

BLABY DISTRICT COUNCIL

Meeting:	Development Control Committee
Date:	21 June 2007
Subject:	Demolition of existing public house and erection of 13 no. apartments and 11 no. houses with associated parking and infrastructure including new vehicular access and altered pedestrian access – County Arms Public House, Leicester Road, Glen Parva
Report of:	Head of Planning & Environmental Health Services
Status:	Public

1. Purpose of the Report

- 1.1 The purpose of the report is to establish the Council's position for the forthcoming appeal against the non-determination of the application 06/1039/1/PX, submitted by Marrons Solicitors on behalf of Everards Brewery Limited, seeking planning permission for the demolition of the existing public house and the erection of 13 apartments and 11 houses with associated parking, new access and altered pedestrian access at County Arms Public House, Leicester Road, Glen Parva.

2. Recommendation

- 2.1 **That the Committee resolve that the Planning Inspectorate be requested to dismiss the non-determination appeal in respect of application for planning permission 06/1039/1/PX.**

3. Reasons for Recommendation

- 3.1 **This application proposes to demolish the County Arms Public House and redevelop the site for residential purposes. Although the building is not listed, because it is positioned within the Grand Union Canal Conservation Area, consideration has to be given to the requirements of PPG 15 : Planning and the Historic Environment. This guidance clearly states that the general presumption should be in favour of retaining a building which makes a positive contribution to the conservation area. The District Planning Authority is of the opinion that the building makes a positive contribution to the Grand Union Canal Conservation Area. For this reason the proposal needs to be assessed against the same broad criteria as proposals to demolish a listed building. In this instance no evidence has been submitted on the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use or of the adequacy of efforts to retain the**

	<p>building in use to justify the proposed demolition. Accordingly, in the absence of such evidence, the principle of demolishing the existing building conflicts with Policy CE8 of the Blaby District Local Plan (1999) and established Government guidance contained within PPG15.</p>
3.2	<p>This application proposes the erection of an apartment block at the Leicester Road/Little Glen Road junction and eleven houses within the site along the Little Glen Road frontage. Given the position, height, layout design and external appearance of the proposed development the District Planning Authority considers that the proposed development would fail to preserve or enhance the character and appearance of the Grand Union Canal Conservation Area and would be significantly out of keeping with the character or appearance of the area. The proposed development is therefore contrary to Environment Policy 1 of the Leicestershire, Leicester and Rutland Structure Plan (2005) and Policies R1 and CE9 of the Blaby District Local Plan (1999).</p>
3.3	<p>The application site is positioned at a prominent corner location. The County Arms Public House building, which was erected in the 1930's in the style of the Modern Movement, is a good example of architecture from that period and contains many individual features. The existing building is of a unique design comprising various flat roofed elements of differing heights and masses which contribute to the overall scale of the building. The proposed apartment building would be positioned in a similar location to the existing building. Whilst it is acknowledged that the height of the proposed apartment building would be no higher than the existing County Arms Public House building, the five storey element would be located in close proximity to the Leicester Road/ Little Glen Road junction. It is considered that the mass and bulk resulting from the introduction of such a high building would appear overbearing for users of the public highway which would detract from this part of Glen Parva. In terms of appearance it has the feel of a building associated with a city centre re-development rather than a building designed especially for this site. The proposed development makes use of an eclectic range of materials which would be out of keeping with the surroundings. The form of the building, which includes a number of planes and angles, gives the building a complex appearance which would detract from the character and appearance of the Conservation Area. For these reasons it is not considered that the design of the proposed apartment building is of sufficient quality for this location. Furthermore, the design of the proposed houses would not respect or reflect any of the existing features contained within the buildings in the locality. The overall scheme is not of such high quality or innovative design that it should stand as a piece of architecture in its own right. It is therefore considered that the proposed buildings</p>

	<p>would detract from the street scene appearance and the overall area. Accordingly the proposed development conflicts with Strategy Policy 10 of the Leicestershire, Leicester and Rutland Structure Plan (2005) and Policies R1 and CE11 of the Blaby District Local Plan (1999).</p>
3.4	<p>The proposed development lacks the parking provision as required by Accessibility and Transport Policy 7 of the Leicestershire, Leicester and Rutland Structure Plan (2005) and T6 of the Blaby District Local Plan (1999).</p>
3.5	<p>To the north west of the proposed development a recreational open space would be provided. Although the amount of open space proposed accords with the Council's adopted standard, Policy R13 of the Blaby District Local Plan (1999) requires that the play space should be in a location that minimises disturbance to nearby residents and would be visually supervised by neighbouring properties. The proposed open space provision would be in a location where natural surveillance of the space would be limited, where alternative access routes are available to the space and where its use would be detrimental to the amenity of the users of the apartments. It is therefore considered that the open space provision fails to comply with Policy R13 of the Blaby District Local Plan (1999).</p>
3.6	<p>The area around the County Arms Public House has been highlighted as potentially exceeding national air quality objectives. As a result of this it has been requested that an air quality assessment be carried out to determine whether or not remedial action should be undertaken. To date no such assessment has been provided.</p>

4. Forward Plan

4.1 Not applicable.

5. Key Decision

5.1 Not applicable.

6. Matters for Consideration

6.1 The Proposal

6.1.1 The application site is positioned at the Leicester Road/Little Glen Road junction within the Grand Union Canal Conservation Area. Contained within the application site is the County Arms Public House building and its associated car parking area. This application proposes to demolish the existing building and redevelop the whole site by

erecting an apartment building at the Leicester Road/ Little Glen Road junction, comprising of 13 apartments, with 11 linked dwellings on the remainder of the site.

- 6.1.2 The 'T' shaped apartment building, which would be positioned in a similar location to the existing County Arms building, would incorporate various heights from three to five storeys. The five storey element would be located at the Leicester Road/Little Glen Road junction. The 13 apartments would each contain two bedrooms. The apartment building would incorporate angled roofs in the design and would have ridge heights ranging from between 6 metres and 15.9 metres above road level. The existing County Arms building is on different ground levels with the rear element being on a significantly lower ground level, whereas it is intended that the proposed apartment building would all be on the same level which would result in the raising of the existing ground levels at the rear. The apartment building would be constructed in rendered blockwork, cedar cladding and grey rain screen cladding. Outside the patio doors above ground level would be balconies projecting about 1.1 metres and those to the corner apartments would wrap around the building. Metal railings would be attached to all the balconies and to the ground floor patio doors. Vehicular access to the whole of the development would be via a new vehicular access and road formed from Little Glen Road. To serve the apartment building 20 car parking spaces would be formed, a row of 16 would be positioned along the Little Glen Road frontage, a bay of three to the east of the apartment building, two of which would be disabled parking spaces and one to the south of the dwelling occupying plot 15. Pedestrian access into the apartment building would be via two staircases positioned to the east of the building, adjacent to the car park.
- 6.1.3 To the east of the apartment building it is proposed to site eleven dwellings in a staggered layout which roughly follows that of the proposed roadway. The dwellings would be linked in two groups of four and one group of three. Each dwelling would be two and a half storeys in height, containing rooms in the roof space and incorporating one large open space on the ground floor forming a kitchen/dining/living area and a hall, a toilet and storage. On the first floor would be two bedrooms, a study room, a family bathroom and storage and on the second floor would be the third bedroom with an en-suite bathroom and storage. The dwellings, which would have an asymmetrical roof being lower to the rear, would have eaves heights of 5.2 metres and 6.7 metres and a ridge height of 9.3 metres. The lower sections of the dwellings would be constructed in facing brickwork with the upper sections using cedar cladding with slate grey concrete interlocking roof tiles. Two roof lights would be contained within the roof slope, one to the front and one to the rear of the proposed dwellings. Rear gardens having a length of between 8.6 and 21.2 metres would be provided. To ensure that pedestrian access from the front of the dwellings to the rear gardens would be available two pathways in between the groups of dwellings would be provided. Two

car standing spaces would be provided to the front of each of the dwellings.

- 6.1.4 To serve the development a recreational area of open space, having an area of about 910 m² (0.091 hectares), would be provided to the north of the proposed apartment building. It is intended to form a path from Little Glen Road to the Grand Union Canal, which would pass through the proposed recreational area, and a footpath link from Leicester Road to the canal via the existing staircase.

6.2 **List of Relevant Policies**

6.2.1 **National Planning Guidance**

PPG 15: Planning and the Historic Environment

Regional Spatial Strategy for the East Midlands (RSS8)

Natural and Cultural Resources Policy 27

Leicestershire, Leicester and Rutland Structure Plan 1996-2016

Environment Policy 1 : Historic Environment.

Accessibility and Transport Policy 7 : Parking Provision in New Development.

Housing Policy 5 : Density and Design

Strategy Policy 10 : Good Design

Blaby District Local Plan (1999)

R1 – Primarily Residential Areas

R13 – Playspace for Children

CE8 – Conservation Areas – Demolition of Unlisted Buildings

CE9 – Conservation Areas – Effect on Vistas, Streetscenes, etc

CE11 – Conservation Areas – New Buildings

T6 – Off-street Parking

6.3 **Relevant History**

6.3.1	P. 1001	The erection of an illuminated advertisement sign.	Approved 22/11/55
	14908	Extension to existing lounge and erection of toilets.	Approved 03/11/64
	75/1163/1/A	Erection of illuminated sign.	Approved 11/08/75

76/1085/1/P	Extension and alterations to public house and car park.	Approved 16/08/76
78/1711/1/P	Use of land as car park.	Approved 13/10/78
82/1617/1/AY	Illuminated sign written boards.	Approved 22/02/83
83/1418/1/PX	Application for weather boarding and construction of half pitch roofs.	Refused 20/12/83
91/1548/1/AY	Erection of illuminated fascia and post mounted signs.	Approved 04/02/92
92/0089/1/PY	Proposed new entrance canopy.	Approved 27/02/92
99/0506/1/AY	Display of three externally illuminated fascia signs, two non-illuminated canopy signs, one non-illuminated projecting sign and two non-illuminated internal signboards.	Approved 04/11/99
06/1043/1/HY	Total demolition of the existing building.	Undetermined

6.4 **The Principle of Re-development**

6.4.1 The application site is positioned within the Grand Union Canal Conservation Area. Because the proposed development relies on the demolition of the County Arms building, an unlisted building, consideration has to be given to Policy CE8 of the Blaby District Local Plan (1999) and Government guidance contained within PPG 15: Planning and the Historic Environment.

6.4.2 PPG15 at paragraph 4.27 which is under the heading "Conservation area control over demolition" states:-

"The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. The Secretary of State expects that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings".

6.4.3 In the case of the County Arms the building is considered to make a positive contribution to the character and appearance of the Conservation Area. The reasons for this conclusion are set out in the following report on the application for Conservation Area Consent.

6.4.4 Accordingly paragraph 3.19 of PPG 15 is appropriate and sets out the criteria over which proposals for demolition should be assessed. These are précised as follows:

- (i) the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use.
- (ii) the adequacy of efforts to retain the building in use.
- (iii) the merits of alternative proposals for the site.

6.4.5 In relation to the first two bullet points, the applicant was requested, in a letter dated the 22 December 2006 to provide information relating to these matters but, to date, no information has been received. The third matter is discussed fully later in this report.

6.4.6 Policy CE8 of the Blaby District Local Plan (1999) follows the thrust of PPG15. Given that the applicant has failed to provide the necessary information, as required by established government guidance and Policy CE8 of the Blaby District Local Plan (1999), it is considered that the demolition of the County Arms Public House building is not justified. Accordingly the principle of re-developing the site is unacceptable.

6.5 **Impact of the Proposed Residential Development on the Conservation Area**

6.5.1 Local planning authorities have a statutory duty to take account of the desirability of preserving or enhancing the character and appearance of Conservation Areas. This is reinforced by Environment Policy 1 of the Leicestershire, Leicester and Rutland Structure Plan (2005) and Policy CE9 of the Blaby District Local Plan (1999) which require that development within conservation areas should preserve or enhance the character and/or appearance of the area. Currently the County Arms Public House building is positioned to the west of the application site with car parking to the east of the building. The building, which is constructed in brick, is flat roofed and comprises of various heights. Although containing a four storey tower, which forms a local landmark feature, this is along the Leicester Road frontage and is narrow in size having a floor space of about 20 m². The main mass and bulk of the building is two storey which visually reduces to single storey from Little Glen Road. The windows generally are arranged in horizontal bands, the bricks are narrow and long and the bulk of the building, with the exception of the tower, has a primarily horizontal emphasis. Furthermore, despite the current poor visual appearance of the tarmac surfaced car park this creates a sense of openness and allows views into and out of the conservation area from adjacent land. Because the proposed development would result in built development being positioned along virtually the whole of the Little Glen Road highway frontage, views into the conservation area from the south would be limited. This matter is exacerbated given the height of the proposed apartment building and the gable roof design of the

dwellings. Furthermore, the design of the proposed buildings pays little respect to the canal side frontage of the site. Therefore, it is considered that the proposed development fails to preserve or enhance the character and appearance of the conservation area and therefore it conflicts with Environment Policy 1 of the Leicestershire, Leicester and Rutland Structure Plan (2005) and Policy CE9 of the Blaby District Local Plan (1999).

6.6 **Design of the proposed development**

- 6.6.1 The western part of the application site is visually prominent. It is considered that the design of the apartment building, with its projecting wrap around balconies, would appear out-of-keeping with existing buildings in the locality. In addition the introduction of a five storey high building about 5 metres from the highway boundary of the Leicester Road/Little Glen Road junction would appear overbearing for users of the public highway. Furthermore, the proposed apartment building is of a fairly mundane urban design which fails to take advantage of this prominent corner. In terms of appearance it has the feel of a building associated with a city centre re-development rather than a building designed especially for this site. The proposed development makes use of an eclectic range of materials which would be out of keeping with the surroundings. The form of the building, which includes a number of planes and angles, gives the building a complex appearance which would be out of keeping with the character and appearance of the surrounding area and would detract from the character and appearance of the Conservation Area. For these reasons it is not considered that the design of the proposed apartment building is of sufficient quality for this location.
- 6.6.2 The proposed dwellings would be seen adjacent to existing dwellings on Little Glen Road which are traditional post war hipped roofed dwellings of traditional construction. It is considered that to introduce dwellings of a modern design incorporating asymmetrical roofs and two storey projecting windows, fails to respect and reflect features in the locality. Furthermore the introduction of cedar cladding is not a material that is typical within the locality, the parish or the district. Therefore it is considered that the overall design of the proposed dwellings would unacceptably detract from the street scene appearance and the area.
- 6.6.3 Accordingly the proposed development conflicts with Strategy Policy 10 of the Leicestershire, Leicester and Rutland Structure Plan (2005) and Policies R1 and CE11 of the Blaby District Local Plan (1999).
- 6.6.4 Prior to this application being submitted a scheme showing an apartment building at the Leicester Road/Little Glen Road, comprising of 12 x 2 bedroomed units and the erection of 12 dwellings was produced for informal consideration. The apartment building would have incorporated various heights ranging from three to five storeys

and an angular roof. The overall design of the current apartment building is similar to that previously proposed. Although the dwellings were of a similar design to those currently proposed they were in a different position and in two groups of six with an area of open space and a footpath link to the canal passing through it. This scheme was presented to 'OPUN' the East Midlands Design Review Panel in May 2006 who made various comments, extracts of which are set out below:-

"The Council are seeking guidance as to whether the proposed development is of sufficient quality to replace the original building.

The proposed scheme to replace the County Arms is considered by the panel to be confused in its reliance on scale and use of 'contemporary' architecture to achieve a building of landmark status.

The aim of attempting to create 'contemporary' architecture, has resulted in the current proposal for the apartment block being uncertain of its own identity. It is not in our view as 'contemporary' as the original art deco building as when it was built.

Rather than seek to be 'contemporary' for its own sake, there is scope to develop something of visual interest drawing from the Art deco style of the County Arms with its bold massing, sculptural qualities and strong vertical and horizontal elements.

The current design is over complicated and would benefit from a simpler approach with bolder distinctions between the 3 storey and 5 storey blocks.

The panel consider that the proposals for the terraced housing provide an effective backdrop to the apartment blocks and contain a number of positive elements particularly in relation to the period and style of adjacent dwellings.

Summary

It is recommended that the design team seek to re-establish what the main principles are in terms of the brief for the project.

The aim for the architect on behalf of the client is to design a scheme which meets the requirements of the local authority and achieves planning permission. Planning Policy Guidance 15 requires that a positive contribution is made to the conservation area by conserving or replacing with a quality building. This needs to be acknowledged within the proposals for the apartment block, and the local authority need to ensure that it is achieved. In our view the present proposals do not pass this test.

To meet this requirement, the panel favour a reworking of the original building which the panel consider to be good strong building, providing an appropriate local landmark. If this cannot be achieved, the County Arms should be replaced with something better than, or at least as good as the original, which can contain an element of 'fun' and be prepared to cause debate-which good architecture does."

6.6.5 The current proposal has made some attempt to overcome the abovementioned observations but it is considered that it has not achieved the aim of proposing something at least as good, or better than the original County Arms.

6.7 **Car Parking Standards**

6.7.1 The adopted car parking standards contained within the Blaby District Local Plan (1999) require that for dwellings with up to three bedrooms two on-site car standing spaces be provided. For dwellings with four or more bedrooms three spaces should be available and for two bedded flats or apartments 1.5 spaces should be provided. The apartment development would contain 13 two bedroom apartments. The proposed scheme provides 20 spaces for the apartments which meets the required standard.

6.7.2 The application drawings indicate that the 11 dwellings would each contain three bedrooms. However, on the second floor, a study room is proposed which could clearly be used as a fourth bedroom. The Council is therefore of the opinion that the dwellings would accommodate four bedrooms and therefore three on-site car standing spaces should be provided for each dwelling. It is proposed that two spaces only would be provided for each dwelling, which for each dwelling is one short of the requirement. Such a shortfall of on-site parking provision for the dwellings would be likely to result in residents and visitors to the development having no alternative but to park either elsewhere within the proposed development site (which appears to be unlikely given the proposed layout), on the footway along Little Glen Road or on neighbouring nearby roads. The proposed development therefore lacks the parking provision as required by Accessibility and Transport Policy 7 of the Leicestershire, Leicester and Rutland Structure Plan (2005) and T6 of the Blaby District Local Plan (1999).

6.8 **Provision of Public Open Space**

6.8.1 To the north west of the proposed development a recreational open space would be provided which is of the required size. Policy R13 of the Blaby District Local Plan (1999) requires that play space area should be in a location that minimises disturbance to nearby residents and would be visually supervised by neighbouring properties. The proposed open space would be located to the north of the apartment block, where only three apartments would overlook the space. The dwelling to the east, occupying plot 14, would have a blank western

elevation and would therefore not overlook the space. For these reasons natural surveillance of the space would be minimal. Pedestrian access through the space could be quite frequent with direct access from both Leicester Road and Little Glen Road to the Grand Union Canal. In the interests of safety it is therefore crucial that the users of the space are overlooked by natural surveillance. For this reason it is considered that the open space provision fails to comply with Policy R13 of the Blaby District Local Plan (1999).

6.9 **Air Quality**

6.9.1 The area around the County Arms Public House has been highlighted as potentially exceeding national air quality objectives. Although this Council has a duty to undertake an air quality assessment, which is likely to be completed in October 2007, in the absence of this being produced the applicant has been informed of the requirement to carry out such a study. If the study results determine that there is an air quality problem in this location this may lead to additional measures being incorporated into the construction of the building, for example air conditioning, may lead to the layout being altered such that the positioning of openings are limited and/or may result in principal room openings being re-located away from the highway. Although the applicant has been requested to supply such an assessment, to-date no such assessment has been provided.

6.10 **Highway Authority's Comments**

6.10.1 The existing authorised use of the site is as a public house. Considering the floor space of the public house building and the amount of traffic that could be attracted to the site if the public house was in full use, the Highway Authority has accepted that it would be unable to justify that the authorised use would generate more traffic than the proposed residential development proposal. However given that the majority of traffic movements to and from the public house would have been in the evening and to residential dwellings are during peak flow traffic periods, i.e. first thing in the morning and last thing at night, the Highway Authority has requested that a traffic assessment during peak hours be carried out. The results of this would determine whether or not it is reasonable to require the provision of a left hand filter lane, at the Leicester Road/Little Glen Road junction, for traffic travelling south. Despite this request the applicant has failed to provide the information. Without this the Highway Authority has stated it is unable to comment further.

6.11 **Affordable Housing and Density**

6.11.1 Policy R4 of the Blaby District Local Plan (1999) requires that, where a settlement has more than a population of 3,000 and the proposed development relates to 25 or more dwellings, affordable housing should be provided. In this instance the development proposes 24

dwellings and therefore the threshold for requiring affordable housing does not apply.

6.11.2 In considering the number of units proposed within an application site consideration should also be given to PPS3: Housing (2006). This guidance suggests that to make the most efficient use of land a minimum density of 30 dwellings per hectare should be proposed. Whilst it is regrettable that no affordable housing is to be provided, in this instance, a density of 44 dwellings per hectare is proposed which is in-line with the guidance.

6.12 **British Waterway Comments**

6.12.1 The observations have been forwarded to the applicant for comment. Although British Waterways are requiring a number of works which appear to be above and beyond those which would generally be required for such a development, if permission were to have been granted for the development, legal advice would need to be sought on what works could be required.

6.13 **Archaeology Comments**

6.13.1 When the application was originally submitted the County Archaeologist required that various works be carried out prior to the planning application being determined. Following discussions with that Authority this requirement has been relaxed and it is now recommended that, if permission were to have been granted, conditions be imposed requiring that works be carried out prior to any development commencing.

6.14 **Footpath Officer's Comments**

6.14.1 The County Footpaths Officer is requiring that a footpath link be formed from Leicester Road to the canal. Although in the past a footpath route between these two points was available, because it passed over privately owned land, this was only available to the public during the opening hours of the public house.

6.14.2 As part of the proposed development a footpath route is proposed from Little Glen Road to the canal which it is understood may be available for use by the general public. If permission were to have been granted for the proposed development legal advice would be sought on whether or not it would be appropriate for a legal agreement to be entered into between the applicant, the District and the County Councils to ensure that the path remains open at all times for use.

6.15 **Conclusion**

6.15.1 The County Arms Public House is considered to make a positive contribution to the character and appearance of the Grand Union Canal

Conservation Area. Given that the evidence, as required by PPG15, has not been provided it is considered that the building should be retained.

The proposed redevelopment is not considered to be satisfactory as it conflicts with Development Plan Policies referred to in the report. Accordingly it is recommended that the Planning Inspectorate be requested to dismiss the appeal.

7. Appropriate Consultations

7.1 Blaby Parish Council – Wishes to make the following comments:-

“Blaby Parish Council supports the application and applauds the use of a brown-field site and the provision of affordable housing.

The Council would query, however, if there are enough parking spaces for 13 apartments? There is no off-site parking and the Parish Council is concerned that parking for visitors to the flats could be a problem.”

7.2 Glen Parva Parish Council – Wishes to make the following comments:-

“The assumption that it has no connection with the canal is incorrect since it replaced the Union Inn which was demolished when the road was straightened in 1938.

The proposal contains building six storeys high which is out of keeping with the surrounding houses. It will dominate the area and will intrude on neighbouring properties.

The size of the development together with the high number of parking spaces will cause traffic difficulties on Little Glen Road and Leicester Road, roads that are already heavily congested at peak periods.

It is an intense development which could lead to further similar developments in the area.

The proposed plan is an overbearing development on entering Glen Parva.

It is regrettable that this development is to replace the only public house in this area of Glen Parva and therefore substantially reduces the leisure activities in Glen Parva. If the present building is demolished, it should be replaced with a perhaps smaller public house!

There seems to be a lack of sufficient car parking spaces for the apartments and houses.

The Parish Council would like to see the provision of a left turn filter road from Leicester Road into Little Glen Road in order to ease traffic congestion at this busy junction.

The six storey high building is intrusive, over bearing and out of keeping. There would be a loss of privacy for those existing properties and gardens on Woodbank and Sonning Way.

The status of the footpath from Leicester Road linking the development with the canal towpath and Little Glen Road needs to be clarified. Will it be a public right of way or a permissive route only?

There are three access points leading to the development from Little Glen Road, which is an increase of an additional access. There are currently two accesses in the County Arms.

The design of the building is angular and not rounded, like the original design of the County Arms.”

7.3 County Highways – Has made the following comments:-

“The junction of Little Glen Road with Leicester Road is a critical junction and the Highway Authority has for some years identified considerable problems caused by lack of capacity. Improvements have been carried out whenever possible but the lack of a dedicated left turn lane from Leicester Road into Little Glen Road results in queuing traffic especially in the PM peak.

Although there is no Transportation Assessment with the application, it is extremely unlikely that the Highway Authority could demonstrate that the proposal would lead to a material increase in traffic generated by the site in the PM peak. It is likely, however, the same can not be said for the AM peak. Whilst that is not the time that the worst queuing takes place, the site will generate traffic at a time that the previous use did not. It would be in general capacity/safety interests to secure a dedicated left-turn lane or at the very least secure dedication of the necessary land by Everards so that one can be provided.

Consequently, the Highway Authority wish to discuss the matter with the applicant's representatives but will not do so separately from the Planning Authority. An initial meeting with the LPA would therefore be appreciated.”

7.4 English Heritage – Has made comments and recommended that the application be refused (**see attached letter**).

7.5 Environment Agency – Has raised no objections subject to the imposition of various conditions.

- 7.6 **Severn Trent Water Ltd.** – Has raised no objections subject to the imposition of a condition relating to the location of any development to the sewage pumping station.
- 7.7 **British Waterways** – Has raised no objections to the proposed development but has raised the following comments:-

“No objection subject to no surface water or run-off from the site being discharged into the canal or onto the towpath.

We note that the applicant proposes a direct access onto the canal towpath. They will need agreement from BW and a Licence will be necessary granting such access. The developers are advised to contact BW, South East Waterways, Estates Department (Nigel Wade Tel: 01908 302554) to progress this.

In addition we have the following Engineering comments on the works:

As the applicant/development is proposing to provide a pedestrian access to the canal towpath from the site, the applicant should be required to fund and carry out the following improvements to the canal towpath:-

- 1. Construct a set of steps between the canal towpath and the footway along the west side of Leicester Road to allow public access to the canal from Leicester Road, thus removing the need for pedestrians to cross Leicester Road to access the towpath. The design of the steps is to be approved by BW prior to construction.*
- 2. Carry out repair works to the canal banks and towpath adjacent to the site along the eastern towpath approach to the Leicester Road Bridge in accordance with BW specification with details to be approved in writing by BW.*
- 3. Install a new bench, of a type to be specified by BW, on the towpath adjacent to the site to replace the existing bench in accordance with details to be approved in writing by BW.*
- 4. Cut off branches from trees within the site that overhang the towpath.*

Note: The applicant must comply with the requirements of the ‘Code of Practice for Works Affecting British Waterways’ published by BW and available to view and print from:

www.britishwaterways.co.uk/images/COP_2005.pdf.

If possible we propose that the Council requires the developer enters into a Section 106 agreement for these works.

Our Environmentalist has added that dead Elm trees at eastern edge of site to be felled (with prior BW survey for bat potential)."

- 7.8 **Environmental Health Officer** – Has commented that the area around the application site has a potential exceedence of the national air quality objectives and has therefore requested that an air quality assessment be carried out (**see attached letter**).
- 7.9 **Housing Strategy and Enabling Officer** – Is concerned that the proposed development relates to 24 dwellings only and therefore fails to trigger any requirement to provide affordable housing.
- 7.10 **County's Senior Historic Buildings Officer** – Has raised a strong opposition to the application for conservation consent (**see attached letter**).
- 7.11 **County's Archaeologist** – Has raised no objection to the proposed development subject to the imposition of numerous conditions.
- 7.12 **County's Ecologist** – Has requested that prior to any works being undertaken a survey to determine whether protected species are present be carried out.
- 7.13 **The Ramblers' Association** – Has not objected to the proposed development but made comments (**see attached letter**).
- 7.14 **County's Access Officer** – Has made the following comments:-

Following statutory consultation:

"Thank you for keeping me informed of developments (elsewhere) ...

Your letter coincided with me wishing to contact you concerning the County Arms Site at Glen Parva.

I understand that an application has been submitted to develop new housing. I do not know if you were aware that Glen Parva Parish Council made an unsuccessful claim that the pathway leading down the steps from Leicester Road, (described as a stairway on the development plan) and running down to the canal towpath, was a public right of way. Up until the closure of the public house the route was used by the public to access the canal but it was considered that there was not sufficient evidence of public path status to proceed with a Modification Order and so the application stalled.

The proposed development appears to identify the path as an amenity route. Should the development proceed I would like to request that this

path be dedicated by the landowners as a public footpath, thus ensuring its future for public access to the canal. This path would form a valuable link in the local access network and as such fits in well with the stated aims of the County Council's Rights of Way Improvement Plan, and Local Transport Plan.

I should be grateful if you would give this suggestion your consideration when dealing with the application."

Subsequent comments:

"I refer to our recent telephone conversation concerning the above proposal.

The County Council's Rights of Way Service would very much support the development of an all ability path through the proposed development from Little Glen Road to the Canal. This would fall broadly in line with Policy U6 of the County Council's Rights of Way Improvement Plan and the authority's general approach to access issues.

I would request that such a route be constructed to an adoptable standard with an all weather surface, and that it either be adopted as part of the public highway under a Section 38 Agreement, or be dedicated as a public right of way by the owners of the land.

While the development of such a route is to be supported, this should not prejudice the provision of a shorter route to the canal for more able members of the public from Leicester Road to the canal, using the concrete steps from Blaby Bridge.

These steps are provided with a solid concrete parapet, are very sturdy, and on last inspection in 2003 were in very good condition. They have been used by the public for many years without any recorded incident of accident or injury.

They used to form a very popular pedestrian link for people living on or near Leicester Road to the canal towpath/Footpath Z13. Since their closure, members of the public have taken to scrambling up and down the earth bank on the opposite side of Leicester Road which, quite clearly, raises many issues of health and safety. I would therefore like to reiterate my request that the landowners dedicate the route down the steps to the canal as a public footpath.

(Photograph no. 18 attached shows the route the public are currently using to access the canal on the western side of Leicester Road, while photograph 16 shows the steps that could be made available for public use)."

7.15 Leicester City Council – Has made the following comment:-

“The proposed scheme provides a suitable replacement for this landmark site. No objections.”

7.16 **Representations** – 10 letters of support, 7 raising comments and 118 objecting to the proposed development have been received. In addition, a petition signed by 25 local residents objecting to demolition of the County Arms has been received. Furthermore, a number of letters have also been received from Councillor Bailey (**see letters attached**).

8. Financial and Asset Implications

8.1 The appeal is to be considered at a Public Inquiry on a date to be arranged. In addition to officer costs in preparing the Council’s case, there will be associated legal and specialist witness costs which will be met from existing budgets.

9. List of Background Papers

9.1 As contained on file 06/1039/1/PX.

The following Officer(s) / Member(s) have been consulted:

Head of Paid Service:

Section 151 Officer: ✓

Monitoring Officer: ✓

Portfolio Holder:

14 June 2007

P M Clarke
Head of Planning & Environmental Health Services