



Leicester
City Council

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Planning & Development Control Committee

Date: 12th December 2018

SUPPLEMENTARY REPORT ON APPLICATIONS AND CONTRAVENTIONS:

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Recommendation: Conditional approval	
20171911	ST GEORGES CHURCH, RUTLAND STREET
Proposal:	LANDSCAPING; REMOVAL OF 21 TREES INCLUDING 2 PROTECTED BY TREE PRESERVATION ORDER; DEMOLITION OF WALL; PARTIAL REMOVAL AND RELOCATION OF RAILINGS; INSTALLATION OF GATE (AMENDED 07.12.17)
Applicant:	LEICESTER CITY COUNCIL
App type:	City Council Regulation 3
Status:	Minor development
Expiry Date:	6 April 2018
TEI	WARD: Castle

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Amended Conditions: The plans condition 13 has been amended following receipt of amended plans.

Condition 8 (lighting details): amended wording.

Amendments

For clarity the amendments to the proposal since it was presented at the committee meeting in January are:

- The retention of the eastern part of the wall along the boundary with Orton Square (the original proposal was for the wall in its entirety to be removed)
- The retention of the two gate pillars at the entrance to Orton Square (the original proposal was for both of these to be removed)
- The retention of the railings along the east side of the path to the rear of the retained wall and a gate in these railings with a path leading up to the side entrance to 41 Rutland Street (the original proposal was for the railings to terminate approximately 4 metres further south)

The applicant's supporting statement referred to on page 8 of the main report has been circulated to Members.

Representations

Twenty three further representations have been received mostly from groups or individuals who had previously made comments including the Leicestershire and Rutland Wildlife Trust and Leicester Friends of the Earth.

One of the additional representations asks that a decision be deferred to allow further consideration of the scheme.

Concerns relate to the detrimental impact of the proposal on the positive contribution of trees to better mental health and wellbeing and on pollution levels and their role as a source of oxygen and remover of carbon dioxide. They also relate to the value of the churchyard as a place to enjoy the natural environment and its ecological value.

Objections also challenge anti-social behaviour as a justification for removing trees and one objection raises concerns that the reduction in tree cover will result in a loss of shade that would make the churchyard a hot sunny place. There is also concern that the size of replacement trees will not adequately compensate for the loss of the mature trees and that there should be more trees across the city.

Five of the objections support parts of the scheme, for example removing the railings, the boundary wall between Orton Square and the church, opening up the space to the LCB Depot and the terrace for the newly opened restaurant; however they do not consider the removal of the trees to be necessary to achieve these objectives. One objection suggests a bid for firms to redesign the space that recognises the contribution of the trees to that space.

The Serbian Orthodox Church have submitted a representation on their own behalf and on behalf of users of the church.

The representation from the Serbian Church states that they do not consent to any boundary walls being removed, moved or altered, request that the boundary wall with the LCB Depot be restored and state that the agreement is for maintenance and does not allow for moving or altering anything on their land. They add that they did not give permission for a fire escape or any access to their land. They have concerns that the proposal will result in an increase in litter, people camping on the land and dogs fouling the area.

The representation from the Wildlife Trust raises concerns that the most recent surveys were not carried out in May and September as the Trust previously recommended. They state that surveys carried out in May and September would determine how the site is being used by bats to inform any planning decision. They add that they would like to see consideration of the effects of the tree removal and the impact of this on the foraging activities of bats. They also add that the siting of bat boxes should be carefully considered.

The Friends of the Earth raise concerns over the effect of the loss of the trees on air pollution levels. They make reference to their monitoring exercise (and bias adjustment) and though they find that readings at St George's Churchyard are below legal limits they raise concern that the removal of 21 trees may result push these readings over the legal limit leading to an extension of the Air Quality Management Area and threatening local resident's right to clean air.

They again challenge whether the development required an Environmental Impact Assessment and whether the application could be properly considered without that information. The representation also raises concerns over the relationship between the proposal and Core Strategy policy CS17, the Biodiversity Supplementary Planning Guidance and Climate Change Supplementary Planning Document concluding that the Council's planning guidance does not allow mature trees to be cut down without good reason and do not feel that good reason has been given.

A representation in support of the application notes how antisocial behaviour has increased in the area and believes that a more open plan well-lit area would deter many

of the people who use it for drug taking. It reports that drug related issues have resulted in an additional £12,000 security costs for the Curve Theatre over the Christmas period.

Another representation in support welcomes the opening up of the area to provide a public amenity. Although removing trees is a difficult decision there are good reasons for it here. Planting of twice as many quicker growing longer living replacements will more than compensate for the loss.

Further Considerations

I note the recently adopted City Council Tree Strategy. The strategy describes one of its aims being to ensure that trees under the Council's control are managed with the intention of resolving conflicts and problems but ultimately taking responsibility for sometimes difficult decisions.

CONDITIONS

8. Before the installation of any new lighting full details of the lighting including an illumination strategy shall be submitted and agreed in writing with the City Council as local planning authority and implemented in accordance with the agreed details. (In the interests of protecting wildlife habitats and in accordance with City of Leicester Local Plan policy BE22 and Core Strategy policy CS17).

10. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 28.11.18. (For the avoidance of doubt.)

Recommendation: Conditional approval	
20180703	341 LONDON ROAD, MARTIN HOUSE
Proposal:	CONSTRUCTION OF TWO STOREY EXTENSION TO FRONT; FIRST FLOOR EXTENSION TO SIDE; SINGLE STOREY EXTENSION TO REAR; ACCESS RAMPS; ALTERATIONS TO BUILDING (CLASS D1) (AMENDED PLANS RECEIVED 17/09/2018 & 28/09/2018)
Applicant:	MR BHUPINDER ANAND
App type:	Operational development - full application
Status:	Minor development
Expiry Date:	13 December 2018
PK	WARD: Knighton

Amended Conditions:

Condition 2 – Removed as a condition and included as a new note. Conditions 3 – 13 are therefore re-numbered.

Condition 5 (now condition 4) – amended to refer to external ventilation.

Condition 9 (now condition 8) – amended to allow use between hours of 0730 and 2300 and reference to whole building.

Condition 10 (now condition 9) – amended to refer to all parking areas proposed
New note - 2

Representations

CAP comments in more detail:

CAP were supportive of the property being brought back into use and are content with the proposed use. However their concerns relate to the design of the proposed extension at the rear. The rear extension was considered to be out of scale, overly dominant and lacking contextual design. The panel were concerned of the loss of the rear conservatory and suggested that a new freestanding building at the rear would be more appropriate. The panel did not object to the parking at the front of the site subject to a suitable grass grid system being used.

Following the submission of amended plans, CAP advised that the rear extension was still considered to be out of proportion with a greater horizontal emphasis. The panel acknowledged that there limited views of the rear part of site, but continued to maintain their objections stating the scheme has limited architectural merit.

A further letter of objection has been received from Stoneygate Conservation Area Society who have previously submitted representations. The objection outlines the history of the site and its significance. It then goes on to indicate that there are two concerns, one being that there is no proposed re-planting of trees in the front avenue and no details of a grass grid system to be installed in the front car park. The second concern is the visual impact of the proposed rear extension combined with the loss of features such as the rear bay window and conservatory.

Further Considerations

Visual Amenity

The application site is situated within Stoneygate Conservation Area and is not a listed building, nor located adjacent or within the curtilage of a listed building. The property's rear elevation is largely screened from the public realm which is recognised by the comments from CAP.

The proposed rear extension is recognised as being large; however the site is currently empty and the rear conservatory is in significant disrepair. The proposed rear

extension would be screened from open views and the proposal would bring an empty site into use whilst retaining and restoring the principle elevation to the front of the site and provide other improvements to the buildings elevations. Furthermore, the proposal does not include significant demolition of the building internally which would retain the integrity of the original layout.

Highways and Parking

The proposed surfacing for the car park to the front and to there is to be secured by condition 5 which requires details of hard and soft landscaping. The applicant is aware that the grass grid system would be most suitable for the site in respect of character, visual amenity and also surface water drainage.

The car parking to the front is proposed to be of a larger area to be in accordance the parking space standards of the City Council. The greater separation between spaces would ensure that there is sufficient space to manoeuvre within the site. The car park proposed to the rear would ensure that the parking provision on site would be in accordance with the Local Highways Authority standards for parking spaces for a D1 use.

Subject to amended plans and conditions relating to surfacing, access, travel pack and cycle parking, I conclude that the proposal would comply with Core Strategy Policy CS14 and saved Local Plan Policies AM02 and AM12, and that any residual cumulative transport impacts of the development would not be likely to be severe.

CONDITIONS

4. Prior to any above-ground development (excluding access alterations), details of any external ventilation system to control the emission of fumes and smell from the premises has been submitted to and approved in writing by the City Council as local planning authority. The approved details shall be installed prior to first use of the extension and maintained and operated thereafter in accordance with the manufacturer's instructions (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)

8. There shall be no use of any part of the building (including the extension and original building) outside the hours of 0730 and 2300 daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

9. All of the parking areas shall be provided in accordance with the approved plans before the use of any extensions and shall be retained and kept available for that use. (To ensure that parking can take place in a satisfactory manner; and in accordance with policy AM11 of the City of Leicester Local Plan and Core Strategy policy CS03.)

NOTES FOR APPLICANT

2. The effect of condition 2 of this planning permission is to ensure that the existing vehicular access serving the site from London Road, shall have been improved to provide a minimum width of 7 metres with suitable extensions to the dropped crossing. The widened access road shall also have been surfaced in a hard bound material for at least its first 13 metres behind the highway boundary (back of footway). These access improvement works are to be carried out prior to commencement of the building works on site.

Recommendation: Conditional approval	
20181401	232 ABBEY LANE
Proposal:	CHANGE OF USE FROM A DWELLING (1X 4BED) TO THREE FLATS (2X 1BED, 1X 2BED); ALTERATIONS (CLASS C3) (AMENDED PLANS, 21/11/18)
Applicant:	MR RAVI SETH
App type:	Change of use
Status:	Change of use
Expiry Date:	14 August 2018
SC	WARD: Abbey

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Amended Description: (4 bed)

Representations

Air Quality – Confirmed that due to the size of the development, an air quality assessment is not required (the threshold is 10 flats and above).

Further Considerations

Correction to the description of the proposal on page 45, and also on page 46 under The Proposal: the existing property is a 4 bedroom house not a 3 bedroom house.

Page 48 under Living Conditions - although the site is located within an Air Quality Management Area, the site is already in residential use, and there would be no increase in the number of bedrooms.

Recommendation: Conditional approval	
20181842	14 WALDALE DRIVE
Proposal:	CONSTRUCTION OF SINGLE STOREY FRONT EXTENSION; FIRST FLOOR SIDE EXTENSION AND TWO STOREY SIDE EXTENSION; SINGLE STOREY REAR EXTENSION; ALTERATIONS (CLASS C3) (AMENDED PLANS RECEIVED ON 27/11/2018)
Applicant:	DR ANSHUMAM GHOSH
App type:	Operational development - full application
Status:	Householder development
Expiry Date:	13 December 2018
PK	WARD: Stoneygate

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Representations

A further eight letters of objection have been received from residents who have previously commented on the application. Three of the letters are duplicates. The letters maintain their objections in regards to impact on visual and residential amenity, parking and 'garden grabbing'.

Further Considerations

No new issues have been raised for consideration.

Recommendation: Conditional approval	
20182272	36 WALDALE DRIVE
Proposal:	CONSTRUCTION OF FIRST FLOOR EXTENSION AT SIDE OF HOUSE; ALTERATIONS (CLASS C3) (AMENDED PLAN RECEIVED 19/11/2018)
Applicant:	MR A KHAN
App type:	Operational development - full application
Status:	Householder development
Expiry Date:	11 December 2018
PK	WARD: Stoneygate

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Representations

A further three letters of objections have been received from residents who have previously commented on the scheme. The letters raise concerns regarding design, visual and residential amenity. The letters suggest that the amended plans showing the extension being built up to the rear elevation of the host property would have a greater impact on the residential amenity of adjacent occupiers.

Further Considerations

The comments raise no new issues for consideration.