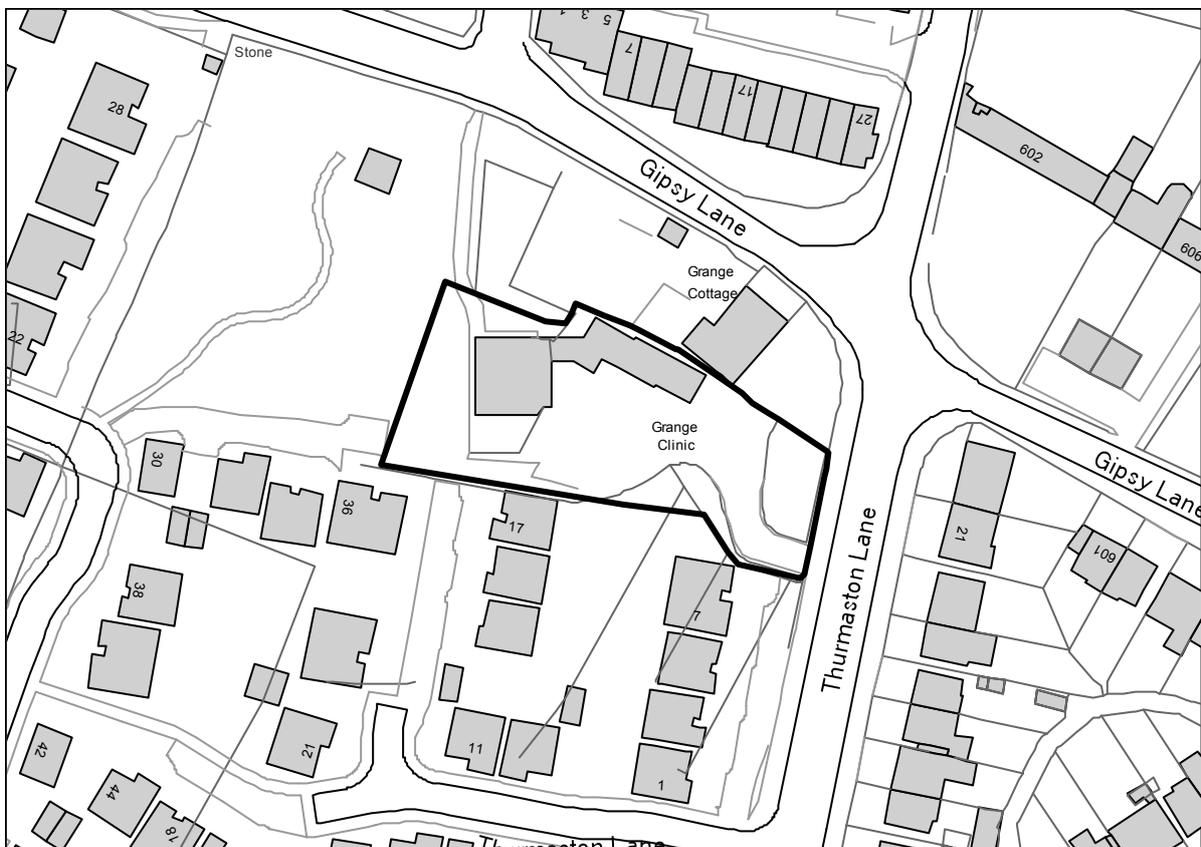


Recommendation: Refusal	
20190692	16 THURMASTON LANE
Proposal:	CONSTRUCTION OF TWO STOREY DETACHED BUILDING WITH SINGLE STOREY LINK TO FRONT AND SIDE OF EDUCATION FACILITY (CLASS D1) ALTERATIONS
Applicant:	DARUL ARQAM EDUCATIONAL TRUST
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20190692
Expiry Date:	22 August 2019
PK	WARD: Troon



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Summary

- Reported because the Head of Planning considers that the application should be considered by the Planning Committee;
- A total of 76 objections received raising concerns about noise and disturbance, highways safety, parking, design, impact on residential amenity;

- A total of 372 letters of support received stating the benefits to the community, types of activities provided, use of the site by different age groups and resolutions to the concerns raised by objectors.
- The main issues are the principle of development, impact on Grade II listed building, character of Conservation Area and design, amenity and privacy, parking and highways safety, access, trees and drainage;
- Recommended for refusal.

The Site

The site comprises a detached two storey grade II listed building. The building has previously been extended with single storey pitched roof extensions projecting into the car park of the site. The original building, dating from late 18th Century, was formerly known as Humberstone Grange Clinic which links back to its historic use as part of the Towers Hospital, now redeveloped.

The building was listed in March 1975. The listing describes the building as a red brick house. The listing goes on to describe the building as 'Stucco band and cornice and small parapet. Slate roof with gable ends. *Two storeys. Three windows, sashes, first floor with glazing bars. Modernised entrance and ground floor windows, central round arch double recess with fanlight and flush panelled doors with reeded moulding. Including adjoining small C19 greenhouse attached to south end, cast-iron, round arched with moulded decoration to end cast-iron members.*' The greenhouse has been removed as detailed in the background information below.

The buildings front elevation faces the open space to the west which is accessed off Gipsy Lane to the north and Bovinger Road to the south-west. The site is accessed off Thurmaston Lane which appears to form the main access into the building.

The site is located within the Old Humberstone Conservation Area and within a Critical Drainage Area. The site is within an Archaeology Monument which is described as a late C18th former farmhouse with a C19th conservatory.

The site is surrounded by a number of mature trees; however none of these are subject to a Tree Preservation Order.

Background

The previous clinic was within Class D1 use. The current use also falls within Class D1.

20190693 – Construction of two storey detached building with single storey link to Grade II listed building (Class D1) – this is the associated listed building application which is also on this agenda.

The Proposal

The proposal comprises the construction of a flat roof two storey building to the side (south) and front (east) of the listed building. The building would have a footprint

measuring 24.6 metres in depth and 8.7 metres in width. The building would be attached to the side (south) elevation of the grade II listed building by a single storey link extension with a footprint measuring 2.2 metres in width and approximately 3 metres in depth. The height of the building would be approximately 6.8 metres which is just short of the eaves height of the host building.

Although the development is described as an extension to the host grade II listed building, it is only an extension by virtue of the 'link' connection. There is no internal access between the host and proposed building.

The link would be situated approximately 9 metres from the front elevation of the host building whereas the two storey element would be set-back by 6-8 metres from the same façade by virtue of its angled siting.

The building would follow the side boundary of the site and retain a separation distance of 3 metre from the 2 metre high timber fence shared with adjacent properties. The siting of the building would create an internal courtyard within the site and the building's north elevation at the ground floor would comprise bi-folding doors and at first floor large elements of glazing.

The external finishes of the building would include the single storey link to be finished with dark grey cladding and the two storey element being a mix of vertical timber cladding, facing brickwork panels with anodised aluminium window and door frames. The proposal would provide a multi-use space to accommodate the facilities provided by the current users over two floors.

Part of the footprint of the proposed two storey building and the resultant site layout would result in the loss of some car parking spaces currently available immediately to the front of the host building. A travel plan has been submitted in support of the application. The number of vehicle parking spaces within the site are not identified on the plans but it appears that 8 spaces could be accommodated.

There are two group trees along the southern boundary of the site which are proposed to be removed to facilitate the development. It is also indicated that a Pine Tree to the north of the host building is also proposed to be removed; however this is not close to the proposed building.

For avoidance of doubt, amended plans have been submitted only to supplement the submitted plans to provide further clarity on the layout and use of the building.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 11 contains a presumption in favour of sustainable development.

Paragraph 92 advises to provide the social, recreational and cultural facilities and services the community needs, planning policies and decision should (d) ensure that

established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community, amongst other criteria.

In making an assessment Paragraph 108 of the NPPF states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable level.

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

Section 12 of the NPPF focuses on requiring good design. Paragraph 124 describes good design as a key aspect of sustainable development.

Paragraph 127 sets out criteria for assessing planning applications and requires decision makers to ensure that development proposals:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 130 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

When determining planning applications for development within flood risk areas paragraph 163 requires local planning authorities to ensure that flood risk is not increased elsewhere.

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

Paragraph 189 states that the LPA should require an applicant to describe the significance of any heritage assets affected, including any contribution made to their setting. It advises that the level of detail should be proportionate to the assets' importance. It goes on to state that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

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

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

Paragraph 196 states that where development proposals of less than substantial harm to the significance of a designated Heritage Asset, this should be weighed against the wider public benefits of the proposal. Paragraph 200 requires local planning authorities to look for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Development Plan Policies

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

Supplementary Planning Documents

Residential Amenity SPD
Appendix 01 – City of Leicester Local Plan
Old Humberstone Conservation Area Character Appraisal

Consultations

Local Highways Authority: Object on the basis of unacceptable impacts on highways, pedestrian and cycle safety and these issues are addressed within the consideration

Travel Plan Co-ordinator: Submitted Travel Plan is unacceptable as details such as number of attendees to the site at any given time, times of prayer and education, survey of transport modes, photos, parking strategy etc need further adequate assessment and these issues are addressed within the consideration

Trees and Woodlands: No objection to the loss of the two group trees; however no justification on the loss of the Pine Tree to north

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

Pollution (Noise): No objection

Conservation Advisory Panel (19th June 2019): The Panel's discussion began with unanimous criticism in regards to the spatial and visual relationship of the extension to the Grade II Listed asset on site. Although the contemporary design was endorsed, the overwhelming solid to void ratio associated with substantial areas of timber cladding were evaluated unfavourably. A lighter aesthetic of the two-storey extension was recommended, as was an improved spatial relationship with the host building. The members also commented on the poor execution of the drawings submitted, impeding the legibility of the proposal. Due to the above, an amended set of more detailed drawings with 3D visualizations were requested.

Although the principle of a two-storey extension of comparable scale was not objected to, it was concluded that the current design was not acceptable and needed a much stronger architectural response. The proposal should be subject to significant amendments, to ensure a more successful contextual response.

City Archaeologist: No objection subject to conditions requiring the submission of a programme of archaeological work and site investigation prior to commencement of development.

Georgian Group: Whilst the Group would not wish to object in principle to a new structure on this approximate site, we have considerable concerns regarding the scale and massing of the building proposed. Whilst the scheme's architect has gone to considerable lengths to mitigate the impact of the proposed new range on the setting of the former house's principal elevation, the proposed development would still cause a degree of harm to the listed building's setting. Paragraph 194 of the NPPF states that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...'. No such clear and convincing justification has been provided for the work proposed. It is not clear from the documentation available whether the proposed new structure will provide all of the facilities needed by the applicant in the medium to long-term. What is clear is that the site is reaching the limits of the development which can be achieved without causing serious harm to the listed building's setting.

Representations

Objections have been raised from 36 city addresses which raise concerns on the following basis:

- Highways safety, parking management, inconsiderate parking, traffic & congestion, poor quality of the Travel Plan, no pedestrian crossings near the school, volume of traffic from all developments in the area and loss of parking
- Loss of trees

- Impact on residential amenity in respect of daylight, overshadowing, light pollution, noise pollution and air pollution from traffic
- Impact on listed building, visual impact and character of the Conservation Area from all developments, over development of the site
- No formal change of use application, behaviour of attendees, health & safety, fire safety and access for emergency vehicles
- Insufficient information received to assess the full impact of the proposed development
- Consultation of the application not wide enough

A petition has also been received with five signatures. This has been included within the above count.

Objections from two city addresses have been withdrawn and for avoidance of doubt they have not been included in the above count.

Representations of support have been received from 286 city addresses which identify the following issues:

- Need of community use and improved facilities on site
- The proposal is well-designed
- Additional staff have been hired to help with parking issues
- The site is regularly used by all members of the community regardless of age and gender
- Activities provided on site are beneficial to the community in terms of skills, education and also providing a space for youth
- The proposal will resolve the issues around space and will alleviate existing issues around noise and parking
- Marquee on site was only temporary and now removed
- Travel plan submitted to help with parking and congestion
- New initiatives are being undertaken to resolve issues around parking, traffic and congestion
- The proposal provides a safe space for activities
- Activities provided on site range from Scouts, Jujitsu, CPR, baby massaging to meeting with other women

Representations of support have been received from a further 9 addresses from outside of the city.

Following a period of re-consultation an additional 40 objections from city addresses and 86 representations in support of the proposal have been received. These have not raised any new issues for consideration.

A letter of objection has been made by MP Keith Vaz voicing concerns of local residents and asking for the decision to be deferred following the submission of additional information.

Consideration

The main issues in this case are: the principle of the proposed development; the integrity of the listed building; the character of the conservation area and design; archaeology; the amenity and privacy of neighbouring occupiers; highways and parking; the impact upon trees; and sustainable drainage.

Principle of Development

The site was historically part of the Towers Hospital site which has now been re-developed. The site has been used as (and also formerly known as) a Clinic which falls within use class D1. The current use as an education centre (including for associated place of worship) also falls within the same use class D1 and therefore no formal change of use application is required.

Policy CS8 states that:

The provision of new community facilities will be supported where they meet the identified needs of local communities and have a viable long term management and funding proposal. Where there are increased demands on existing facilities as a result of development, the enhancement of facilities or suitable additional provision will be sought.

Policy CS16 states that development should

...create an environment for culture and creativity to flourish by (inter alia):

- Creating or retaining cultural facilities and opportunities, including places of worship, cemeteries and crematoria, that help people who live here to develop a sense of belonging, to value the cultural diversity and heritage of our City and become more confident and proud of Leicester, seeing it as a good place to live;*

The submitted Design & Access Statement advises *'the proposed two storey extension to the south of the site is proposed as a multi-use space to more suitably accommodate the wide and varied range of activities that the Trust oversee. Clear open spaces will allow adaptation to suit a number of differing activities'* (Page 9). I consider the principle of extensions to this use on this site is acceptable subject to other considerations.

Listed Building

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

The site is a Grade II Listed building (former Grange Clinic) adjacent to the Grade II Listed Grange Cottage and located within the Old Humberstone Conservation Area. There is a range of Grade II Listed and Locally Listed heritage assets located in close proximity to the north and east of the site. The plot is dominated by the designated 18th century brick dwellinghouse, accompanied by subservient, later additions to north. The 'polite' façade of the buildings faces the open green space to the west which provides the most prominent visual façade of the building. Part of the north and south boundaries of the site are characterised with mature trees which screen the site from wider residential development of the old Towers Hospital.

The proposal is for a two-storey extension to the immediate south-east of the Grade II Listed building, within its curtilage, with a single storey link to the designated property. A Design and Access Statement submitted as part of the application identifies the designated status of the property and the locality under consideration.

The proposed development would be situated in an area which is highly prominent in creating the setting of the building. This space is currently not built on and comprises some hardstanding used as informal parking with two groups of trees. There is a small stone wall to the side of the listed building.

The proposed development is two storeys in height and of a footprint significantly larger than the primary 18th century building. The scale and mass of the development is considered inappropriate and excessive and one which would be visible from not only within the site but also from views from the south and west. The proposal would not only diminish the visibility of the heritage asset but also erode the dominant nature of the property on site.

The single storey link creates an awkward conjunction between the two storey bulk of the proposal and the host building. There has been no rationalisation of the location and alignment of the single storey link which provides no internal links between the existing and proposed built form. In terms of its functionality and appearance the development appears independent of the heritage asset and would not relate well to the listed building.

In terms of design and materiality the design approach of a modern addition on site is the most suitable choice. However the excessive scale and mass of the building combined with the use of timber cladding and brick work to the external finishes is considered not to maintain or enhance the heritage assets itself or enhance the setting of the same. The asymmetric and mis-matching window composition further makes the development appear at odds within its surroundings.

The proposed development would block views to the 18th century heritage asset from the south with an almost wholly blank elevation. The scale, mass and height of the building would fail to preserve the setting of the Grade II listed building which is defined as a free-standing dwelling house. Further to this the development would erode the visibility of the building and thus diminish its importance.

The proposal, for the construction of two and single storey extensions to the Grade II listed building would result in substantial harm to the significance of the listed building. The proposal would erode the character of the heritage asset and diminish its visual

prominence thus harming the setting of the listed building. As such, the works would not preserve the listed building's special interest and would not protect the character of this designated heritage asset, contrary to Policy CS18 of the Leicester Core Strategy (2014).

Character of Conservation & Design

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. As noted above, Policy CS18 of the Leicester Core Strategy (2014) commits the Council to protect and seek opportunities to enhance the historic environment, and to support the sensitive reuse of high quality buildings and spaces.

The Old Humberstone Conservation Area Character Appraisal identifies the key areas within the heritage asset and identifies the pressures within the area.

The application site lies to the west side of the Conservation Area and is situated along the southern boundary of the same. This part of the Conservation Area is more urban compared to the northern open fields; however the open leafy character is retained in this location by virtue of the mature trees within the immediate street scape and also the open green space to the west of the site. The urban grain in this location is looser than the core Humberstone Village to the east.

The proposed development would be set immediately adjacent to the heritage asset albeit with a set-back of approximately 6-8 metres from the west elevation of the grade II listed building. The building, by virtue of its height, scale and massing would dominate views from the south and west to the host building and the Conservation Area itself. The proposal would result in the loss of trees along the Conservation Area's southern boundary and would replace them with built form creating a visual 'wall' especially when viewed from the south. I consider the proposal would therefore result in significant detriment to the Conservation Area.

The proposed building would appear awkward by virtue of its external finishes and height. I acknowledge that the height of the building has been lowered to below the eaves height of the host grade II listed building; however the building would be between the heritage asset and residential properties to the south. The two storey building form would appear cramped and would fail to relate positively to buildings on either side.

The scale and mass of the building would, when viewed from the south, introduce a significantly excessive blank wall. This elevation is visible from the public realm of Hadstock Close over the boundary fences. I consider the mass of the building combined with its siting within the Conservation Area represents a poor and unsympathetic design.

It is acknowledged that the proposal is functional in terms of proposing additional floor space for the activities on site. However as an extension to a heritage asset I consider the proposal fails to appear subservient or well-designed within the site's context. The layout itself fails to provide access into the host property to which it is adjoined to by a

single storey 'link'. This is considered not to illustrate a natural extension but an awkward construction of a two storey building within the site.

The resultant site layout would provide a 'courtyard' enclosed on three sides and pinched towards the access point. The layout of the building follows the site boundary and the single storey extensions to the north of the site; however the excessive footprint and height of the building when viewed from the Thurmaston Lane entrance would appear cramped and result in an overdevelopment of the site. The introduction of two storey flat roof development on site would appear at odds with prevailing design of development in the area and would fail to appear and function as a sympathetic extension within the site.

The site, as noted above, is a former farmhouse. The scale of the current extensions on site are sympathetic to the residential scale of the host property by virtue of the single storey height, pitched roof design and relatively narrow footprint. The proposed development in contrast is representative of an unsympathetic two storey built form which would have a larger footprint than the host grade II listed building. The building would appear unduly dominating and would detract within this setting.

The proposed development is representative of poor unsympathetic design which would add a visual wall in this location of the Conservation Area. The proposal fail to appear as an extension by virtue of its excessive footprint, height, scale, mass and materials and would not have a positive impact on the character of the site and wider area. The proposal is therefore considered to be contrary to paragraphs 127, 130 and 192 of the NPPF and Core Strategy policies CS03 and CS18.

Archaeology

The site is located within the historic medieval core of Humberstone Village and therefore it is necessary for a programme of archaeological work is required prior to commencement of development. Conditions could be recommended if the proposal was considered acceptable in this respect, subject to which there are no objections on archaeology grounds.

Residential Amenity

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

Grange Cottage

This property is situated to the north of the site and its side (south) elevation faces the site. The north elevation of the proposed development would comprise large windows. The separation distance between the north elevation of the building and the site's north boundary would be 15 metres. As a building in non-residential use I consider any impacts of overlooking would not be significantly harmful. The separation distance from the new openings would be far greater than the window within the host building. In

terms of daylight, outlook, overbearing and overshadowing I consider by virtue of the siting of the two storey element to the south of the site, it would have minimal impact in these respects.

Land to rear of Grange Cottage

This site to the north is subject to a planning application (20182053) for the construction of a dwelling. I consider by virtue of the separation distance between the proposal and this site to the north there would be minimal harm to the amenities of the occupants of this site.

Thurmaston Lane

Properties situated on the east side of Thurmaston Lane would maintain a separation of at least 45 metres from the proposed development. As such I consider this distance would be sufficient to ensure no significant harm to the amenities of these occupiers.

Hadstock Close

The proposed built form would be situated to the north of the gardens of no.7 and no.17 of Hadstock Close. The proposed south elevation of the building has no first floor windows and therefore I consider there would be no significant harm in terms of privacy. The building would be separated from the common boundary by approximately 3 metres and would be sited to the north and therefore I consider the building would not adversely impact daylight to or outlook from principal room windows.

The proposal includes the loss of trees in this location which would be replaced with the proposed two storey building. Although this would alter the view towards the site (assessed in character section above), I do not consider the building would appear visually overbearing on the rear gardens of the properties to the site by virtue of the flat roof design of the property.

Bovinger Road

Properties facing the open green space would also have views of the proposed development; however the development would be at 90 degrees from the houses 30, 32, 34 and 36 Bovinger Road. As such I consider any impacts of the development on these occupiers would be minimal.

The properties facing the west side of the open space would be a sufficient distance from the building to ensure no significant detriment in terms of daylight, outlook, privacy, overbearing and overshadowing.

Other Amenity

Concerns regarding light pollution have been raised however no details of external lighting have been submitted with the application. I consider this could be adequately secured by way of condition.

Concerns regarding noise and disturbance from the site and the proposed development have been raised. Environmental Health Officers have advised no formal complaints have been received regarding the existing use of the site and late night noise. The proposed development would not necessarily result in a greater number of users of the site; however it may mean that a greater number of people attend the site at various times of the day. I consider a condition on the hours of use of the development could sufficiently overcome concerns regarding noise and disturbance. Such a condition could only reasonably be imposed on the extension only as the use of the main building on site is already in operation and its use is not subject to this application.

The proposed development would not directly result in any significant harm to the amenities of nearby occupants. As such I consider the proposal would comply with saved policy PS10 in this respect.

Access and Parking

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

The existing floor area of the current building is 435m² which based on our adopted parking standards would require 20 car parking spaces. The plans submitted do not include a vehicle parking plan; but it appears that 18 spaces are available. The proposal will result in an additional floor space of 374m², and therefore the proposal requires an additional provision of 17 further spaces. The proposed site plan does not indicate how many car parking spaces would remain; however it appears that 8 spaces would be available on site.

On the basis of the above, the development would result in a significant loss of parking whereas it should be required to create an additional 17 spaces. As such the proposal is likely to lead to a significant increased demand for car parking on the highway, which is undesirable. Parking within the highway, including mounting the kerb would result in unacceptable harm to cycle and pedestrian safety. It should be noted that double yellow lines on the junction of the Gypsy Lane and Thurmaston Lane have been provided following concerns raised by local residents.

The submitted plans do not indicate any areas of secure and covered cycle parking; however this can be secured by condition.

A Travel Plan has been submitted in support of the application which has later been superseded by another Travel Plan received by the City Council as local planning authority on 25/06/2019. The City Council Travel Plan Officer has advised that the proposal would result in the loss of onsite parking and therefore further detailed provisions are required as part of a Travel Plan and Parking Management Plan to ensure the proposal is compatible with the local highways network. Details such as number of attendees to the site at any given time, times of prayer and education,

survey of transport modes, photos, parking strategy etc. In its current form the Travel Plan is unacceptable.

In light of these comments I conclude the proposal would fail to provide adequate vehicle parking which would result in unacceptable harm in terms of highways and pedestrian safety. The submitted Travel Plan is considered to be lacking sufficient information to ensure that it would be able to be implemented. As such I consider the proposal is contrary to Policy CS15 of the Leicester Core Strategy (2014) and Policies AM01, AM02 and AM11 of the Local Plan (2006).

Trees

Saved Local Plan Policy UD06 states that planning permission will not be granted for development that impinges on landscape features of amenity value unless (a) the removal would be in the interests of good landscape maintenance or (b) the desirability of the development outweighs the amenity value of the landscape feature.

The proposal would require the removal of some trees as per the submitted plans. There are no objections to the loss of these trees as they would not justify a tree protection order.

However the proposal includes the loss of a Pine Tree to the north boundary of the site which is considered unacceptable and no information has been submitted to justify the claims of the tree being dangerous. However this tree is located to the north of the site and could be retained under the proposed scheme.

As such I conclude that the proposal could comply with Policy UD06 and would be acceptable subject to replacement planting conditions.

Drainage

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

The site is within a critical drainage area indicating that it and the surrounding area are susceptible to surface water flooding. The proposal would increase surface water run-off; however a suitable sustainable drainage scheme secured by condition could mitigate any detriment in respect of drainage and flood risk.

I conclude that the proposal could comply with Core Strategy policy CS02 and is acceptable in sustainable drainage terms subject to a SuDS scheme.

Other Matters

Objectors have raised a range of issues. To address those not otherwise dealt with in this report:

- Inconsiderate parking it is not a material planning consideration
- Behaviour of attendees to the site is not a material planning consideration

- Access for emergency vehicles has been provided in line with highways standards
- Use of the building – the site has a lawful D1 use which includes education and place of worship
- It is a matter for the Highways Authority to consider if pedestrian crossings and/or zig zag lines are necessary
- Publicity of the application has been carried out in accordance with the Statement of Community Involvement. A period of re-consultation has also been carried out in which the City Council sent out 320 letters to all of those people who made representations in the original period of consultation

Conclusion

The proposal would have a substantial detrimental impact upon the host designated heritage asset and would result in harm to the character of the Conservation Area and the local area. The proposal is of poor design and would fail to provide adequate vehicle parking and mitigation for highways safety and traffic impacts.

The proposal could, by way of condition, secure acceptable mitigation on residential amenity, trees and landscape and cycle parking. I consider the proposal would not result in significant harm in terms of drainage.

The NPPF establishes a presumption in favour of sustainable development. In this case and in light of paragraph 11 (d) (ii), I consider that the harm caused is not outweighed by the development's contribution as an education facility and I conclude that the proposed development, because of the substantial harm caused to a designated heritage asset, is not sustainable development.

I therefore recommend that planning permission be REFUSED for the following reasons:

REASONS FOR REFUSAL

1. The proposed development by reason of its excessive scale and siting combined with poor design and materiality would result in substantial harm to the significance of the Grade II Listed Building. The proposal would fail to preserve or enhance the listed building's special architectural and historic interest and would not protect the character of this designated heritage asset, contrary to paragraphs 193 and 195 of the NPPF 2019 and Policy CS18 of the Leicester Core Strategy (2014).
2. The proposal, by virtue of its excessive scale, siting and design would detract from the visual quality of the Conservation Area and would introduce an overbearing and dominant feature within the street scene. The proposal would detract from the residential scale of development on site and would be an unsympathetic addition to the street scene. The proposal is therefore contrary to paragraphs 127, 130 and 192 of the NPPF and Core Strategy policies CS03 and CS18.

3. The proposal, by reason of its size and siting would result in the loss of vehicle parking spaces on site and would not provide sufficient spaces to serve the additional facilities. This would result in parking within the highway to the detriment of highway safety, including pedestrian safety and congestion. Therefore the proposal is contrary to paragraph 108 of the NPPF, policies AM01 and AM11 of the City of Leicester Local Plan and Core Strategy policy CS03.

NOTES FOR APPLICANT

1. For avoidance of doubt this application is refused on the basis of application form, supporting information and plans received on 09/04/2019 and Travel Plan received on 26/06/2019.
2. The City Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular pre-application advice was given and the applicant was advised the proposal is unacceptable. Notwithstanding that advice the City Council has determined this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. As the proposal was clearly unacceptable and could not be reasonably amended it was considered that further discussions would be unnecessary and costly for all parties.

Policies relating to this recommendation

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| 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_BE22 | Planning permission for development that consists of, or includes, external lighting will be permitted where the City Council is satisfied that it meets certain criteria. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2006_PS11 | Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc. |
| 2014_CS02 | Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City. |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |

- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_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.
- 2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.