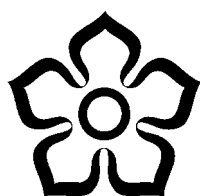


**Wards: see individual reports**



**Leicester**  
City Council

**Planning & Development Control Committee**

**Date : 4<sup>th</sup> August 2021**

**SUPPLEMENTARY REPORT ON APPLICATIONS AND CONTRAVENTIONS:**

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**APPLICATION ORDER**

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29		20210881	26 Colwell Road	FS
39		20190377	32, 34 & 36 Barkbythorpe Road	TR
55		20210988	305 New Parks Boulevard	WT
59		20211307	96 Kerrysdale Avenue	RM
65		20211037	15A Evington Lane	ST
75		20202182	115 Uppingham Road	NE

<b>20210881</b>	<b>26 Colwell Road</b>	
Proposal:	Demolition of single storey building at rear; Construction canopy to front, single storey extension at side and rear; installation of render at front and alterations to medical centre (Class E) (Amended plans received 08/07/2021)	
Applicant:	Dr Boora	
App type:	Operational development - full application	
Status:		
Expiry Date:	14 July 2021	
AVB	TEAM: PD	WARD: Fosse

**Page Number on Main Agenda:** 29

**Amended Description:** Yes – cladding changed to render

### **Policy Considerations**

On the 20<sup>th</sup> July 2021 the 2019 National Planning Policy Framework (NPPF) was revised.

The table below summarises and updates the paragraphs that were set out in the main agenda with the revised paragraphs as set out in revised NPPF 2021.

<b>NPPF 2019 Para Ref in Report</b>	<b>New 2021 NPPF Para Reference</b>	<b>Additional Considerations</b>
Paragraph 2 Applications must be determined in accordance with the development plan unless material consideration indicate otherwise	Paragraph 2 Applications must be determined in accordance with the development plan unless material consideration indicate otherwise	Unchanged so no further consideration needed
Paragraph 11 (Presumption in favour of Sustainable Development)	Paragraph 11 (Presumption in favour of Sustainable Development)	The sub notes have changes in the paragraph numbers. However, the consideration remains unchanged.
Paragraph 91 & 92 (Promoting healthy and safe communities)  To provide positively and use of shared spaces, community facilities to enhance the sustainability of communities	Paragraph 92 & 93 (Promoting healthy and safe communities)  To provide positively and use of shared spaces, community facilities to enhance the sustainability of communities	Unchanged so no further consideration needed

Paragraph 108 (Promoting Sustainable Transport) states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.	Paragraph 110 (Promoting Sustainable Transport) has added the following:  c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46;	No change to the consideration in the main report.
Paragraph 109 (Sustainable Transport)	Paragraph 111 (Sustainable Transport)	No further consideration
Paragraph 124 (Achieving Well Designed Places)	Paragraph 126 (Achieving Well Designed Places)	The design aspect is included within the main report.
Paragraph 127 (Achieving Well Designed Places)	Paragraph 130 (Achieving Well Designed Places)	No further consideration
Paragraph 163 (Planning and Flood Risk)	Paragraph 166 (Planning and Flood Risk)	No further consideration

## Representations

An objection has been received disputing the information provided by the applicants on the following grounds:

- Proposal will result in additional staff (6 full time employees) and patients over and above the level of staffing currently experienced (stated as 1 GP, a nurse and receptionist) that will lead to higher demand for parking and congestion in the area;
- No provision for disabled parking which will impact on people with limited mobility and
- The surgery will be open longer than previously resulting in additional patients, traffic, noise/air pollution and have a detrimental impact on the mental health of residents in the street.

## Further Considerations

Description corrected to reflect that part of the front will be rendered and not cladded.

The revised NPPF does not result in any additional assessment that has not already been covered in the main report.

The issues raised by the objector has been covered in the main report.

<b>20190377</b>	<b>32, 34 &amp; 36 BARKBYTHORPE ROAD</b>	
Proposal:	DEMOLITION OF EXISTING 3 DWELLINGS; CONSTRUCTION OF 18 DWELLINGS INCLUDING ASSOCIATED EXTERNAL WORKS (AMENDED PLANS. (S106 agreement)	
Applicant:	MRS P.P. WALKER	
App type:	Operational development - full application	
Status:		
Expiry Date:	31 August 2021	
AS	TEAM: PM	WARD: Troon

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**Amended Recommendation:** Yes – S106 has been signed and engrossed.

#### **Amended Conditions and Notes**

New condition 20 (finished floor level) and 21 (visibility splays) and previous condition 20 now 22. New note to applicant regarding access housing.

#### **Policy Considerations**

On the 20<sup>th</sup> July 2021 the 2019 National Planning Policy Framework (NPPF) was revised.

The table below summarises and updates the paragraphs that were set out in the main agenda with the revised paragraphs as set out in revised NPPF 2021.

<b>NPPF 2019 Para Ref in Report</b>	<b>New 2021 NPPF Para Reference</b>	<b>Additional Considerations</b>
Paragraph 2 Applications must be determined in accordance with the development plan unless material consideration indicate otherwise	Paragraph 2 Applications must be determined in accordance with the development plan unless material consideration indicate otherwise	Unchanged so no further consideration needed
Paragraph 11 (Presumption in favour of Sustainable Development)	Paragraph 11 (Presumption in favour of Sustainable Development)	Unchanged so no further consideration needed
Paragraph 64 (Provision of Affordable Housing)	Paragraph 65 (Provision of Affordable Housing)	Unchanged so no further consideration needed
Paragraph 102 (Transport issues to be considered at the earliest stage)	Paragraph 104 (Transport issues to be considered at the earliest stage)	Unchanged so no further consideration needed

<p>Paragraph 122 (Achieving appropriate densities)</p> <p>Planning policies and decisions should support development that makes efficient use of land, taking into account criteria.</p> <p>Paragraph 123</p> <p>Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site</p>	<p>124 (Achieving appropriate densities)</p> <p>Planning policies and decisions should support development that makes efficient use of land, taking into account criteria.</p> <p>Paragraph 125</p> <p>Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places.</p> <p>Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:</p>	<p>No further consideration</p>
<p>Paragraph 124 (Achieving Well Designed Places)</p> <p>Paragraph 126 (Design Expectations)</p> <p>Paragraph 127 (Achieving Well Designed Places)</p> <p>Paragraph 130 (Quality of approved permissions should not be diminished)</p>	<p>Paragraph 126 (Creation of High Quality, Beautiful and Sustainable Buildings)</p> <p>Paragraph 128 (Design Expectations)</p> <p>Paragraph 130 (Visually attractive, create places that are safe, inclusive and accessible and which promote health and well-being)</p> <p>Paragraph 132 (Design quality considered throughout the evolution</p>	<p>No further consideration</p>

	<p>and assessment of individual proposals)</p> <p>Paragraph 134 (Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Development that is not well designed should be refused)</p> <p>Paragraph 135 (ensure that the quality of approved development is not materially diminished between permission and completion)</p>	
Section 14 (Meeting the challenge of climate change, flooding and coastal change)	No change to this section number	No further consideration
<p>Paragraph 170 (Planning policies and decisions should contribute to and enhance the natural environment)</p> <p>Paragraph 175 (Habitats and Biodiversity)</p>	<p>Paragraph 174 (Planning policies and decisions should contribute to and enhance the natural environment)</p> <p>Paragraph 180 – improve biodiversity in and around developments should be integrated as part of their design or enhance public access to nature is appropriate</p>	<p>No further consideration</p> <p>No further consideration</p>
<p>Paragraph 178 (Good conditions and pollution)</p> <p>Planning policies and decisions should ensure that: a site is suitable for its proposed use taking account of ground conditions and any risks arising from land</p>	<p>Paragraph 183 (Good conditions and pollution)</p> <p>Planning policies and decisions should ensure that: a site is suitable for its proposed use taking account of ground conditions and any risks arising from land</p>	Unchanged so no further consideration needed

instability and contamination Paragraph 179 Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.	instability and contamination Paragraph 180 Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.	Unchanged so no further consideration needed
Paragraph 189 (Proposal affecting Heritage assets) Heritage assets should be conserved in a manner appropriate to their significance	Paragraph 194 (Proposal affecting Heritage assets) Heritage assets should be conserved in a manner appropriate to their significance	Unchanged so no further consideration needed

### Further Considerations

A condition (no. 20) relating to finished floor level to protect the development from the risk of flooding has been added. A further condition (21) has been added regarding visibility splays to Barkbythorpe Road in the interest of highway safety. An informative note to applicant (4) has been added to make the developer aware of the requirement to meet the Category 2, M4(2).

The S106 agreement has been completed **so the recommendation is now for an approval subject to the conditions stated in the main report, together with two additional conditions, the note to the applicant below along with the provisions of the completed S106 agreement**

The revised NPPF does not result in any additional assessment that has not already been covered in the main report.

### CONDITIONS

20. 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).

21. Prior to the commencement of the development above ground level an updated visibility splay drawing showing 54m visibility splays in both directions on Barkbythorpe Road shall be submitted to and agreed in writing with the local planning authority 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.)

- 23 This consent shall relate solely to the following plans:

P001 site location  
P003d proposed site plan  
P004b visibility splays  
P005b speed table  
P006c landscape  
P101b type A1 & A2 plans  
P102c type A1 elevations  
P103c type A2 elevations  
P201a type B floor plans  
P202c type B elevations  
P301b type C plans  
P302c type C elevations  
P401b type S plans  
P402b type S elevations  
P501a type T plans  
P502c type T elevations  
P801b street elevations  
P901a plot 1 & 2 garage  
P902a single garage

(For the avoidance of doubt)

#### NOTES FOR APPLICANT

4. To meet condition 19, all those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of 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.

<b>20210988</b>	<b>305 New Parks Boulevard</b>	
Proposal:	Construction of a single storey extension at side and front of house (Class C3); (Amended 16/07/2021)	
Applicant:	Mr Mick Linthwaite	
App type:	Operational development - full application	
Status:		
Expiry Date:	17 June 2021	
DJ	TEAM: PD	WARD: Western

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### Policy Considerations

On the 20<sup>th</sup> July 2021 the 2019 National Planning Policy Framework (NPPF) was revised.

The table below summarises and updates the paragraphs that were set out in the main agenda with the revised paragraphs as set out in revised NPPF 2021.

<b>NPPF 2019 Para Ref in Report</b>	<b>New 2021 NPPF Para Reference</b>	<b>Additional Considerations</b>
Paragraph 127 (Achieving Well Designed Places)	Paragraph 130 (Achieving Well Designed Places)	Unchanged so no further consideration
Paragraph 130 (Achieving Well Designed Places)  Permission refused for poor design	Paragraph 134 (Achieving Well Designed Places)  Development that is not well designed should be refused	The design aspect has been considered within the main report.

### Further Considerations

The changes to the NPPF do not change the considerations given to the recommended approval for this application.

<b>20211307</b>	<b>96 Kerrysdale Avenue</b>	
Proposal:	Construction of single storey extension at front and rear; two storey extension at side and rear; single storey detached outbuilding at rear of house (Class C3) (Amended plans received on 03/08/2021)	
Applicant:	Sima Chauhan	
App type:	Operational development - full application	
Status:		
Expiry Date:	18 August 2021	
JP2	TEAM: PD	WARD: Rushey Mead

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**Amended Description:** Yes – amended plans

**Amended Conditions:** Condition 4 and Note to Applicant 1 amended

**Policy Considerations**

On the 20<sup>th</sup> July 2021 the 2019 National Planning Policy Framework (NPPF) was revised.

The table below summarises and updates the paragraphs that were set out in the main agenda with the revised paragraphs as set out in revised NPPF 2021.

<b>NPPF 2019 Para Ref in Report</b>	<b>New 2021 NPPF Para Reference</b>	<b>Additional Considerations</b>
Paragraph 127 (Achieving Well Designed Places)	Paragraph 130 (Achieving Well Designed Places)	Unchanged so no further consideration
Paragraph 130 (Achieving Well Designed Places)  Permission refused for poor design	Paragraph 134 (Achieving Well Designed Places)  Development that is not well designed should be refused where it fails to reflect local design policies and guidance and government guidance on design contained in the National Design Guide and National Model Design Code	The design aspect has been considered within the main report.

## Further Considerations

The ground floor layout has been altered from a prayer room, shower room and study to a larger playroom to allow outlook from and light into this principal room from the front elevation in accordance with the Residential Amenity SPD.

The proposed windows on the side elevation of the ground floor facing 98 Kerrysdale Avenue have also been altered. The amended proposal is acceptable.

The revised NPPF does not result in any additional assessment that has not already been covered in the main and supplementary reports.

The description, plan condition 4 and Note to Applicant (Note 1) have been changed to reflect the amended plans.

## CONDITIONS

4. Development shall be carried out in accordance with the following approved plans:  
Proposed Location Plan & Proposed Site Plan, 20/450/PL01, REVISION B, received 03/08/2021.  
Proposed Plans, 20/450/PL03, REVISION B, received 03/08/2021.  
Proposed Elevations, 20/450/PL04, REVISION C, received 03/08/2021.  
Proposed Outbuilding Plans & Elevations, 20/450/PL05, REVISION A, received 24/05/2021.  
(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 (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 2019 is considered to be a positive outcome of these discussions.

<b>20211037</b>	<b>15A Evington Lane</b>	
Proposal:	Raised ridge height; construction of dormer extensions at front; single storey and dormer extensions at side; single storey and dormer extensions at rear; alterations to bungalow (Class C3) (amended plans received 28/06/2021)	
Applicant:	Mr. Nathani	
App type:	Operational development - full application	
Status:		
Expiry Date:	5 August 2021	
RB	TEAM: PD	WARD: Stoneygate

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### Policy Considerations

On the 20<sup>th</sup> July 2021 the 2019 National Planning Policy Framework (NPPF) was revised.

The table below summarises and updates the paragraphs that were set out in the main agenda with the revised paragraphs as set out in revised NPPF 2021.

<b>NPPF 2019 Para Ref in Report</b>	<b>New 2021 NPPF Para Reference</b>	<b>Additional Considerations</b>
Paragraph 2 Applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise	Paragraph 2 remains unchanged	Unchanged so no further consideration needed
Paragraph 12 focuses on requiring good design.	Paragraph 12 focuses on requiring good design.	Unchanged so no further consideration needed
Paragraph 108 of the NPPF (2019) Proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users.	Paragraph 111 of the NPPF (2021) Proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users. National guidance, including the National Design Guide and the National Model Design Code and; any significant impact (in terms of	No further consideration

	capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.	
Paragraph 124 (Achieving Well Designed Places)	Paragraph 130 (Achieving Well Designed Places)	Unchanged so no further consideration
Paragraph 127 127 (Achieving Well Designed Places)	Paragraph 130 (Achieving Well Designed Places)	Unchanged so no further consideration needed
Paragraph 130 (Achieving Well Designed Places)  Permission refused for poor design	Paragraph 134 (Achieving Well Designed Places)  Development that is not well designed should be refused	The design aspect has been considered within the main report.

### **Representations**

A further representation has been received requesting for photographs to be shown at the committee meeting.

### **Further Considerations**

The revised NPPF does not result in any additional assessment that has not already been covered in the main report.

The photographs will be included in the presentation to the Committee.

<b>20202182</b>	<b>115 Uppingham Road</b>	
Proposal:	Construction of single storey building to accommodate car wash, valet service and window tinting business (Sui Generis) (Amended plans received 26/5/2021)	
Applicant:	Mr N Okeke	
App type:	Operational development - full application	
Status:		
Expiry Date:	16 July 2021	
ACB	TEAM: PE	WARD: North Evington

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### **Policy Considerations**

On the 20<sup>th</sup> July 2021 the 2019 National Planning Policy Framework (NPPF) was revised.

The table below summarises and updates the paragraphs that were set out in the main agenda with the revised paragraphs as set out in revised NPPF 2021.

<b>NPPF 2019 Para Ref in Report</b>	<b>New 2021 NPPF Para Reference</b>	<b>Additional Considerations</b>
Paragraph 11 (Presumption in favour of Sustainable Development)	Paragraph 11 (Presumption in favour of Sustainable Development)	The sub notes have changes in the paragraph numbers. However, the consideration remains unchanged.
Paragraph 109 (Severe impact on highway)	Paragraph 111 (Severe impact on highway)	Unchanged so no further consideration
Paragraph 120 (Alternative uses for land)	Paragraph 122 (Alternative uses for land)	Unchanged so no further consideration
Paragraph 124 (Achieving Well Designed Places)	Paragraph 126 (Achieving Well Designed Places)	The design aspect is included within the main report.
Paragraph 127 (Achieving Well Designed Places)	Paragraph 130 (Achieving Well Designed Places)	Unchanged so no further consideration
Paragraph 130 (Permission refused for poor design)	Paragraph 134 (Development that is not well designed should be refused)	The changes to the paragraph add further weight to the proposed reason for refusal
Paragraph 155 (Development and flood risk)	Paragraph 159 (Development and flood risk)	Unchanged so no further consideration

Paragraph 193 (Impact on designated heritage assets)	Paragraph 199 (Impact on designated heritage assets)	Unchanged so no further consideration
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### **Further Considerations**

The changes to the NPPF have effectively emphasised that more weight be placed on the design of development and I consider that the proposal represents development that is not well designed.