

Leicester
City Council

**MEETING OF THE PLANNING AND DEVELOPMENT CONTROL
COMMITTEE**

DATE: WEDNESDAY, 17 APRIL 2024

TIME: 5:30 pm

**PLACE: Meeting Rooms G.01 and G.02, Ground Floor, City Hall, 115
Charles Street, Leicester, LE1 1FZ**

Members of the Committee

Councillor Pantling (Chair)

Councillor Aldred (Vice-Chair)

Councillors Agath, Bonham, Gopal, Kennedy-Lount, Kitterick, Mohammed, Dr
Moore, Singh Patel and Surti

One unallocated Labour group place

Members of the Committee are summoned to attend the above meeting to
consider the items of business listed overleaf.

For Monitoring Officer

Officer contact: Jessica Skidmore / Sharif Chaudhury

Governance Services,

Leicester City Council

City Hall, 115 Charles Street, Leicester, LE1 1FZ

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- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact Jessica Skidmore, Governance Services Officer on **(0116) 454 2623** or Sharif Chaudhury, Senior Governance Services Officer on **(0116) 454 0538**, or email: committees@leicester.gov.uk. For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**.

PUBLIC SESSION

AGENDA

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- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed on the Agenda.

Members will be aware of the Code of Practice for Member involvement in Development Control decisions. They are also asked to declare any interest they might have in any matter on the committee agenda and/or contact with applicants, agents or third parties. The Chair, acting on advice from the Monitoring Officer, will then determine whether the interest disclosed is such to require the Member to withdraw from the committee during consideration of the relevant officer report.

Members who are not on the committee but who are attending to make representations in accordance with the Code of Practice are also required to declare any interest. The Chair, acting on advice from the Monitoring Officer, will determine whether the interest disclosed is such that the Member is not able to make representations. Members requiring guidance should contact the Monitoring Officer or the Committee's legal adviser prior to the committee meeting.

3. MINUTES OF THE PREVIOUS MEETING Pages 1-14

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 6 March 2024 are a correct record.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS Pages 15-18

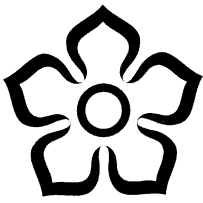
The Committee is asked to consider the recommendations of the Director, Planning, Development and Transportation contained in the attached reports, within the categories identified in the index appended with the reports.

(i) 20232372 23 ST JOHNS ROAD Pages 19-28

(ii) 20232441 32, 34 & 36 BARKBYTHORPE ROAD Pages 29-42

5. RENEWAL OF REGULATION 7 DIRECTION, TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS (ENGLAND) REGULATIONS 2007) Pages 43-56

6. ANY URGENT BUSINESS



Leicester
City Council

Item 3

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 6 MARCH 2024 at 5:30 pm

P R E S E N T :

Councillor Pantling (Chair)
Councillor Aldred (Vice Chair)

Councillor Bonham
Councillor Gopal
Councillor Haq

Councillor Kitterick
Councillor Mohammed
Councillor Dr Moore

Councillor Singh Patel
Councillor Surti

In accordance with the provisions of the Constitution (Part 4A, Rule 42) the following Councillors attended the meeting and with the sanction of the Committee spoke on the items indicated but did not vote.

Councillor:

Application details:

Geoff Whittle

20232393 10 Heddington Way

* * * * *

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Agath and Councillor Kennedy-Lount.

2. DECLARATIONS OF INTEREST

Members were asked to declare any interests they had in the business on the agenda.

Councillor Haq declared that he had received an email regarding the Armadale Drive application but that he had not read it and maintained an open mind.

Councillor Bonham declared that he would be making a representation on the Armadale Drive application and would therefore not be participating in it as a Committee Member.

Councillor Aldred declared that she had received an email regarding the Armadale Drive application but that she had not read it and maintained an open mind.

The Chair declared that she had received an email regarding the Western Park application but that she had not read it and maintained an open mind.

3. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held 6 December 2023 be confirmed as a correct record.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS

The Chair noted that the items would be taken out of the order listed on the agenda.

5. 20232393 10 HEDDINGTON WAY

Ward: Knighton

Proposal: Construction of single storey extension at front, two storey extension at side, single & two storey extension at rear; installation of render to external elevations of house (Class C3) (amended plans 16/2/2024)

Applicant: Sunny Singh

The Planning Officer presented the report.

Michelle Hughes addressed the Committee and spoke in opposition to the application.

Councillor Whittle addressed the Committee and spoke in opposition to the application.

Members of the Committee considered the application and Officers responded to questions and queries raised by the Committee.

The Chair summarised the application and moved that in accordance with the Officer recommendation, that the application be approved. This was seconded by Councillor Aldred, and upon being put to the vote, the motion was CARRIED.

RESOLVED: permission was granted subject to 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. Every external facing wall of the property shall be finished in the same white render and shall be retained as such. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. Development shall be carried out in full accordance with the following approved plans:
Proposed Roof Plan, Proposed Front Elevation, Proposed Side Elevation, Proposed Side Elevation, Proposed Rear Elevation, Proposed Ground Floor Plan, Proposed First Floor Plan, Block Plan 1:500, ref 10/PI/Ts/2, Rev 2, received 16/2/2024
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining 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 2023.
2. The local planning authority expects that the installation of external wall insulation as approved shall be moist resistant, damp proof and shall protect the integrity of the brickwork. The local planning authority also expects the finish to be of good quality and durable.

6. 20221507 HINCKLEY ROAD, WESTERN PARK CAR PARK

Ward: Western

Proposal: Demolition of Parkfield and club house. Construction of 20 houses (2 x 2 bedroom; 12 x 3 bedroom; 6 x 4 bedroom) (Class C3); meeting place (Class F.2) associated access road, car parking, landscaping and drainage. (Amended plans)

Applicant: WPEH Limited

The Planning Officer presented the report and drew Members attention to the S106 agreement and to the addendum pack.

Luke Butcher, on behalf of the application, addressed the Committee and

spoke in support of the application.

Members of the Committee considered the application and Officers responded to questions and queries raised by the Committee.

The Chair summarised the application and points raised by the Committee and moved that, in accordance with the Officer recommendation, and the S106 agreement and the addendum report that the application be approved. This was seconded by Councillor Haq and upon being put to the vote, the motion was CARRIED.

RESOLVED: permission was granted subject to 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. No demolition or development shall take place in relation to the proposal until the applicant has secured the implementation of an appropriate programme of archaeological fieldwork undertaken by a competent and experienced organisation in accordance with a Written Scheme of Investigation (WSI), which has been submitted to and approved in writing by the local planning authority. The WSI must include an assessment of significance and research questions; and: (1) the programme and methodology of site investigation and recording; (2) provision to be made for analysis of the site investigation and recording; (3) provision to be made for publication and dissemination of the analysis and records of the site investigation where appropriate; (4) provision to be made for archive deposition of the analysis and records of the site investigation. (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 3. (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18).
4. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 3, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. (To

ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their economic and social significance is advanced; and in accordance with Core Strategy policy CS18).

5. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved by the local planning authority. No property shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with Core Strategy policy CS02).
6. Prior to the commencement of development details of drainage, shall be submitted to and approved by the local planning authority. No flat or property shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with Core Strategy policy CS02).
7. Prior to works above ground level on-site installations to provide renewable energy and energy efficiency measures including solar panels shall be submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until evidence demonstrating satisfactory installation and operation of the approved scheme including on-site installation has been submitted to and approved in writing by the local planning authority and the installations and operation shall be retained as such thereafter. (In the interests of securing energy efficiency in accordance with Core Strategy policy CS02.)
8. Prior to the commencement of the development, details of all street works, including the access directly from Hinckley Road, alterations to the footway crossings, shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of the development all streetworks must be implemented in full accordance with the approved details and retained as such. (To achieve a satisfactory form of development, and in accordance with policy AM01 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).
9. Before the occupation of the development the parking spaces shown

on the approved plans shall be provided and shall be retained for vehicle parking. (To secure adequate off-street parking provision, and in accordance with policy AM12 of the City of Leicester Local Plan and Core Strategy policy CS03.)

10. Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a 'New Residents Travel Pack'. The contents of this shall be submitted to and approved in writing and in advance by the local planning authority and shall include walking, cycling and bus maps, latest relevant bus timetable information and bus travel and cycle discount vouchers. (In the interest of sustainable development and in accordance with policy AM02 of the City of Leicester Local Plan and Core Strategy policy CS14).
11.
 - A) Prior to the construction of any above ground development, a materials sample panel drawing (at a scale of 1:20) and full materials schedule, shall be submitted to and approved in writing by the Local Planning Authority.
 - B) Prior to the construction of any above ground development, the approved sample panel shall be constructed on site, showing all external materials, including, but not limited to, bricks, bond, windows, doors and cladding, for inspection by Officers and approval in writing by the Local Planning Authority. Each dwelling shall only be occupied, once that dwelling has been constructed in accordance with the approved details. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
12. Should the development not commence within 24 months of the date of the last protected species survey (13/09/2022), then a further protected species survey shall be carried out of all buildings [trees and other features] by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and agreed in writing with the local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey should be repeated biennially and any mitigation measures reviewed by the LPA until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRow Act 2000), the Habitat & Species Regulations 2017 and in accordance with Core Strategy policy CS17).
13. Notwithstanding the submitted Landscaping Plans, prior to any work above foundation level, a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of the parts of the site which will remain unbuilt upon shall be submitted to and approved in writing with the local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means

of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments, including details of the entrance gates; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots), (viii) a detailed plan of the biodiversity enhancements on the site including a management scheme to protect habitat during site preparation and post-construction; (ix) details of planting design and maintenance of; (x) details of the make and type of bat and bird boxes/tiles/bricks to be erected on buildings under the guidance and supervision of a qualified ecologist. The approved LEMP shall contain details on the after-care and maintenance of all soft landscaped areas for that relevant phase and be carried out within one year of completion of that phase of the development. For a period of not less than ten years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17).

14. Prior to the commencement of development, an arboricultural method statement and tree protection plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. (In the interests of amenity, and in accordance with saved 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).
15. All works within the Route Protection Area (RPA) of trees to be retained shall be overseen by a qualified Arboriculturist who will advise on the necessary requirements and procedures to protect all of the trees and their rooting structure, the Arboriculturist will also monitor the correct installation of all the no-dig systems required onsite. (In the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)
16. Prior to the commencement of the development details / locations of all 20 new trees within the site shall be submitted to and approved in writing with the local planning authority. They shall be of 16-18 stem girth, British native, Heavy standard, all replacement trees shall then be maintained until established following planting. Any tree that dies, becomes seriously damaged or is removed shall be replaced by another of the same specification at the same place in the first available planting season. (In the interests of amenity, and in accordance with saved 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).

17. No existing trees, shrubs or hedges adjacent to the site shall be topped, lopped, uprooted, felled or wilfully damaged without the prior written approval of the local planning authority. (In the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)
18. Prior to the occupation of any dwelling, a lighting scheme shall be implemented in accordance with details first submitted to and approved in writing by the local planning authority. It shall be retained as such thereafter. The details shall show the locations of lights, their type of light emittance and wavelength, and include a lux contour map showing the variation in light. The lighting shall be designed to cause minimum disturbance to wildlife that may or could inhabit the site. (In the interest of protecting wildlife habitats and in accordance with NPPF (2023) paragraph 185 and Core Strategy policy CS17).
19. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the City Council as local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) the loading and unloading of plant and materials; (iii) the storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; (viii) hours of construction. (To ensure the satisfactory development of the site, and in accordance with policies AM01, 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).
20. The detached community building (Forum) shall only be used in conjunction with the development and shall not be used, let, sold or otherwise disposed of as a separate unit for living accommodation or commercial use or any other such use. (In the interests of residential amenity in accordance with Policy PS10 of the City of Leicester Local Plan.)
21. Prior to the installation of any boundary treatment to the ponds as identified on plan soft landscaping 23.1783.010 rev details shall be submitted to and approved in writing by the local planning authority showing the location area, the height and materials. The boundary treatments shall be installed in accordance with the approved details and retained as such thereafter. (In the interests of residential and visual amenity and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03).

22. The dwellings and their associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwellings a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the local planning authority certifying compliance with the above standard. (To ensure the dwellings are adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06).
23. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to any dwelling house of types specified in Part 1, Classes AA, A, B, C, D, E and F, and Part 2 Classes A and C of Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (Given the nature of the site, the form of development is such that work of these types may be visually unacceptable or lead to an unacceptable loss of amenity to occupiers of neighbouring properties; and in accordance with saved policy PS10 of the City of Leicester Local Plan and Core Strategy policy CS03).
24. The development shall be carried out in accordance with the following plans:

Type 1 floor plans, elevations, section 265-BBA-01-ZZ-DR-A-02110 rev P4
 Type 2 floor plans, elevations, section 265-BBA-02-ZZ-DR-A-02120 rev P4
 Type 3A floor plans, elevations, section 265-BBA-02-ZZ-DR-A-02121 rev P4
 Type 3B floor plans, elevations, section 265-BBA-02-ZZ-DR-A-02122 rev P4
 Type 4A floor plans, elevations, section 265-BBA-03-ZZ-DR-A-02130 rev P4
 Type 4B floor plans, elevations, section 265-BBA-03-ZZ-DR-A-02131 rev P4
 Type 5A floor plans, elevations, section 265-BBA-03-ZZ-DR-A-02132 rev P4
 Type 5B floor plans, elevations, section 265-BBA-03-ZZ-DR-A-02133 rev P4
 Forum, floor plans, elevations 265-BBA-04-BBA-04-ZZ-DR-A-02140 rev P3
 Proposed street scene elevations 265-BBA-00-ZZ-DR-A- 02320 rev P3
 Proposed plot boundaries 265-BBA-00-03-DR-A-02016 rev P4
 Plan, section, elevation details Type 1 - 265-BBA-00-ZZ-DR-11350 rev P1
 Plan, section, elevation details Type 2 - 265-BBA-00-ZZ-DR-11351 rev P1
 Plan, section, elevation details Type 3 - 265-BBA-00-ZZ-DR-11352 rev P1
 Plan, section, elevation details Type 4 - 265-BBA-00-ZZ-DR-11353 rev P1
 Plan, section, elevation details Type 5 - 265-BBA-00-ZZ-DR-11354 rev P1
 Proposed street sections 265-BBA-00-ZZ-DR-A-02321 rev P3
 Site plan 265-BBA-00-ZZ-DR-A-02010 rev P3
 Proposed ground floor plan 265-BBA-00-GF-DR-A-02100 rev P3
 Proposed first floor plan 265-BBA-00-03-DR-A-02101 rev P3
 Proposed second floor plan 265-BBA-00-02-DR-A-02102 rev P3
 Proposed roof plan 265-BBA-00-03-DR-A-02103 rev P3
 Boundary strategy 1 – 23.1783.012 rev B

Boundary strategy 2 – 23.1783.013 rev A
Hard landscaping 23.1783.011 rev A
Soft landscaping 23.1783.010 rev B

For the avoidance of doubt.

NOTES FOR APPLICANT

1. 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 2023 is considered to be a positive outcome of these discussions.

2. Any development where surface water runoff will be managed through discharge into a public sewer will require approval from Severn Trent Water (STW). It is recommended that STW are consulted regarding the proposed connection. An application for connection will need to be completed and submitted to STW once planning approval is granted.

3. Leicester Street Design Guide (First Edition) has now replaced the 6Cs Design Guide (v2017) for street design and new development in Leicester. It provides design guidance on a wide range of highway related matters including access, parking, cycle storage. It also applies to Highways Act S38/278 applications and technical approval for the Leicester City highway authority area. The guide can be found at:
<https://www.leicester.gov.uk/your-council/city-mayor-peter-soulsby/key-strategy-documents/>

4. 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.

7. 20232240 ARMADALE DRIVE, AL-MARIFAH ACADEMY

Ward: Humberstone & Hamilton

Proposal: Construction of two single storey temporary buildings at rear of place of worship (Class F1); installation of hardstanding and parking area
Applicant: Mr Khawaja Muhammad Junaid Gulraiz

At this point Councillor Bonham removed himself from the Committee.

The Planning Officer presented the report and drew Members attention to the addendum report.

Dr Khawaja Gulraiz Rauf, on behalf of the applicant, addressed the Committee and spoke in support of the application.

Councillor Bonham addressed the Committee and spoke in support of the application.

Members of the Committee considered the application and Officers responded to questions and queries raised by the Committee.

The Chair summarised the application and points raised by the Committee and moved that in accordance with the Officer recommendation and the addendum report, the application be approved with an additional condition relating to a traffic management plan. This was seconded by Councillor Aldred and upon being put to the vote, the motion was CARRIED.

RESOLVED: permission was granted subject to 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. The classroom portacabin buildings shall be removed and the land restored to its former condition not later than 2 years from the date of this permission. (The proposal does not represent a satisfactory form of permanent development; and to allow a period to assess parking impacts of the proposal; in accordance with Core Strategy policy CS03 and National Planning Policy Framework 2023 paragraph 114d.)
3. The use of the portacabin buildings shall be limited to Use Class F1(a) provision of education and no other use. (Because other Class F1 uses could attract different/greater levels of noise, and in accordance with Local Plan 2006 policy PS11).
4. The use shall not be carried on outside the hours of 0800-2000 Monday-Saturday. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

5. Prior to commencement of the use of the portacabin classrooms, the cycle shelter with 16 cycle spaces shall be installed in accordance with the shelter details submitted (BDS Cycle Shelter- 16 Space Cycle Shelter & Bike Stands, Bikedock solutions.) (In the interests of sustainable transport and managing traffic impacts, in accordance with Local Plan 2006 policy AM02)
6. Construction shall take place in strict adherence with the procedures detailed in chapters 3-11 inclusive of the submitted arboricultural implication study (J.A.G. arboricultural consultancy, dated April 2023) (to ensure landscape features of visual amenity are retained in accordance with Local Plan 2006 saved policy UD06).
7. Prior to the installation of the portacabins full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved by the local planning authority. The use shall not commence until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy).
8. Prior to the installation of the portacabins details of drainage, shall be submitted to and approved by the local planning authority. The use shall not commence until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy).
9. The development hereby permitted shall at all times be managed and operated in full accordance with a Traffic Management Plan the details of which shall be submitted to and approved in writing by the local planning authority before occupation of the temporary building. The Plan shall set out 'best reasonable endeavour' procedures for use of car parking and cycle storage, the safe and efficient use of the vehicle access, event marshalling arrangements, visitor policies for drivers, and refuse collection arrangements including where these issues can be addressed in cooperation with the Local Highway Authority (To ensure the development is properly managed so as to minimise its effect on the surrounding area and in the interests of the safety and security of its attendees and visitors in accordance with the aim of Core Strategy policies CS03, CS06 and CS15 and policy PS10 of the City of Leicester Local Plan)
10. Development shall be carried out in accordance with the following

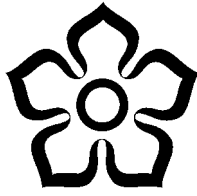
approved plans:
Proposed Site Plan PL-A203, Revision A
Proposed Plan & Elevations, PL-A200, Revision A
Cycle Stand, PL-A203, Revision A
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining 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 2023.
2. This consent is partially for a limited period only. The relevant condition above must be complied with unless a further consent is obtained. If you or anyone else wishes to apply for a further consent, this should be done at least two months before the expiry date given by the condition, and you should contact the City Council before making your application to ask whether further consent might be granted. **YOU SHOULD NOT EXPECT ANY FURTHER REMINDER REGARDING THIS LIMITED PERIOD CONSENT.**

8. ANY URGENT BUSINESS

There being no further business the meeting closed at 7.54pm.



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 17 April 2024

REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS

Report of the Director, Planning and Transportation

1 Introduction

- 1.1 This is a regulatory committee with a specific responsibility to make decisions on planning applications that have not been delegated to officers and decide whether enforcement action should be taken against breaches of planning control. The reports include the relevant information needed for committee members to reach a decision.
- 1.2 There are a number of standard considerations that must be covered in reports requiring a decision. To assist committee members and to avoid duplication these are listed below, together with some general advice on planning considerations that can relate to recommendations in this report. Where specific considerations are material planning considerations they are included in the individual agenda items.

2 Planning policy and guidance

- 2.1 Planning applications must be decided in accordance with National Planning Policy, the Development Plan, principally the Core Strategy, saved policies of the City of Leicester Local Plan and any future Development Plan Documents, unless these are outweighed by other material considerations. Individual reports refer to the policies relevant to that application.

3 Sustainability and environmental impact

- 3.1 The policies of the Local Plan and the LDF Core Strategy were the subject of a Sustainability Appraisal that contained the requirements of the Strategic Environmental Assessment (SEA) Directive 2001. Other Local Development Documents will be screened for their environmental impact at the start of preparation to determine whether an SEA is required. The sustainability implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined in each report.
- 3.2 All applications for development falling within the remit of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 are screened to determine whether an environmental impact assessment is required.

- 3.3 The sustainability and environmental implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined and detailed within each report.
- 3.4 Core Strategy Policy 2, addressing climate change and flood risk, sets out the planning approach to dealing with climate change. Saved Local Plan policies and adopted supplementary planning documents address specific aspects of climate change. These are included in individual reports where relevant.
- 3.5 Chapter 14 of the National Planning Policy Framework – Meeting the challenge of climate change, flooding and coastal change – sets out how the planning system should support the transition to a low carbon future, taking full account of flood risk and coastal change. Paragraph 149 states “Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.”
- 3.6 Paragraphs 155 - 165 of the National Planning Policy sets out the national policy approach to planning and flood risk.

4 Equalities and personal circumstances

- 4.1 Whilst there is a degree of information gathered and monitored regarding the ethnicity of applicants it is established policy not to identify individual applicants by ethnic origin, as this would be a breach of data protection and also it is not a planning consideration. Section 149 of the Equality Act 2010 provides that local authorities must, in exercising their functions, have regard to the need to:
- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 4.2 The identity or characteristics, or economic circumstances of an applicant or intended users of a development are not normally material considerations. Where there are relevant issues, such as the provision of specialist accommodation or employment opportunities these are addressed in the individual report.

5 Crime and disorder

- 5.1 Issues of crime prevention and personal safety are material considerations in determining planning applications. Where relevant these are dealt with in individual reports.

6 Finance

- 6.1 The cost of operating the development management service, including processing applications and pursuing enforcement action, is met from the Planning service budget which includes the income expected to be generated by planning application fees.

- 6.2 Development management decisions can result in appeals to the Secretary of State or in some circumstances legal challenges that can have cost implications for the City Council. These implications can be minimised by ensuring decisions taken are always based on material and supportable planning considerations. Where there are special costs directly relevant to a recommendation these are discussed in the individual reports.
- 6.3 Under the Localism Act 2011 local finance considerations may be a material planning consideration. When this is relevant it will be discussed in the individual report.

7 Planning Obligations

- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of mitigating those impacts, such as increased demand for school places and demands on public open space, through planning obligations. These must arise from the council's adopted planning policies, fairly and reasonably relate to the development and its impact and cannot be used to remedy existing inadequacies in services or facilities. The council must be able to produce evidence to justify the need for the contribution and its plans to invest them in the relevant infrastructure or service, and must have regard to the Community Infrastructure Levy (Amendment)(England) Regulations 2019.
- 7.2 Planning obligations cannot make an otherwise unacceptable planning application acceptable.
- 7.3 Recommendations to secure planning obligations are included in relevant individual reports, however it should be noted however that the viability of a development can lead to obligations being waived. This will be reported upon within the report where relevant.

8 Legal

- 8.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the City Barrister and Head of Standards has been consulted and his comments are incorporated in individual reports.
- 8.2 Provisions in the Human Rights Act 1998 relevant to considering planning applications are Article 8 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property) and, where relevant, Article 14 (prohibition of discrimination).
- 8.3 The issue of Human Rights is a material consideration in the determination of planning applications and enforcement issues. Article 8 requires respect for private and family life and the home. Article 1 of the first protocol provides an entitlement to peaceful enjoyment of possessions. Article 14 deals with the prohibition of discrimination. It is necessary to consider whether refusing planning permission and/or taking enforcement action would interfere with the human rights of the applicant/developer/recipient. These rights are 'qualified', so committee must decide whether any interference is in accordance with planning law, has a legitimate aim and is proportionate.

- 8.4 The impact on the human rights of an applicant or other interested person must be balanced against the public interest in terms of protecting the environment and the rights of other people living in the area.
- 8.5 Case law has confirmed that the processes for determination of planning appeals by the Secretary of State are lawful and do not breach Article 6 (right to a fair trial).

9 Background Papers

Individual planning applications are available for inspection on line at www.leicester.gov.uk/planning. Other reasonable arrangements for inspecting application documents can be made on request by e-mailing planning@leicester.gov.uk. Comments and representations on individual applications are kept on application files, which can be inspected on line in the relevant application record.

10 Consultations

Consultations with other services and external organisations are referred to in individual reports.

11 Report Author

Grant Butterworth grant.butterworth@leicester.gov.uk (0116) 454 5044 (internal 37 5044).

**INDEX
APPLICATION ORDER**

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Item 4a

COMMITTEE REPORT

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:	Minor development	
Expiry Date:	7 February 2024	
TEI	TEAM: PD	WARD: Stoneygate



Summary

- the application is before committee as objections have been received from more than 6 separate addresses in the city,
- the application is an outline application for i) access, ii) layout, iii) scale and iv) appearance with v) landscaping being reserved matters for a subsequent application,
- the main issues are the design of the proposed dwellings, the parking and highways impacts of the development and the impact on the amenity of neighbouring properties and future occupiers of the proposed dwellings,
- the recommendation is for conditional approval with landscaping as reserved matters.

The Site

The application relates to undeveloped land at the rear of the 23 St John's Road. The land faces on to Laureston Drive. 23 St Johns Road and the western part of the garden are located in the Stoneygate Conservation Area with the eastern part located outside. The site is also in a critical drainage area.

Background

There is a recent consent for the felling of one tree within the Stoneygate Conservation Area (20232084) granted on 21.12.23. This consent was required as the tree in question was on St John's Road and, in contrast to the rear part of the site, the front of the site facing St John's Road is in the Stoneygate Conservation Area. Such consent would not have been required were the tree at the rear. There is no history of any other applications in relation to the site.

The Proposal

The proposal is for outline consent for access, layout, appearance and scale. Landscaping is a reserved matter. The proposal is for two x two storey four-bedroom dwellings (Class C3). The properties will both have the same layout with a lounge, kitchen and living room/diner on the ground floor and four bedrooms (2 ensuite) and a bathroom on the first floor. They will be a footprint of 11 metres by 10.5 metres with the side element of the properties set back. They will both measure 7.9 metres in height. Parking for two cars will be at the front.

Policy Considerations

National Planning Policy Framework 2023

Paragraph 108 (Transport impacts and patterns)

Paragraph 114 (Assessing transport issues)

Paragraph 115 (Unacceptable highways impact)

Paragraph 116 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 136 (Trees)

Paragraph 139 (Design decisions)

Paragraph 140 (Clear and accurate plans)

Paragraph 165 (Avoiding flood risk or making development safe)

Paragraph 173 (Flood risk considerations and SuDS)

Paragraph 191 (Noise and light pollution)

Development Plan Policies

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

Other Guidance

Residential Amenity Guide (2008)

Local Plan Appendix 001 – Vehicle Parking Standards

Consultations

Local Highway Authority (LCC): - acceptable subject to conditions

Tree Officers (LCC): - there are trees both on and adjacent to this site. A BS5837 Tree Survey (with Tree Constraints Plan), an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan will all be required.

Representations

Objections have been received from 10 separate addresses. The objections raise the following concerns:

- Design: that the proposal would come forward of the building line of the Waldale Drive properties, that there will be and has already been a loss of trees and greenery resulting in harm to the character and appearance of the area, that the design of the properties is out of keeping with the architectural style and scale of and would disrupt the aesthetic appeal of the area and would undermine its heritage and character.
- Amenity of neighbouring properties: that the proposal would result in a loss of natural light to (in particular 38 Waldale Drive) and a harmful impact on the privacy of neighbouring properties.
- Amenity of application properties: that the new dwellings will have small garden spaces.
- Parking and highways: that the proposal will result in more vehicles passing on a narrow street, traffic congestion, parking issues and obstruction, access difficulties including for disabled users and a potential decrease in the safety of the area, particularly for pedestrians and children.
- Disruption during the development phase: that during the development phase there will be noise pollution, mess from building materials that will need to be delivered to the end of the drive and difficulties in vehicle manoeuvring.
- Environmental: that the proposal would result in an increase in carbon emissions, waste generation, and a strain on local resources, such as water and energy and that the removal of plants and trees has already had a devastating impact on natural wildlife for birds, squirrels and other animals.
- Procedural: that there was insufficient notification from the City Council regarding the application with many neighbours initially finding out about the application through word of mouth and that no site notice was displayed.
- Other: that the proposal could potentially lead to a devaluation of property values in the area.

Consideration

The proposal is for outline consent with landscaping reserved. Therefore, it is only the principle of development, access, layout, scale and appearance that are under consideration at this point.

Principle of development:

The site is located within a primarily residential area and the development is acceptable in principle.

Design (appearance / layout / scale):

The two proposed dwellings are larger in scale than the common typology along Laureston Drive. However, they are proposed to be located on the visual corner as Laureston Drive turns towards Waldale Drive and given the relative prominence, dwellings of a moderately larger scale are not inappropriate here. In any case the side elements at the south west of each of the properties are set back to break up the massing of the development.

Similarly, though the dwellings will be set forward of the building line of numbers 32-38 Waldale Drive, the visual corner characteristics of the site mean that this is not inappropriate.

The windows have been designed to reflect the type along Laureston Drive and Waldale Drive and to ensure that the proposed dwellings are in keeping with the character and appearance of the area I consider it necessary to attach a condition requiring that the framing of the windows be retained as white. I also consider it necessary to attach a condition requiring that the brickwork be of a similar appearance and colour as the brickwork of 32-38 Waldale Drive and that the materials for the roof be similar to these properties too.

I note that landscaping is a reserved matter and that details in relation to landscaping, including trees, are for to be determined in a later "reserved matters" application. However, in advance of such an application I note that the Tree Survey and Arboricultural Method Statement note that the leylandii hedge will need to be removed as well as the contorted willow at the front of the site. The trees are not protected, nor are they in a conservation area and as such their removal is permissible.

Residential amenity (layout):

The proposed dwellings will not intersect a 45° line taken from principal room windows at neighbouring properties, will be approximately 26 metres from the rear of the St John's Road properties and at least 7 metres from the rear boundary. As such, I do not consider that the proposed layout will have an unacceptable impact on the amenity of neighbouring properties. However, in order to safeguard the amenity of neighbouring properties going forward I consider it appropriate to remove permitted development rights that allow for extensions to the dwellings or to their roofs.

The proposed dwellings will have good outlook from each principal room and a good level of privacy. The rear gardens are small but comparable in size to many of the gardens on Laureston Drive and Waldale Drive and as such appropriate to the urban grain of the area. However, in order to safeguard the amenity of the application properties going forward I consider it appropriate to remove permitted development rights that allow for outbuildings to the rear.

Highways and parking (access):

Vehicular access is proposed from Laureston Drive with a width of 6m and a visibility splay in the north easterly direction of 43m. Though visibility is not shown on the

plans at a tangent to the outside of the bend, adequate visibility can nevertheless be achieved over controlled land. A tracking diagram has been submitted with the application showing access for two vehicles per proposed dwelling. The road is a quiet residential street and I do not consider that the manoeuvring in and out of the proposed parking spaces with the visibility splays available will present a significant danger to highway safety. Though the parking spaces would ideally be 3.4 metres in width there is already available parking at the front of the property and I do not consider the narrower spaces of 3 metres width to be a significant deficit.

Given the quiet nature of the street and the residential character of the street I do not consider that the proposal would have a significant impact on highway safety or an unacceptable impact on parking capacity beyond what would be reasonable in such an area. However, I consider it appropriate to attach conditions to ensure that the access is built in accordance with the standards detailed in the Leicester Street Design Guide, that the two parking spaces for each property be retained and that, in the interests of sustainable transport, the two dwellings each provide a secure and covered cycle parking space.

Landscaping (trees / SUDs / ecology):

As mentioned above, landscaping is a reserved matter and would be given full consideration under a subsequent application. However, I consider it appropriate to note the considerations that would inform a landscaping assessment in a reserved matters application and to attach a condition to this effect.

A reserved matters application should demonstrate acceptability in relation to the following:

- a Preliminary Ecological Appraisal to identify ecological constraints or potential ecological constraints and any protected species,
- opportunities to improve biodiversity in and around the site including details of specific biodiversity enhancements (enhancements measurable from the environmental condition of the site at 01.01.2021),
- an assessment of the trees onsite including any to be removed (or already removed) and protection measures for those to be retained,
- species and condition of replacement trees (on a 'two-for-one' basis if this is practicable on site),
- a strategy for the maintenance of all landscaped parts of the site over a 30 year period, and
- a sustainable urban drainage scheme.

I recommend a condition requiring these specific details.

Other (heritage / procedural issues / disruption during the development phase / value of neighbouring properties):

Heritage: the site sits outside of the Stoneygate Conservation Area and it is the view of the local planning authority that the proposal does not affect the setting of the conservation area in any significant way.

Procedural issues: the application was initially publicised in accordance with the requirements of the Development Management Procedure Order (DMPO) only which requires only adjacent properties to be notified. With the site facing Laureston Drive the local planning authority acknowledged that the properties on this drive are likely to be more substantially impacted by those on St Johns Road and the scope of the publicity was therefore subsequently extended. The applicant was made aware of this extension of the publicity for the application. As the site is not within and doesn't affect the setting of the Stoneygate Conservation Area and as the addresses of neighbouring properties are easily identifiable, there is no requirement within our policy for provision of a site notice.

Disruption during the development phase: there will be disruption during the development phase, in terms of vehicular movement, noise and the depositing of materials. However, on development of this scale I consider it would be disproportionate to require a Construction Management plan to be submitted and agreed by the local planning authority.

Value of neighbouring properties: the impact of development on the value of neighbouring properties is not a material planning consideration.

Conclusion:

I recommend that this application is APPROVED subject to conditions:

CONDITIONS

1. An application for approval of all reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of the final approval of all the reserved matters. (To comply with Section 92 of the Town & Country Planning Act 1990).
2. Before the occupation of the dwellings, all external framing for the windows to the front and side elevations of both properties shall be finished in white and be retained in white for the lifetime of the development. (In the interests of visual amenity and good design and in accordance with Core Strategy policy CS03).
3. The external walls of both properties shall be finished in brickwork similar in appearance to the brickwork of 32-38 Waldale Drive and the roof shall be finished in tiles similar in appearance to the tiles of 32-38 Waldale Drive. The development shall be retained as such for the lifetime of the development. (In the interests of visual amenity and good design and in accordance with Core Strategy policy CS03).
4. Notwithstanding the provisions of the General Permitted Development Order (2015) (as amended) (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration or construction of additional storeys (as specified in Part 1, Classes A and AA of Schedule 2 of The Order), no additions to the roof (as specified in Part 1, Class B of

Schedule 2 of The Order) and no buildings etc incidental to the enjoyment of a dwellinghouse (as specified in Part 1, Class E of Schedule 2 of The Order) shall be constructed or undertaken without express planning permission first being granted by the local planning authority. (In the interests of visual amenity and good design, the residential amenity of neighbouring properties and of future residents of the proposed properties and in accordance with saved City of Leicester Local Plan policy PS10 and Core Strategy policy CS03).

5. Before the occupation of the dwellings two secure and covered cycle spaces (one for each property) shall be provided on site. The spaces shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with saved City of Leicester Local Plan policy AM02).

6. Before the occupation of the dwellings, the footway crossing and vehicular access shall be provided in accordance with the Leicester Street Design Guide, June 2020 and shall be retained as such. (To ensure a satisfactory means of access to the highway and in accordance with saved City of Leicester Local Plan policy AM01 and Core Strategy policy CS03).

7. Before the occupation of the dwellings the two car parking spaces for each dwelling shall be provided within the curtilage of the dwelling and shall be retained for vehicle parking. (To secure adequate off-street parking provision, and in accordance with saved City of Leicester Local Plan policy AM12).

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 01.01.2021), 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.

9. The Landscape and Ecology Management Plan referred to in Condition 8 above shall include a detailed landscaping and ecological mitigation scheme showing the treatment of all parts of the site which will remain un-built upon shall be submitted to and approved in writing by the local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots) and (viii) the location and type of biodiversity enhancements to be incorporated into the built design or garden areas (ix) management and maintenance details of the Landscape and Ecology Management Plan. The approved landscaping and mitigation scheme shall be carried out within one year of completion of the development. For a period of not less than 30 years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or

becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with saved City of Leicester Local Plan policy UD06 and Core Strategy policies CS03 and CS17.)

10. The Sustainable Urban Drainage Scheme referred to in Condition 8 above shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. The approved sustainable urban drainage scheme shall be completed within one year of completion of the development and maintained throughout the lifetime of the development. (To reduce surface water runoff and to secure other related benefits in accordance with Core Strategy policy CS02).

11. The Drainage Layout Plan referred to in Condition 8 above shall be installed in full accordance with the approved details or in accordance with a phasing plan submitted as part of the details and shall be retained and maintained thereafter. (To ensure appropriate drainage is installed and in accordance with Core Strategy policy CS02).

12. APPROVED PLANS CONDITION

NOTES FOR APPLICANT

1. 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 (and pre-application).

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 2023 is considered to be a positive outcome of these discussions.

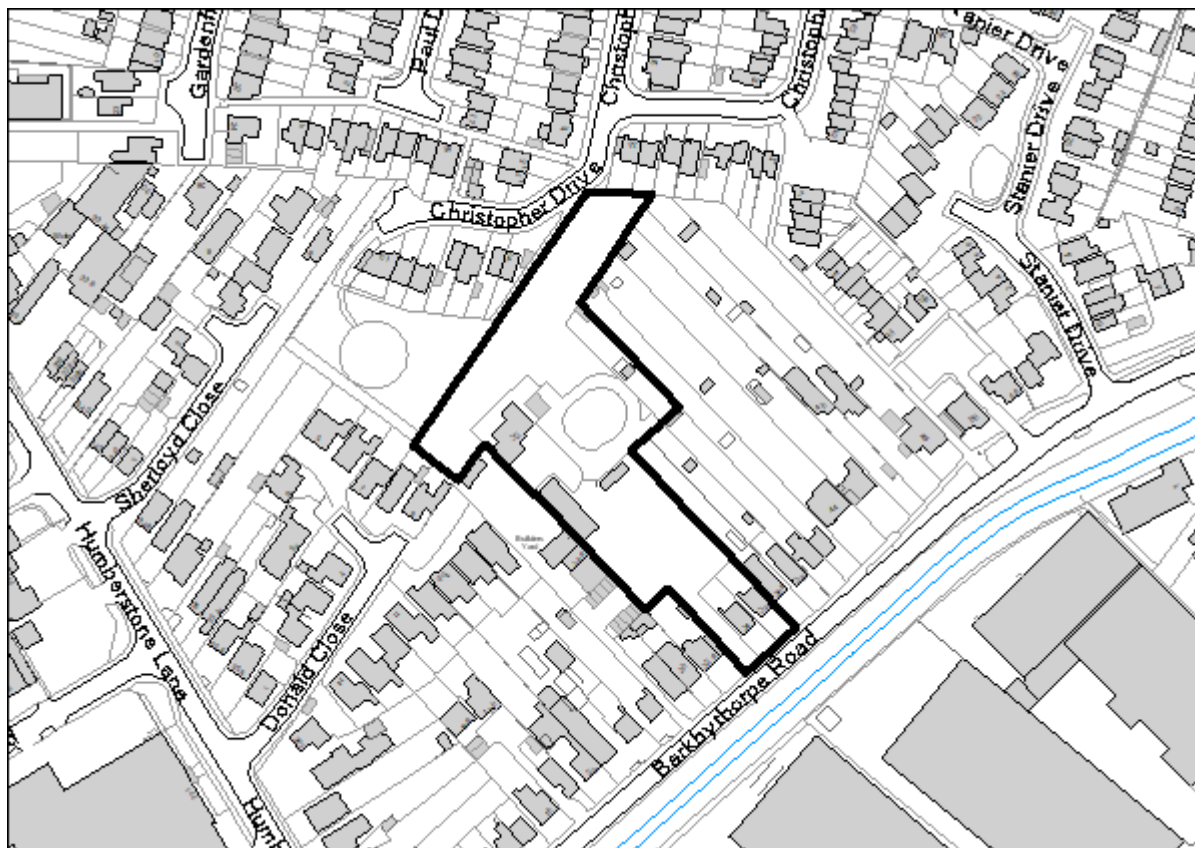
Policies relating to this recommendation

2006_AM12	Levels of car parking for residential development will be determined in accordance with the standards 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_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_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 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_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.

COMMITTEE REPORT

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:	Smallscale Major Development	
Expiry Date:	2 April 2024	
ACB	TEAM: PE	WARD: Troon



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Summary

- Reported to committee due to the number of objections received and associated requests for enforcement action.
- 8 objections received on grounds of overlooking and flood risk
- The issues are the effect of the change in ground level on residential amenity.

- The application is recommended for approval subject to conditions and variation of s106

The Site

The application site formerly comprised of 3 bungalows and a storage yard. It is located within a residential part of the City. There is a play area to the north-west of the site. Melton Brook is on the opposite side of Barkbythorpe Road and there is an industrial area beyond this. The former buildings on the site have all been demolished and the site is currently being developed for 18 two storey houses.

The site is within a 250m landfill buffer, flood zone 2 and a critical drainage area.

Background

In August 2021 planning permission 20190377 was granted for the demolition of the buildings on the site and the construction of 18 dwellings. The permission was subject to 22 conditions.

Conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18 and 21 required details to be agreed and all have now been agreed.

An enforcement report was received that the ground levels of the site had been raised and this was not shown on the approved plans. Investigations found that the ground level towards the rear of the site had been raised, meaning that plots 11-15 were 0.5m higher than shown on the approved plans.

The Proposal

The application is for the variation of condition 22 of planning permission 20190377 in relation to the approved plans and is to allow for the removal of plan P006 relating to landscaping from the list of approved plans as this is the only plan that shows the ground levels of the site.

The applicant advises that the plan is no longer relevant as the landscaping scheme for the site has since been agreed under an application to discharge the condition relating to it and that the raised ground level has been required as a result of the need to ensure effective installation of the drainage scheme approved under condition 10 of the above permission.

Policy Considerations

National Planning Policy Framework (NPPF) (2023)

Paragraph 2: applications for planning permission must be determined in accordance with development plans unless material considerations indicate otherwise.

Paragraph 11: A presumption in favour of sustainable development.

Paragraph 60 places an emphasis on the importance of a sufficient amount and variety of land to come forward where it is needed and that the needs of groups with

specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 115 states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 131: the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 sets out criteria for assessing planning applications and requires decision makers to ensure that development proposals function well and add to the overall quality of the area, are visually attractive as a result of good architecture, are sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible and which promote health and well-being.

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD

Consultations

Local Lead Flood Authority – No objections

Representations

7 objections have been received from 7 city addresses. The grounds of objection are.

- Increase in ground level has resulted in the buildings having a greater impact on the amenity of neighbouring properties.
- The access road has been built closer to the neighbouring property than approved
- Trees that were supposed to be protected during the development were not and have had roots severed and are showing signs of degradation further impacting on privacy.
- Effect on property value (Not a material planning consideration)
- Increase in flood risk from higher land level
- The new properties now tower above the area due to the change in ground level.

Claudia Webbe MP has also objected to the proposal and supports the views expressed by residents in their objections.

Consideration

Principle of development

As planning permission for the development of the site has already been granted and implemented, the principle of the development has already been established. The only issues under consideration in this application are therefore the impact on residential amenity and flooding.

Residential amenity (*neighbouring properties*)

The dwellings have been constructed in the positions shown on the approved plans and the separation distances are over 21 metres (25 metres between the rear windows of the development and the nearest house on Donald Close) which complies with those set out in the Residential Amenity SPD. Whilst increase in ground level means that the ground floor windows may now be visible from properties on Donald Close, the separation distances comply with the Council's applicable policy and therefore remain acceptable in planning terms. I do not consider that the change in ground level would result in significant additional overlooking to the properties on Donald Close sufficient to justify a refusal nor to support enforcement action to address the situation.

There is a builders storage yard adjacent to the site at 28a Barkbythorpe Road. There have been no applications to develop the site and I do not consider that the proposal would prejudice development of the site.

I therefore consider that the application is not contrary to saved policy PS10 of the City of Leicester Local Plan and complies with paragraph 135 of the NPPF 2023.

Landscaping

Condition 3 of planning permission 20190377 states that *"Prior to the commencement of any development a detailed landscaping scheme and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon shall be submitted to and approved in writing by the City Council as local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) boundary treatments; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots). The approved LEMP scheme shall contain details on the after-care and maintenance of all soft landscaped areas and be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core*

Strategy policy CS03 and CS17. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)”

The details required by this condition were agreed under application 20222157 which showed a revised landscaping scheme from that shown on plan P006 on the original approval. I therefore consider that the landscaping scheme has been agreed through that application and the removal of plan P006 from the list of approved plans would not result in the landscaping scheme for the site not being delivered. A revised condition 3 is proposed to secure the implementation of the revised landscaping scheme.

Drainage

The site is within an area at risk of flooding from a 1 in 1000 year event. Details of the drainage scheme for the site have been agreed as acceptable by the Lead Local Flood Authority and I consider that the proposal will not result in an increase of the flood risk in the area to justify refusal. The raised ground level is required to achieve the drainage flow towards Melton Brook where the flow into the brook is controlled by a flow control device. I therefore consider that the proposal is not contrary to policy CS02 of the Leicester Core Strategy and will therefore support drainage and flood management objectives.

Other matters

One of the objections refers to trees on the site having not been protected by fencing and subsequently damaged. This matter has been investigated and the tree fencing was installed as soon as it was requested. As the trees are not covered by a Tree Preservation Order and the site is not within a conservation area no offence would have been committed by damage being caused to the tree and the Council cannot take any further action in this matter. The Landscaping condition requires the landscaping material to be replaced if it dies, is removed or becomes seriously diseased in five years.

One of the objections also refers to the road being not in accordance with the approved plans. This has also been investigated and the road has been built in a straight line rather than curving slightly at the exit. This alteration has no significant material impacts upon nearby occupiers and was approved in the application to discharge condition 21 of planning permission 20190377.

Section 106 agreement

The 2019 planning permission was subject to a section 106 agreement which secured the provision of affordable housing and included developer contributions towards education facilities and open space improvements. I have requested that a deed of variation to the agreement be submitted to reflect the revised details and secure the contribution, and recommend that approval of this application should be subject to this variation being agreed.

Conditions

As this is an application for variation of conditions attached to a planning permission the Council must review the other conditions attached to the original permission to ensure that these are still relevant.

Condition 1

This is a condition limiting the period for commencement of the development. It has been complied with and I recommend a revised condition with a date to reflect the original limitation.

Condition 2

This required the details of materials to be agreed. The condition has been discharged and I recommend a revised condition to reflect the agreed details.

Condition 3

This relates to the landscaping scheme and has been discharged. The landscaping scheme has not yet been installed and I recommend a revised condition to require the approved scheme to be installed and maintained.

Condition 4

This relates to the protection of trees. The condition has been discharged and the protection measures are in place on the site. I recommend a revised condition to ensure that the measures remain in place.

Condition 5

This requires bird and bat boxes to be installed. The condition has been discharged but the trigger for compliance has not been reached. I therefore recommend a revised condition to ensure that the approved boxes are installed.

Condition 6

This required a protected species survey to be carried out and any required mitigation measures to be installed. The condition has been discharged and development commenced before a further survey was required. I recommend a revised condition to require the mitigation measures to be continued to be complied with during development.

Condition 7

This requires hedgehog boxes and gaps within fences. The condition has been discharged but the trigger point has not been reached. I therefore recommend a revised condition to require the agreed measures to be installed.

Condition 8

This required a survey to be carried out to ascertain ground conditions and potential for landfill gas. The condition has been discharged and the survey found that there was no indication of landfill gas on the site and no mitigation measures were required. I therefore consider that the condition is no longer required.

Condition 9

This required a contaminated land survey to be carried out prior to development. The condition has been discharged and the survey found that there was some contamination of the site. The contamination has been removed and this has been confirmed by further surveys. I therefore condition is no longer required.

Condition 10

This condition required details of a Sustainable Drainage System (SuDS) and its long term maintenance. The condition has been discharged and I recommend a revised condition to ensure that the agreed system is installed before occupation of the properties.

Condition 11

This condition required details of the proposed heating system to be agreed. The condition has been discharged and I recommend a revised condition to ensure that the approved system is installed and retained.

Condition 12

This condition required an acoustic survey to be carried out to establish the level of noise from the industrial area. The results of the survey showed some impacts of noise and proposed mitigation measures in the form of insulation to the proposed dwellings, details of which have been provided including measures to prevent overheating of the dwellings. I therefore recommend a revised condition to ensure that these measures are installed prior to occupation of any of the dwellings.

Condition 13

This condition requires redundant footway crossings and other altered or damaged areas of highway to be reinstated. The trigger point has not been met and I therefore recommend that the condition is repeated.

Condition 14

This condition requires sight lines to be provided at each vehicle access before occupation and is still a required condition.

Condition 15

This condition requires street works to be carried out in accordance with the Street Design Guide and is still a required condition.

Condition 16

This condition required details of a Construction Method Statement. The condition has been discharged. Originally, the development was not proceeding in accordance with the approved details but this has been rectified. I therefore recommend a revised condition to require the approved statement to be adhered to throughout the rest of the construction phase.

Condition 17

This condition required details of a residents travel pack to be provided before occupation. The details have been agreed and I recommend a revised condition to ensure that the approved packs are provided.

Condition 18

This condition required a programme of archaeological work to be carried out. The condition has been discharged but requires some ongoing compliance and I recommend a revised condition to cover this.

Condition 19

This condition requires the dwellings and their parking and access to be constructed as accessible and adaptable dwellings and the trigger point for compliance has not been reached. I therefore recommend that the condition be repeated.

Condition 20

This condition relates to the floor levels of the development and I consider that it is still required and I recommend that the condition shall be repeated.

Condition 21

This condition relates to visibility splays on Barkbythorpe Road. The condition has been discharged and I recommend a revised condition to ensure that they are provided prior to occupation of any of the dwellings.

Condition 22

This condition lists the approved plans. The condition is relevant and I recommend that the plans are updated to take account of the approved details and that the plan relating to landscaping is replaced with the approved details.

There are also a number of notes to applicants linked to conditions and I propose that these are repeated where necessary.

Conclusion

In conclusion I consider that the increase in ground level was required to provide the approved drainage scheme and that the raised level does not have a significant impact on the residential amenity of neighbouring properties sufficient to justify refusal.

I recommend that this application is APPROVED subject to conditions and the completion of a Section 106 Deed of Variation.

CONDITIONS

1. The development shall commence by no later than 4 August 2024. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The materials to be used for the development shall be as approved under application 20230098. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
3. The landscaping scheme approved under application 20222157 shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)
4. The fencing surrounding all existing trees, shrubs or hedges to be retained on the site as approved under application 20222157 and in accordance with British Standard BS 5837:2012 shall be retained and maintained until all equipment, machinery and any surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition. (To minimise the risk of damage to trees and other vegetation in the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)
5. Prior to occupation of each dwelling, bird and bat boxes/bricks shall be installed to that respective dwelling in accordance with details approved under application 20231970. The boxes/bricks shall be retained thereafter. (In the interest of biodiversity and in accordance with Policy CS17 of the Core Strategy).
6. Prior to occupation of each dwelling, hedgehog boxes and gaps or holes within fences to allow free movement of hedgehogs shall be installed to that respective plot in accordance with the details approved under application 20231970. The boxes and gaps or holes in fences shall be retained thereafter. (In the interest of biodiversity and in accordance with Policy CS17 of the Core Strategy).

7. Prior to the occupation of any of the dwellings the Sustainable Drainage System (SuDS) approved under application 20221758 shall be implemented. It shall thereafter be managed and maintained in accordance with the approved details. (To secure surface water runoff and to secure other related benefits in accordance with Core Strategy Policy CS02).
8. Prior to occupation of any of the dwellings the heating scheme and PV panels approved under application 20230277 shall be implemented and retained thereafter. (To ensure that the development reduces greenhouse gas emissions and contributes towards the mitigation of climate change and in accordance with policy CS02 of the Core Strategy).
9. Prior to occupation of any of the dwellings the noise mitigation measures and overheating mitigation measures approved under application 20221758 shall be installed and retained thereafter. (In the interest of residential amenity and in accordance with City of Leicester Local Plan policy PS10 and PS11 and Core Strategy Policy CS03.)
10. No part of the development shall be occupied until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated in accordance with the Council's standards contained in the Street Design Guide. (For the safety and convenience of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
11. No part of the development shall be occupied until the 2 metre by 2 metre sight lines on each side of each vehicular access 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.)
12. All street works shall be constructed in accordance with the Council's standards contained in the Street Design Guide. (To achieve a satisfactory form of development, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
13. The construction of the development shall continue in accordance with the Construction Method Statement approved under application 20222157. (To ensure the satisfactory development of the site, and in accordance with policies AM01, UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)
14. Prior to the first occupation of each unit, the occupiers of that dwelling shall be provided with a 'Residents Travel Pack' details of which have been approved under application 20221758. (In the interest of promoting sustainable development, and in accordance with policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy)
15. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under application

20222157, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless agreed in writing with City Council as local planning authority. (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18.)

16. The dwellings and the associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwellings a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwellings are adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06)

17. Finished floor levels within the proposed development shall be set no lower than existing finished floor levels and flood proofing/resilience techniques shall be incorporated in accordance with 'Improving the Flood Performance of New Buildings' (Department of Communities and Local Government, 2007). (To minimise the risk of damage in times of flooding, and in accordance with policy CS02 of the Core Strategy).

18. Prior to the occupation of any of the dwellings the 54m visibility splays in both directions on Barkbythorpe Road shall be installed in accordance with the details approved under application 20222021 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.)

19. This consent shall relate solely to the following plans:

P001 site location submitted with application 20190377.
5422/MP/22/003 rev T10 proposed site plan submitted with application 20231515.
FW2237-C-03 rev A2 Section 38 layout submitted with application 20222021.
5422-103-T6 Type A1 elevations submitted with application 20230098.
5422-203-T6 Type A2 elevations submitted with application 20230098.
P101b type A1 & A2 plans submitted with application 20190377.
P201a type B floor plans submitted with application 20190377.
5422-303-T7 type B elevations submitted with application 20230098.
P301b type C plans submitted with application 20190377.
5422-403-T7 type C elevations submitted with application 20230098.
P401b type S plans submitted with application 20190377.
5422-503-T7 type S elevations submitted with application 20230098.
P501a type T plans submitted with application 20190377.
P502c type T elevations submitted with application 20190377.
P801b street elevations submitted with application 20190377.
22.1708.005 rev B and 22.1708.005 rev B Landscape Proposals submitted with application 20222157.

(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. With regards to the Travel Pack the contents of the pack are intended to raise the awareness and promote sustainable travel, in particularly for trips covering local amenities. The applicant should contact highwaysdc@leicester.gov.uk for advice.

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 (and/or pre-application).

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 2023 is considered to be a positive outcome of these discussions.

3. To meet condition 16, all those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of Category 2, M4(2). The Building Control Body for this scheme must be informed at the earliest opportunity that the units stated are to be to Category 2 M4(2) requirements. Any application to discharge this condition will only be considered if accompanied by a building regulations completion certificate/s as stated above.

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_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_BE20	Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.
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.

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_CS01	The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.
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_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
2014_CS07	New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
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_CS13	The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
2014_CS14	The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
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.
2014_CS17	The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
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.

Item 5

Planning and Development Committee Report 17th April 2024

Item for Information:		
RENEWAL OF REGULATION 7 DIRECTION, TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND) REGULATIONS 2007)		
17th April 2024		
JS1	TEAM: PL	WARDS: Castle, Knighton, Saffron, Westcotes

1.0 Background

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ('the Advertisement Regulations') give deemed consent for 'to let' boards up to certain sizes to be displayed at properties, providing that those properties are available for let and that the boards are removed within 14 days of a tenancy being granted. It is an offence to display an advertisement without consent and prosecution action could be taken where displays do not meet the legislation, however it is very difficult for the Council to prove that properties are not available for let, or that a letting has only recently been concluded.

After receiving many complaints about the proliferation of 'to let' boards for residential lettings, which were causing detriment to the visual amenity of areas particularly around the Leicester University, De Montfort University and Leicester Royal Infirmary sites, the Council conducted two public consultations during 2013. The outcome of the first was that a voluntary Code of Practice was trialled with letting agents. This was largely ignored and did not resolve the problem. The outcome of the second was that the majority of respondents felt it appropriate for the Council to have more formal control over these advertisements and the Planning Committee was approached for authorisation accordingly.

The application was submitted to the Secretary of State in June 2016, who made the Direction on 9th February 2018, subject to amendments and removal of some areas on the recommendation of an Inspector appointed to assess the merits of the application.

The Direction came into effect on 2nd July 2018 and lasted for five years, however, to assist landlords, a Code of Practice describing localised guidance as to what would be considered to be acceptable was run alongside it. The combined effect of these was that if landlords displayed residential 'to let' boards at the affected addresses in accordance with the Code of Practice, it would not be expedient to take prosecution action. If alternatives are required, an application must be made for advertising consent, however, only those matching the requirements of the Code of Practice would be likely to be considered acceptable. No applications have been received.

2.0 Renewal of Direction for a further 5 Years

The Direction was so successful in significantly reducing the proliferation of to let boards that its renewal was sought.

A public consultation took place in April 2023 to gauge support or otherwise for renewal of the Direction and the overriding opinion received was that it should be renewed.

An application was made to the Secretary of State for Levelling Up, Housing and Communities in June 2023 and the new Direction was confirmed as granted on 7th December 2023.

The areas of Leicester that are affected remain the same as in the original Direction, which are: Windermere, Hazel, Clarendon Park, Greenhill, West End, Ashleigh Road and West End Conservation Area. A copy of the Secretary of State's letter and Direction is attached at Appendix 1 and the Code of Practice at Appendix 2.

The anticipated timescale for notifying the commencement of the new Direction is as follows:

- Briefing to Committee Meeting (this report) on 17/04/2024 (Committee date);
- Site Notice up by 30/04/2024;
- Letter to agents by 30/04/2024;
- Notification to Councillors of affected wards by 30/04/2024;
- Press release in Leicester Mercury and London Gazette on 30/04/2024
- Deputy City Mayor press release 30/04/2024;
- Direction adopted 21/05/2024.

Recommendations

1. That the Committee note the intention to make the new Regulation 7 Direction and the intention to adopt it and the Code of Practice as described in Appendix 2 under Powers Delegated to the Director of Planning, Development and Transport.

Grant Butterworth
Head of Planning

3rd April 2024

Appendix 1: Copy Secretary of State's Letter and Direction



Department for Levelling Up,
Housing & Communities

Mrs J Skinner
Planning Enforcement Officer
Compliance and Monitoring Team
Planning, Development and Transportation
Leicester City Council
planning.enforcement@leicester.gov.uk

Please ask for: Joanne Davey
Tel: 0303 444 8137
Email: joanne.davey@levellingup.gov.uk

Our ref: PCU/ADV/W2465/3325760

Date: 7 December 2023

Dear Ms Skinner,

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
(ENGLAND) REGULATIONS 2007: ("the Regulations")
REGULATION 7: DIRECTION RESTRICTING DEEMED CONSENT**

1. I am directed by the Secretary of State to refer to the request made by Leicester City Council ("the Council") on 22 June 2023 for a Direction that deemed consent to restrict the display of To Let boards, which are advertisements under Class 3A of Schedule 3 to the Regulations, should be withdrawn from certain areas of Leicester city centre.

2. The Council's request for the making of the Direction was publicly advertised in the local press on 25 July 2023. There were no objections to the proposed Direction.

The Proposed Areas

3. The Direction would cover the following areas of Leicester city centre:

- Area 2a - Windermere
- Area 2b - Hazel
- Area 3b – Clarendon Park
- Area 3c – Greenhill
- Area 4b – West End
- Area 4c – Ashleigh Road
- Area 4d- West End Conservation Area

Planning Casework Unit
Department for Levelling Up, Housing & Communities
23 Stephenson Street,
Birmingham
B2 4BH

Tel: 0303 444 8050
E-mail: pcu@levellingup.gov.uk

The areas are identified on maps provided by the Council and are identified in the plans, annexed hereto (Appendix B pages 6 to 8 of the renewal application).

The Council's reasons for making the Direction

4. The aim of the application is to restrict the display of To Let boards relating to the letting of premises which are advertisements under Class 3A of Schedule 3 to the Regulations within the above areas of Leicester City Centre in order to prevent harm to the character and appearance of those areas.

5. The Deemed Consent was issued on 24 June 2016. A Direction was made under Regulation 7 on 9 February 2018 for a period of 5 years. During the period the council has seen a significant reduction of the display of To Let boards in the areas, and therefore this application seeks to renew the previous Direction under Regulation 7.

Description of Proposed Areas

6. The areas comprise mainly of linear streets of traditional Victorian terraced dwellings and semi-detached properties mostly residential however, with some alternative uses including offices, food outlets, places of worship and commercial properties. The form, detailing and overall close-knit, cohesive character of the properties contributes to the visual significance of the area, which includes Conservation Areas. A high number of the properties have been converted into flats and are being used as HMOs for student accommodation due their close proximity to the University.

7. The use of advertising boards on these types of properties is visually prominent. Therefore, a continued reduction in the number of To-Let boards within these highly populated, urban areas, which either include or are close to a number of Conservation Areas, would continue to significantly improve and maintain the appearance of the areas.

Appraisal

8. Taking into account the evidence, site visit, and representations made in response to the Council's consultation exercise in seeking to renew the Direction, the Inspector agrees with the Council that historically there has been a significant problem with the proliferation of To-Let boards in the areas and this has had a harmful effect on the visual amenity of the areas concerned. A renewed Regulation 7 Direction to remove deemed consent, therefore, is required to continue to maintain and improve visual amenity in line with government policy, as set out in paragraph 68 of the National Planning Policy Framework.

9. The Inspector notes from the evidence before him that since the Direction was first implemented, there has been a significant reduction of illegally displayed 'To-Let' signs, resulting in an improvement to the overall character and appearance of the areas.

10. The Inspector also acknowledges that although the Council had previously introduced a voluntary code for one specific area, which had been successful the Council considered that without a formal Direction in place the continued success would reduce over time.

11. The Council's consultation led to 72% of the responses in agreement to the renewal of the Direction and, 28% who disagreed with the continuation of the Direction. The Inspector therefore acknowledged that of those that responded to the consultation exercise, the majority agreed that the Direction should continue to have effect in reducing the number of To-Let boards in the areas affected.

12. During the site visit the Inspector noted there was a distinct absence of estate agents' boards, and although there were examples of 'For Sale' and 'Sold' boards along some of the streets, these were relatively few in comparison to the number of properties present. The Inspector considers that, without the Direction, it is likely that there would be a significant increase in lettings boards leading to their proliferation, and a cluttered and unsightly street scene, adversely affecting the character and historic significance of the areas. This would be particularly harmful due to the number of dwellings in the area and the likelihood of the frequency with which they would become available due to their use as student properties. In the main, the properties either sit along the back edge of the pavement or have small amenity areas to the front, which would mean a proliferation of projecting signs which would detract from the existing character of the areas.

13. The Inspector notes the comments from Propertymark that companies erecting the signs would ensure that they are to be kept clean and tidy, and in a condition that does not endanger the public, however, notwithstanding these comments the Inspector considers that it is the proliferation of 'To-Let' signs that would blight the areas involved.

14. At paragraph 18 of his report, the Inspector notes that the previous Direction has been successful in restricting the introduction of the majority of lettings boards, which would be likely to be displayed on a regular basis. He therefore considers that the renewal of the Direction is fully justified in order to preserve the character or appearance of the areas and ensure that the historic significance of the Conservation Areas is not harmed.

15. At paragraph 19 of his report, the Inspector agrees with the Council that the Direction should remain in place for a period of 5 years, as the number of rental properties is unlikely to reduce in the future, because of the characteristics of the area.

Formal Decision

16. For the reasons set out above, the Secretary of State is satisfied that a Direction should be made to restrict the display of To-Let boards within the areas of Leicester city centre identified below and on the maps submitted by the Council for a period of 5 years.

- Area 2a - Windermere
- Area 2b - Hazel
- Area 3b – Clarendon Park
- ▲ • Area 3c – Greenhill
- Area 4b – West End
- Area 4c – Ashleigh Road
- Area 4d- West End Conservation Area

17. A formal Direction is attached. The Council's attention is drawn to the provisions of Regulation 7(7), which specify the procedure for publishing the effect and date of operation of the Direction.

18. When this Direction is brought into effect, the display of boards in respect of the letting of premises may only be undertaken lawfully in the areas specified in paragraph 16 above, when the Council has granted express consent for their display. In order not to prejudice the interests of persons wishing to display advertisements for property lettings, the Council are invited to ensure that any such applications for express consent are decided within the period specified in Regulation 14(1) of the Regulations.

Right of Appeal against the Decision

19. The decision of the Secretary of State may be challenged by way of an application to the High Court and a separate note is attached to this letter setting out the circumstances in which such an application may be made.

Yours sincerely,

R Beard

Rachael Beard
Senior Planning Manager
Planning Casework Unit

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**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
(ENGLAND) REGULATIONS 2007
REGULATION 7: DIRECTION RESTRICTING DEEMED CONSENT**

The Secretary of State for Levelling Up, Housing and Communities ('the Secretary of State') is satisfied, upon a proposal made to him by Leicester City Council, as the local planning authority, that the display of To-Let boards, which are advertisements under Class 3A of Schedule 3 to the Regulations the letting of premises as specified in Class 3A of Schedule 3, Part 1, of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the 'Regulations') should not be undertaken without express consent in parts of Leicester City Council.

The Direction would cover the following areas of the Leicester City Council local authority area, as shown on the attached maps, namely:

- Area 2a - Windermere
- Area 2b - Hazel
- Area 3b – Clarendon Park
- Area 3c – Greenhill
- Area 4b – West End
- Area 4c – Ashleigh Road
- Area 4d- West End Conservation Area

The proposal has been the subject of a site visit and, having been publicly advertised.

The areas to be included in the Direction are specified in the Schedule to this Direction.

This Direction shall have effect for a period of five years from the date on which it comes into force in accordance with the provisions of the Regulations.

Schedule

This Direction relates to the display of To-Let boards as specified under Class 3A of Part 1 of Schedule 3 to the Regulations in the following areas of Leicester city centre, namely:

- Area 2a - Windermere
- Area 2b - Hazel
- Area 3b – Clarendon Park
- Area 3c – Greenhill
- Area 4b – West End
- Area 4c – Ashleigh Road
- Area 4d- West End Conservation Area

The reasons for the Secretary of State's decision are set out in his letter [of 7](#) December 2023 to the Council, a copy of which is attached.

R Beard

Rachael Beard – Decision Officer
Senior Planning Casework Manager

Department for Levelling Up, Housing & Communities
Authorised by the Secretary of State to sign on that [behalf](#)

DATE: 7 December 2023

Appendix 2: Code of Practice

Code of Practice

1. Only one residential lettings 'To Let' board per building will be permitted.
2. Each board shall have a white background and will conform to the following layout: 34cm x 48cm or 48cm x 34cm.
3. One company logo per board will be permitted providing that the logo does not exceed one third of the overall size of the advertising board.
4. Boards marked with 'Let by', 'Let', 'More Wanted' or similar wording are prohibited.
5. No more than one board shall be permitted per landlord/agent per street.
6. a) Boards shall be mounted flush to the wall above/around the front door, or if that is not possible, flush to the wall on the street frontage elevation. In either instance, no part of a board shall be higher than first-floor window sill level;

or,

b) alternatively, boards shall be displayed internally in a ground floor window facing the street frontage, but not in addition to a board displayed externally.
7. Boards shall only be allowed on properties immediately available 'To Let,' unless they are for the following academic year, when they shall not be put up until 1st January of that year.
8. Letting boards shall be removed not later than 14 days after the granting of a tenancy for the room, house or flat to which it relates.
9. No 'To Let' boards shall be displayed between 1st October to 31st December inclusive.

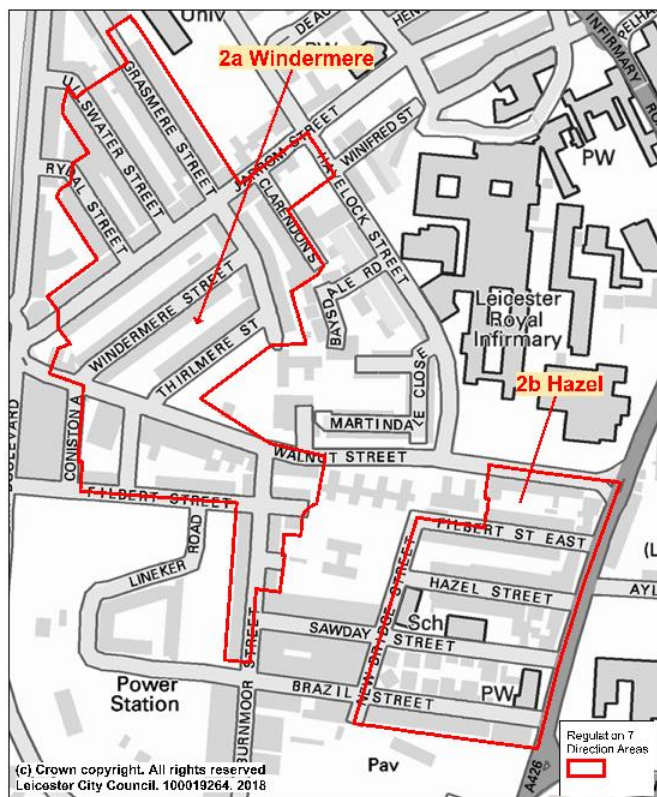
Revised May 2018

Appendix 3: Affected Streets

A-Z (with area numbers)									
Adderley Road	3b	Cambridge Street	4b	Harrow Road	4b	Noel Street	4b	Stuart Street	4b
Ashleigh Gardens	4c	Cecilia Road	3b	Hartopp Road	3b	Norman Street	4b	Sykefield Avenue	4b 4d
Ashleigh Road	4c	Celt Street	4b	Hazel Street	2b	Oakland Road	3b	Thirlmere Street	2a
Avenue Road Ext	3b	Clarendon Park Road	3b	Hinckley Road	4b	Orlando Road	3b	Thurlow Road	3b
Aylestone Road	2b	Clarendon Street	2a	Howard Road	3b	Oxford Road	3b	Tyndale Street	4b
Barclay Street	4b	Cradock Road	3b	Ivy Road	4b	Paton Street	4b	Ullswater Street	2a
Beaconsfield Road	4b	Cranmer Street	4b	Knighton Park Road	3b	Queens Road	3b 3c	Upperton Road	4b
Bisley Street	4b	Eastleigh Road	4b	Jarrom Street	2a	Raeburn Road	3c	Victoria Park Road	3b
Blue Fox Close	4b	Edward Road	3b	Landseer Road	3b	Ridley Street	4b	Walnut Street	2a 2b
Bonnington Road	3c	Equity Road	4b	Latimer Street	4b	Roman Street	4b	Walton Street	4b
Braunstone Gate	4b	Filbert Street	2a	Leopold Road	3b	Ruding Road	4b	Welford Road	3b 3c
Brazil Street	2b	Filbert Street East	2b	Livingstone Street	4b 4d	Ruding Terrace	4b	Westcotes Drive	4b 4d
Briton Street	4b	Fleetwood Court	3b	Lorne Road	3b	Rydal Street	2a	West Avenue	3b
Browning Street	4b	Fleetwood Road	3b	Luther Street	4b	Sawday Street	2b	Westbury Road	3b
Bruce Street	4b	Fosse Road South	4b 4c 4d	Lytham Road	3b	Saxon Street	4b	Western Road	4b
Brookland Road	3b	Gainsborough Road	3c	Lytton Road	3b	Seymour Road	3b	Westleigh Road	4c
Bulwer Road	3b	Gaul Street	4b	Montague Road	3b	Shaftesbury Road	4b 4d	Wilberforce Road	4b
Burnmoor Street	2a	Grasmere Street	2a	Narborough Road	4b 4c	Sheffield Street	4b	Windermere Street	2a
Buttermere Street	2a	Greenhill Road	3c	New Bridge Street	2b	St Leonards Road	3b		

2a – Windermere
2b – Hazel

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2a - Windermere

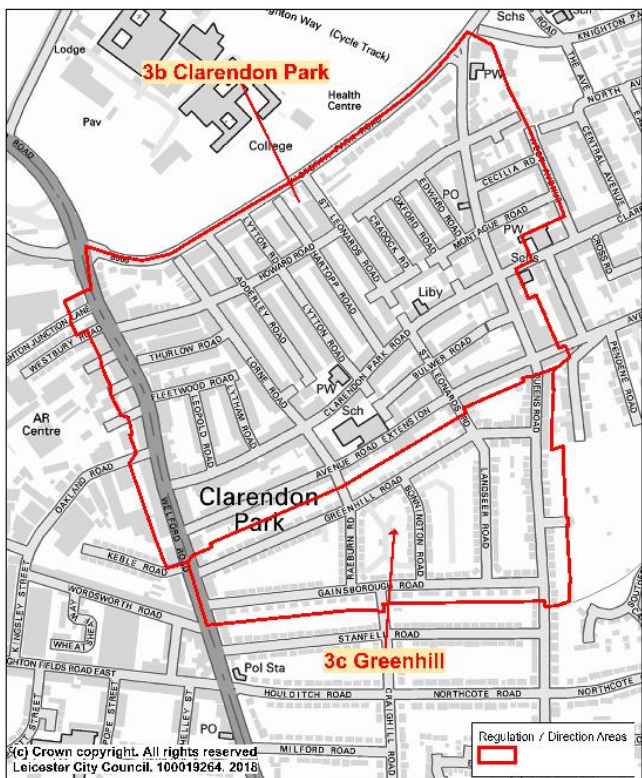
Street	Even Numbers	Odd Numbers
Burnmoor Street	10-36	1-87
Buttermere Street	-	17 only
Clarendon Street	94-134	-
Filbert Street	104-112	103-181
Grasmere Street	28-158	41-137
Jarrom Street	102-214	93-167
Rydal Street	2-38	3-35
Thirlmere Street	-	1-45
Ullswater Street	2-58	1-67
Walnut Street	110-170	177-217
Windermere Street	2-62	1-83

2b - Hazel

Street	Even Numbers	Odd Numbers
Aylestone Road	-	65-115
Brazil Street	12-56	9-33
Filbert Street East	2-54	1-31
Hazel Street	2-38	1-43
New Bridge Street	48-64	-
Sawday Street	2-28	1 only
Walnut Street	2-36	-

3b – Clarendon Park

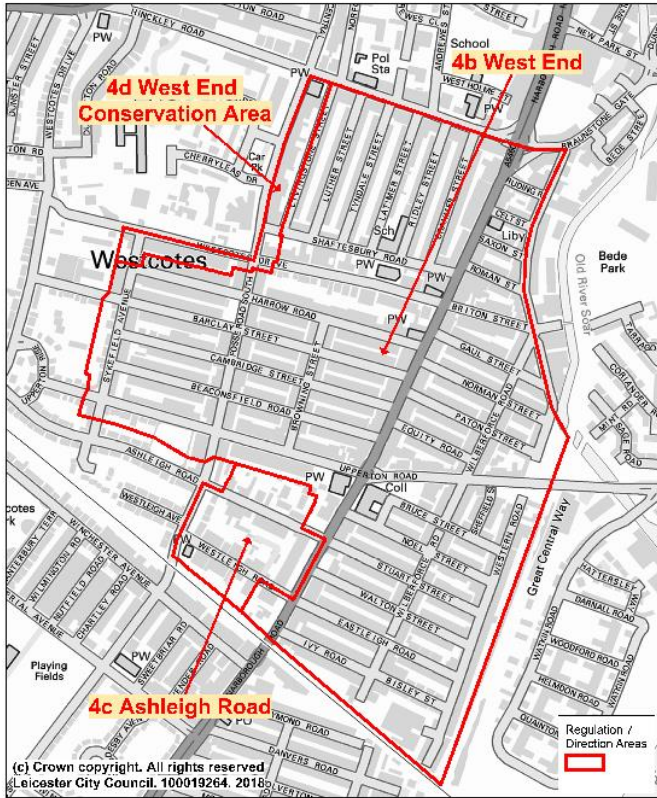
3c – Greenhill



3b – Clarendon Park					
Street	Even Numbers	Odd Numbers	Street	Even Numbers	Odd Numbers
Adderley Road	4-102	1-87	Lorne Road	2-138	1-117
Avenue Road Ext	94-274	3-315	Lytham Road	2-28	1-39
Brookland Road	2-6	-	Lytton Road	2-142	1-83
Bulwer Road	2-74	1-75	Montague Road	2-98	1-101
Cecilia Road	2-36	1-31	Oakland Road	2 only	-
Clarendon Park Road	78-296	107-325	Orlando Road	2-6	1-13
Cradock Road	2-42	1-45	Oxford Road	4-38	1-43
Edward Road	2-40	1-41	Queens Road	16-252	43-217
Fleetwood Court	2-18	1-17	Seymour Road	2-14	1-11
Fleetwood Road	2-18	1-49	St Leonards Road	52-156 & Park House	23-157
Hartopp Road	34-122	1-121	Thurlow Road	2-50	1-41
Howard Road	26-192	1-175	Victoria Park Road	128-366	-
Knighton Park Road	26 only		Welford Road	170-334	201-351
Landseer Road	4-58	9-63	West Avenue	all of Clarendon Court	7-61
Leopold Road	2-38	1-51	Westbury Road	2, 2A & 2B only	-

3c – Greenhill		
Street	Even Numbers	Odd Numbers
Bonnington Road	2-36	1-33
Gainsborough Road	4-102	3-93
Greenhill Road	2-110	1-121
Queens Road	134-252	153-217
Raeburn Road	2-28	1-29
Welford Road	316	334

**4b – West End
4c – Ashleigh Road
4d – West End Conservation Area**



4b - West End

Street	Even Numbers	Odd Numbers	Street	Even Numbers	Odd Numbers
Barclay Street	2-148	3-163	Luther Street	2-102	1-103
Beaconsfield Road	2-132	1-131	Narborough Road	2-210	1-203
Bisley Street	2-36	1-33	Noel Street	2-68	1-85
Blue Fox Close	2-24	1-23	Norman Street	4-84	1-71
Braunstone Gate	58-68	-	Paton Street	2-72	3-71
Briton Street	14-38	3-43	Ridley Street	2-106	1-63
Browning Street	2-52	1-55	Roman Street	4-24	1-29
Bruce Street	30-66	1-69	Ruding Road	-	1-17
Cambridge Street	4-138	5-133	Ruding Terrace	2 only	1 only
Celt Street	4-22	1-17	Saxon Street	2-20	1-23
Cranmer Street	2-102	3-99	Shaftesbury Road	2-34	1-55
Eastleigh Road	2-86	1-115	Sheffield Street	10-34	1-23
Equity Road	2-40	1-41	Stuart Street	2-96	1-109
Fosse Road South	106-202	101-191	Sykefield Avenue	6-46	1-55
Gaul Street	2-48	1-73	Tyndale Street	4-96	1-97
Harrow Road	2-170	1-183	Upperton Road	6-106	1-173
Hinckley Road	2-86	-	Walton Street	10-92	1-99
Ivy Road	2-62	1-59	Westcotes Drive	2-52	1-49
Latimer Street	2-60	1-93	Western Road	118-378	1-251
Livingstone Street	2-104	-	Wilberforce Road	2-190	1-139

4c – Ashleigh Road

Street	Even Numbers	Odd Numbers
Ashleigh Gardens	All properties	All properties
Ashleigh Road	2-28	15-27
Fosse Road South	220-228	-
Narborough Road	-	171-195
Westleigh Road	6-40	1-35

4d - West End Conservation Area

Fosse Road South	2-90	-
Livingstone Street	-	33-51
Shaftesbury Road	60-66	-
Sykefield Avenue	2-4	-
Westcotes Drive	52-136	-