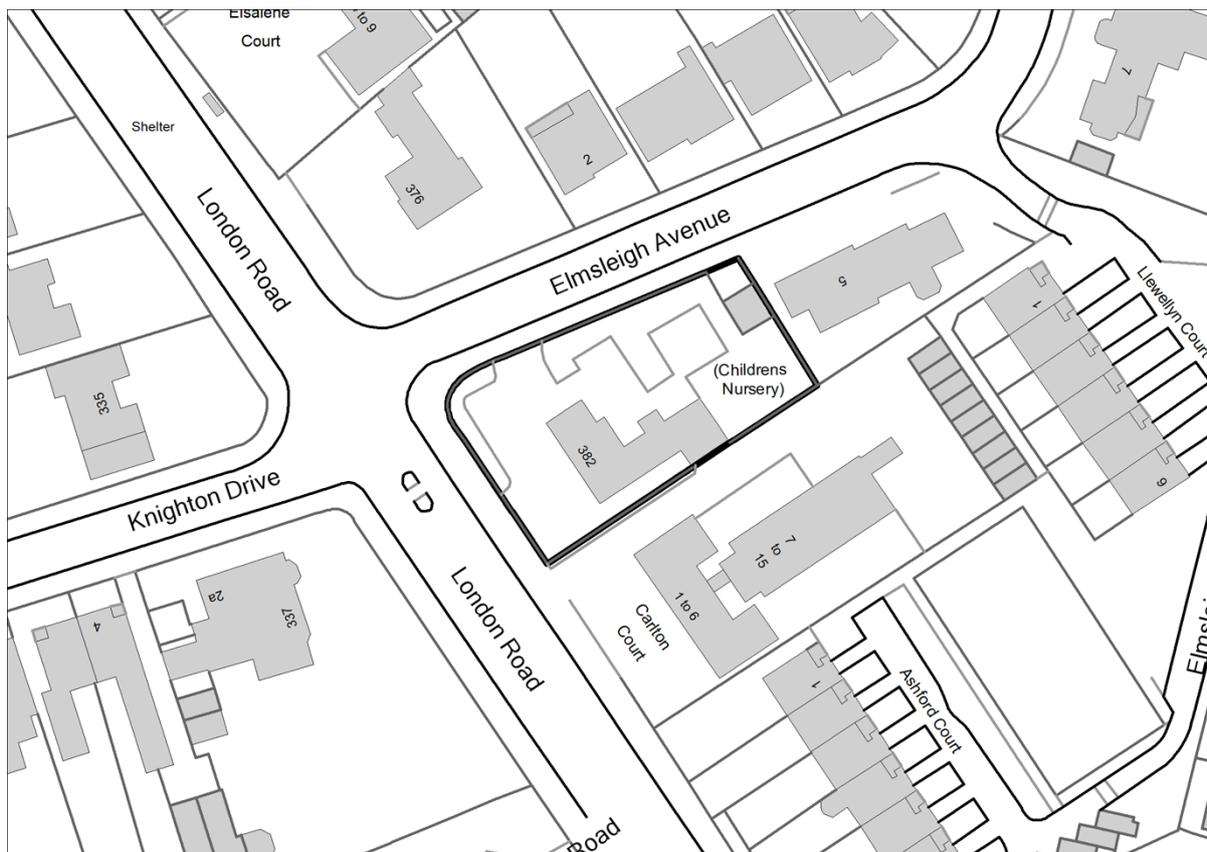


<b>Recommendation: Conditional approval</b>	
<b>20190800</b>	<b>382 LONDON ROAD</b>
Proposal:	CONSTRUCTION OF SINGLE STOREY EXTENSION AT REAR OF DAY NURSERY (CLASS D1); DEMOLITION OF GARAGE AT REAR; ALTERATIONS (AMENDED PLANS RECEIVED 27/08/2019)
Applicant:	KIDDI CARU DAY NURSERIES
View application and responses	<a href="https://planning.leicester.gov.uk/Planning/Display/20190800">https://planning.leicester.gov.uk/Planning/Display/20190800</a>
Expiry Date:	30 August 2019
PK	WARD: Knighton



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### Summary

- Reported because more than 5 objections have been received;
- objections received from 6 City addresses raising concerns about highways safety, parking, residential amenity and light pollution;
- The main issues are the impact on residential amenity, character and design, highways and trees;
- Recommended for approval.

### The Site

The application relates to a two storey detached building which is in use as a children's nursery. The site is situated on the corner of London Road (A6) and Elmsleigh Avenue and within a predominantly residential area. There are two TPO trees to the rear of the building and a TPO tree and group TPO in the adjacent garden of Ashford, Llewellyn and Carlton Court.

## **Background**

The site has been used as a children's nursery since 1990 when it was granted planning permission under reference 19892033. This permission did not restrict the number of children. Since then there have been a number of applications for mainly tree works on site. None of the planning history is directly relevant to this application.

## **The Proposal**

The proposal is for the construction of a single storey rear extension close to the south-eastern boundary of the site. The extension would have a foot print measuring 6.8 metres by 6.9 metres. The extension would have a flat roof with a maximum height of 3.4 metres. As part of the proposal the height of the current pre-school area (to which the proposed extension would be attached) would have its roof raised to match the current proposal. The roof would be raised by approximately 0.5 metres.

The proposal includes the demolition of the detached garage at rear to accommodate two additional off-street parking spaces.

The proposed development would result in an increased floor area of 40 sq metres, which if used as a pre-school could contain a maximum of 17 children and 5 staff. The plans submitted with the application state that the total children in placement will be 71 as opposed to the current 48.

Amended plans have been submitted during the course of the application to reduce the height of the extension by removing the originally proposed parapet. During the course of the application additional information has been submitted to address concerns from highways and trees and woodlands officers.

## **Policy Considerations**

### National Planning Policy Framework (NPPF)

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 94 highlights the importance of a sufficient choice of school places is available to meet the needs of existing and new communities. Part a of the policy requires local planning authorities to give great weight to the need to create, expand or alter schools.

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 which includes issues such as the long term functionality of development proposals; visual impacts; the ability of development to relate to local character; creation of a sense of place using various design tools such as building types and materials; optimising the potential of development sites; and, designing safe, secure and inclusive developments with a high standard of amenity for existing and future users.

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.

### Development Plan policies

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

### Supplementary Planning Documents (SPD)

Appendix 01 of the Local Plan – Parking Standards

### **Consultations**

Local Highway Authority: No objection subject to conditions

Trees and Woodlands: No objection subject to a condition to secure an Arboricultural Method Statement

Pollution (Noise): No objections

### **Representations**

Letters of objection have been received from 6 City addresses raising concerns on the following issues:

- Impact on parking, traffic, highways and pedestrian safety;
- Impact on trees within and adjacent to the site;
- Noise and light pollution from the site

### **Consideration**

The principle of extensions and alterations at the site are acceptable given the site is already in use as a nursery and this is a used acceptable in principle in residential areas. The main issues in this case are impact on residential amenity, character and design, highways and trees.

### Residential Amenity

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.

The site adjacent to the site has blocks of flats and to the rear of the site is 5 Elmsleigh Avenue which is a bungalow.

The proposed extension would be located wholly to the rear of the site. The rear garden of the site has a 1.8 metre high boundary fence with mature trees beyond. Much of the extension would be screened behind the boundary treatment and is unlikely to result in significant detriment in terms of daylight, outlook, overshadowing and overbearing to the residential properties nearby.

The proposal would result in a greater number of children on site. I consider that the nursery is unlikely to be at full capacity at all times and any associated comings and goings are also likely to be staggered. In addition, any outdoor play time would be limited to smaller groups of children as opposed to all children at any one time. I consider the proposal is unlikely to result in significant detriment in this respect.

I consider the proposed development would not result in significant harm to the residential amenity to the nearby residents. The proposal would comply with saved policy PS10 of the Local Plan.

#### Character and Design

Policy CS03 of the Leicester Core Strategy (2014) states that high quality, well designed developments that contribute positively to the character and appearance of the local built environment are expected. It goes on to require development to respond positively to the surroundings and to be appropriate to the local setting and context and, at paragraph 1 (first bullet point), to contribute positively to an area's character and appearance in terms of *inter alia* urban form and high-quality architecture.

The proposed extension would be located wholly to the rear and views of the extension would be limited to the very top of the extension as it would have a flat roof. I therefore consider the proposed extension itself would not appear overly dominating. The size and scale of the extension although slightly larger than a typical residential extension, would sit comfortably within the site and it would be set back from the boundary with Elmsleigh Avenue, which would further minimise its visual impact on the street.

The demolition of the garage at rear will have minimal visual impact on the character and appearance of the local area. I consider this element of the proposal to be acceptable.

The application form and plans indicate that the external finish materials would match those of the original dwelling. I consider that this is an appropriate material response and can be secured as a condition of planning permission.

I conclude that the proposal would comply with Policy CS03 of the Core Strategy (2014) and would not conflict with saved Policy PS10 of the Local Plan (2006) and is acceptable in terms of the character and appearance of the area.

## Highways

During the course of the application a number of amended details have been submitted in relation to highways matters. The garage at rear would be demolished to provide vehicle spaces which would be tandem in pairs and marked out for staff parking. Whilst tandem spaces are not ideal, the width of the spaces exceed our standards but the depth of the spaces fall short. I consider the current garage would not accommodate two cars and therefore an additional three off-street spaces are being provided for staff and this is an improvement on the current situation. Visibility splays of 1 metre by 1 metre have been provided on the western side, however visibility splays should be 2 metres by 2 metres and a condition securing this is recommended. In addition to this, the dropped kerb must be extended and a condition is recommended in this respect. The applicant would be required to enter into an agreement with the LHA to undertake the works within the highway, the costs of which would need to be borne by the applicant. A note to applicant is considered reasonable in this respect.

To the front of the site there are 7 vehicle spaces shown and it is proposed to mark these spaces out and introduce an 'in and out' system to improve traffic and manoeuvring. These are considered to improve the parking situation on site as well as highway safety when entering and exiting the site. Conditions for visibility splays, surfacing and a dropped kerb are also required for the proposed exit onto Elmsleigh Avenue for the front parking area. I consider this reasonable.

The applicant has submitted a draft Travel Plan for the site which is considered acceptable. A condition securing the submission of a full Travel Plan to be submitted following discussion with the City Council's Travel Plan Officer shall be attached to planning permission. Whilst a cycle parking area has been indicated on the proposed site layout, no details have been submitted in this respect. Therefore, a condition is suggested in respect of this.

To conclude, the proposed development includes a number of improvements in terms of highways and parking matters. A number of conditions are recommended to secure the details submitted in support of the application, subject to which the proposal is considered not to result in a severe impact on highways and parking in accordance with the NPPF 2019, saved policies AM01, AM02 and AM11 of the Local Plan and Core Strategy policy CS15.

## 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 does not include the removal of any trees on, or adjacent to the site and details have submitted showing the location of the trees and the root protection areas. However, Trees and Woodlands Officers recommend the submission of additional tree protection measures to outline how trees would be protected during demolition of the garage and construction. They also recommend that an Arboricultural Method Statement is submitted prior to commencement. Such a statement should include

details of foundation details, storage of materials, access points and construction storage should be included on an annotated plan.

Subject to conditions, the proposed development in terms of trees is acceptable and in compliance with saved policy UD06 of the Local Plan.

### Conclusion

The proposed development would have an acceptable impact on the local character, residential amenity and would be of an appropriate design. Suitable conditions would mitigate concerns regarding highway safety and tree protection.

The proposal is in accordance with national and local planning policies.

I therefore recommend that the application is APPROVED subject to the following conditions:

#### CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Prior to commencement of development, all trees on and adjacent to the site subject to a Tree Preservation Order shall be protected from damage during building operations, in accordance with the Arboricultural Method Statement (AMS) to be first submitted to and approved in writing by the City Council as local planning authority. The details shall include ground protection details, foundation design within root protection areas and construction storage details. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. No part of the extension shall be used until the 2 metre by 2 metre sight lines on each side of each vehicular access on Elmsleigh Avenue have been provided, and they shall be retained thereafter. (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 and Core Strategy policy CS03.)
4. No part of the extension shall be used until a footway crossing has been provided at the western vehicular access on Elmsleigh Avenue in accordance with the Council's standards contained in the "6Cs Design Guide" version published 2017. (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 CS03.)
5. No part of the extension shall be used until the footway crossing at the eastern vehicle access on Elmsleigh Avenue has been altered in accordance with guidance in the "6Cs Design Guide" version published 2017. (To achieve

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- 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.)
6. No part of the extensions shall be used until a minimum of 2 secure and covered cycle parking has been provided and retained thereafter, in accordance with written details previously approved by City Council as local planning authority. (In the interests of the satisfactory development of the site and in accordance with policy AM02 of the City of Leicester Local Plan).
  7. No part of the extension shall be used until a Travel Plan for the development has been submitted to and approved in writing by the City Council as local planning authority and shall be carried out in accordance with a timetable to be contained within the Travel Plan, unless otherwise agreed in writing by the Council. The Plan shall: (a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries; (b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as single occupancy vehicle users, so that all users have awareness of sustainable travel options; (c) identify marketing, promotion and reward schemes to promote sustainable travel and look at a parking management scheme to discourage off-site parking; (d) 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. The plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with policies AM01, AM02, and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).
  8. Before first use of the extension, all parking areas shall be surfaced and marked out in accordance with details which shall first have been submitted to and approved by the City Council as local planning authority, and shall be retained for parking and not used for any other purpose. The submitted details shall include proposed surfacing, marking and signing at accesses to indicate entrance and exit and one-way operation of the car parking area. (To ensure that parking can take place in a satisfactory manner, in the interest of highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
  9. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
  10. This consent shall relate to the plans ref. no. 9521-04 Rev 02, 9521-08 Rev 07 and 9521-09 Rev 07 received by the City Council as local planning authority on 27/08/2019 and plan ref. no. 9521-11 Rev 11 received by the City Council as local planning authority on 29/11/2019. (For the avoidance of doubt.)

## NOTES FOR APPLICANT

1. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway.  
For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority. For more information please contact [highwaysdc@leicester.gov.uk](mailto:highwaysdc@leicester.gov.uk).
2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process.  
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

### **Policies relating to this recommendation**

- 2006\_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006\_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006\_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
- 2006\_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006\_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014\_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\_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.