



Leicester
City Council

Wards: see individual reports

Planning & Development Control Committee

Date : 17th April 2024

SUPPLEMENTARY REPORT ON APPLICATIONS AND CONTRAVENTIONS:

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APPLICATION ORDER**

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		20232372	23 St Johns Road	ST
		20232441	32, 34 & 36 Barkbythorpe Road	TR

Recommendation: Conditional approval	
20232372	23 St Johns Road
Proposal:	Outline application for construction of two houses (2 x 4 bed) (Class C3) including access, appearance, layout and scale with landscaping reserved
Applicant:	Mr and Mrs Parmdeep and Palbir Vadesha
App type:	Outline application
Status:	
Expiry Date:	7 February 2024
TEI	WARD: Stoneygate

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Amended Conditions

The date of Condition 8 has been amended from 31.01.2021 to 30.01.2020 in accordance with the provisions of Schedule 14 of the Environment Act 2021. This means specific biodiversity enhancements must be measurable from the environmental condition of the site at 30.01.2020.

Correction

Note there is a typographical error in the report: the reference to “approximately 26 metres” between rear of proposed dwellings and rear of St John’s properties should read “approximately 29 metres”.

Representations

A further representation has been received. The issues raised include:

- concern that residents of Laureston Drive were not initially notified of the application until after the closing date for remarks, with residents of St John’s Road, on whom the proposal has no impact informed instead,
- concern over the loss of trees, greenery and fencing which has already occurred, with concern that the willow that is a prominent feature of the street may also be felled,
- concern over traffic in a relatively small cul-de-sac particularly during the build period,
- concern over building mess during the build period,
- concern that numbers 54 and 56 Laureston Drive will be overlooked and suffer a loss of privacy.

Further Considerations

Most of the concerns above have been addressed in the officer’s report. In addition:

- The distance between the front elevation of the proposed dwellings and the front elevation of numbers 54 and 56 Laureston Drive will be approximately 23 metres. I consider this an acceptable distance.
- Landscaping is a reserved matter. The 'measurable date' in Condition 8 requires that specific biodiversity measures secured through the reserved matters process will be assessed against the environmental condition of the site as it was at 30.01.2020.

REVISED CONDITION 8

8. Detailed plans and particulars of the landscaping (referred to in Condition 1 as "reserved matters") together with a Preliminary Ecological Appraisal, a Landscape and Ecology Management Plan (including specific biodiversity enhancements measurable from the environmental condition of the site at 30.01.2020), a Sustainable Urban Drainage Scheme and Drainage Layout Plan, and an Arboricultural Impact Assessment and Tree Protection Plan, details of replacement trees and details of the maintenance of the site for a 30 year period, dealing with matters in relation to landscaping shall be submitted to and approved in writing by the local planning authority before the development is begun.

Recommendation: Conditional approval	
20232441	32, 34 & 36 Barkbythorpe Road
Proposal:	Variation of condition 22 (Plans) attached to planning permission 20190377 (Demolition of existing 3 dwellings; Construction of 18 dwellings including associated external works (Amended plans (S106 agreement) to allow for removal of the approved drawing 'P006c Landscape')
Applicant:	Modus Partnerships Ltd
App type:	Operational development - full application
Status:	
Expiry Date:	19 April 2024
ACB	WARD: Troon

Amended Description: No

Amended Recommendation: Approve

Further Representations

- 1) The Applicants have confirmed that a clause in the existing s106 Agreement allows for this agreement to apply to future variation applications, and as such consider a **Deed of Variation is therefore not required.**
- 2) One of the objectors has provided additional information over their previous attempts to develop neighbouring land for residential purposes.
- 3) One of the objectors has provided a document of photographs of the site to members of the Committee.

Further Considerations

- 1) The recommendation in the main report was that the application be approved subject to conditions and completion of a deed of variation of the section 106 agreement.

I have now received confirmation that as the section 106 agreement contains a clause which states that the agreement would also relate to any new planning permission issued under section 73 of the Town and Country Planning Act which this application falls within, there is no need for a deed of variation of the section 106 agreement to be completed.

I therefore propose an amended recommendation that the application be APPROVED subject to the conditions as set out in the main report.

- 2) In relation to the objector who wants to develop their land I can advise that an application was submitted in 2018 for a storage unit on the site but this was not determined and was disposed of in 2019. A storage building was approved in 2015. From the documentation sent there appears to have been a pre-application enquiry for residential development in 2001 which was not pursued further. There appear to have been no further enquires in relation to residential development on that site and I do not consider that any substantive matters are raised affecting my recommendation.
- 3) In relation to the document of photographs, these were submitted as part of the objection that was received and my response to them is contained in the original report.