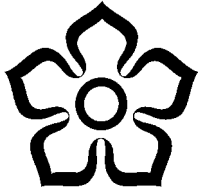


**Planning & Development Control Committee**

**Applications, Contraventions and Other Reports: Supplementary Report**

**Wards: see individual reports**



**Leicester**  
City Council

**Planning & Development Control Committee**

**Date : 23<sup>rd</sup> November 2022**

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**SUPPLEMENTARY REPORT ON APPLICATIONS AND CONTRAVENTIONS**

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**APPLICATION ORDER**

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|------------------|------------------|---------------------------|--------------------------------------|-------------|
| 19               |                  | 20213040                  | Melton Road Land North of Sainsburys | RM          |
| 41               |                  | 20221993                  | 87 Kincaple Road                     | RM          |
| 49               |                  | 20221334                  | 22A Staveley Road                    | SG          |
| 79               |                  | 20221285                  | 9 Uppingham Close                    | Ev          |

| <b>Recommendation: Conditional approval</b> |   |
|---|---|
| <b>20213040</b>                             | <b>Melton Road , Land North of Sainsburys</b>   |
| Proposal:                                   | Construction of a dual brand motor retail facility (Sui Generis), including car showroom, offices, repair, MOT testing and valeting, alongside access, landscaping and associated works |
| Applicant:                                  | Henry Boot Developments Limited   |
| App type:                                   | Operational development - full application  |
| Status:                                     |   |
| Expiry Date:                                | 24 November 2022  |
| JL  | WARD: Rushey Mead   |

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**Amended Conditions:**

Amended condition to confirm details of amended plans received:

Condition 16.

The development hereby permitted shall be carried out in accordance with the following drawings:

P-1120 Proposed Roof Plan,  
P-1170 Proposed External Elevations,  
P-2100 Proposed Wet Valet Building, received by the Local Planning Authority on 16 December 2021.  
P-1110 B Proposed First Floor Plan,  
P-3100 Proposed Bin Store Details,  
EKV0015 Proposed Substation,  
Proposed Cycle Storage, received by the Local Planning Authority on 14 February 2022.  
21-116-P-01 C Detailed Soft Landscape Proposals, received by the Local Planning Authority on 5 May 2022.  
P-1010 E Proposed Site Plan, and  
P-1100 B Proposed Ground Floor Plan, received by the Local Planning Authority **on 10 November 2022.**

(For the avoidance of doubt).

**Further Considerations**

None

|   |  |
|---|--|
| <b>Recommendation: Conditional approval</b> |  |
| <b>20221993</b>                             | <b>87 Kincaple Road</b>  |
| Proposal:                                   | Construction of single storey extension at front of house (Class C3) |
| Applicant:                                  | Mr & Mrs Bodalia   |
| App type:                                   | Operational development - full application                           |
| Status:                                     |  |
| Expiry Date:                                | 7 December 2022  |
| CY1   | WARD: Rushey Mead  |

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### **Further Representations**

A further objection was received on the 11<sup>th</sup> November from the same address as the previous objection, with concerns regarding the following:

- Development will weaken neighbouring property, resulting in potential damage to that property
- Development invokes the Party Wall Act, and the neighbour has not agreed to the development
- Development is unnecessary
- Development could reduce value of neighbour's property
- Character of the builders and applicants
- Extension built under 20220268 has reduced light to neighbouring property, and drainage has allowed increased weed growth to this property.

Three additional emails were submitted on the 22<sup>nd</sup> November from the same address as the previous objection, reiterating many previous concerns regarding damage to their property, the party wall act and the character of the applicant. The objector has also claimed that the previous application has not complied with building regulations.

### **Further Considerations**

The Party Wall Act, potential decrease in property value, necessity of the development, character of the builders and applicants, are not planning matters. Any potential damage to the neighbouring property would remain a civil matter. Building regulations is a separate process to planning.

Letters were sent out to neighbouring properties for application 20220268. The dimensions of the extension were listed in the proposal. The letters state that "if no objections are made by neighbours, then your neighbour can build the extension as described in the application". No objections were received for that application. The development was approved and its impact on the neighbour cannot be taken into account under this application.

|                 |   |                  |
|-----------------|---|------------------|
| <b>20221334</b> | <b>22A Staveley Road</b>  |                  |
| Proposal:       | Demolition of builders yard building; construction of two-storey building to provide 8 flats (1 x 1 bed & 7 x 2 bed) (Class C3) (amended plans) |                  |
| Applicant:      | Nico Properties Ltd   |                  |
| App type:       | Operational development - full application  |                  |
| Status:         |   |                  |
| Expiry Date:    | 25 November 2022  |                  |
| WJJ             | TEAM: PM  | WARD: Stoneygate |

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**Further Representations**

Two further representations have been received raising the following concerns::

Boundary treatment

- concerns as to how the boundary between the application site and the rear gardens of neighbouring properties will be treated. The representation raises concerns that the fence may not be kept in good repair.
- higher level of vehicle movements than the past commercial use of the site. They are concerned that this may increase the likelihood of vehicles hitting the boundary treatments. They request barriers be installed on either side of the entrance next to Staveley Road to protect the boundary treatments.

Fire safety

- Concern has been raised that access by the emergency services, in the event of a fire, may not be to an acceptable standard. The representation raises concerns that, should there be a disaster (like Grenfell), responsibility will lie with the Council. They request that the site be visited by the fire service and a formal judgement made by them as to the acceptability of the scheme.

**Further Considerations**

Boundary Treatment

The Proposed Site Layout plan (DSA-20164-PL-AL-03 Rev F) is labelled with 'proposed 2m high fencing around perimeter'. On that plan a section of the fence is drawn. It has posts and panels in the manner of a typical fence in a residential area and is labelled 'proposed close boarded fence'. As stated in the main report, I consider 2m high fencing between the site and the rear of neighbouring properties is acceptable.

Clause (v) of Condition 17 for hard and soft landscaping requires that details of boundary treatments be approved. The condition goes on to say they be 'carried out within one year of completion of the development'.

Assuming the fence on the Proposed Site Layout plan (DSA-20164-PL-AL-03 Rev F) is included in the landscaping scheme then there will be an obligation to install it.

However, the maintenance of boundary treatments between properties that fall within Permitted Development Rights and are not within the public realm, are not a material planning consideration. In such circumstance, should there be a point of concern between two neighbouring residents and/or landowners regarding the treatment of a boundary between their properties, then this is a Civil matter that is outside the jurisdiction of the Planning system.

The Inspector for the recent appeal (for application 20200135, for eight flats identical to the current scheme), raised no concerns regarding the access and boundary treatments. I consider that the access is acceptable and metal barriers may be unnecessary and of visually unappealing.

#### Fire safety

Access by emergency vehicles is considered by the Local Highway Authority (LHA).

They have stated that emergency vehicles will have acceptable access and turning, and this is reported in my main report. A plan showing acceptable vehicle tracking for a fire appliance has been submitted as part of this application.

For the second appeal (for application 20200135, for eight flats identical to the current scheme) the Inspector raised no concerns regarding parking and access.

My view that this scheme will provide emergency vehicles with acceptable access and turning is unchanged.

| <b>Recommendation: Conditional approval</b> |  |
|---|--|
| <b>20221285</b>                             | <b>9 Uppingham Close</b>   |
| Proposal:                                   | Construction of first floor extension; alterations to house (Class C3) (amended plans received 27/09/2022) |
| Applicant:                                  | Gurnake Singh  |
| App type:                                   | Operational development - full application   |
| Status:                                     |  |
| Expiry Date:                                | 24 November 2022   |
| RB  | WARD: Evington   |

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**Further Representations**

A further letter of objection has been received from an address that has objected previously to the proposal. The concerns outlined are as follows:

- Overshadowing, overlooking of and loss of light and privacy to garden of 8 Uppingham Close.
- The property and garden at 9 Uppingham Close are elevated compared to the rear garden at 8 Uppingham Close. Additional separation distance to the first floor of the proposal should be provided.
- Privacy has already been lost at 8 Uppingham Close due to previous approvals close by.
- The proposal would result in loss of visual amenity, light, outlook and a sense of connection with the street to the front reception, porch, lounge and galleried windows.

Further emails in support of the application from the applicant have been received, which outline the following points:

- The application property has parking for at least 8 cars on the existing driveways and garage.
- Building work would not cause significant disruption.
- The proposal would not damage neighbouring foundations as it is a first floor extension.
- The proposal would be lower than every other property on the Close apart from 10 Uppingham Close.
- Amendments have been submitted to overcome planning concerns during the course of the application.
- The planning approval at 3 Uppingham Close has brought a property back into use.

A further email from a neighbour has been received, retracting an earlier representation of support for the application. This reduces the letters of support for the application from different households from 9 to 8.

## **Further Consideration**

The report addresses most of the above concerns. However, the below provides additional detail to the further comments received.

There is an over 12m separation distance of the rear elevation of the proposed first floor extension to the rear boundary, (as opposed to the 11m stated in the objection.)

Two of the proposed rear facing windows within the extension at first floor level are non-habitable room bathrooms and two are bedrooms. One of the bedrooms is set another 2m from the rear boundary. The impacts are considered acceptable.

The apex windows at ground floor and first floor levels are to a porch and hallway at the side of the property, both of which are non-habitable rooms.

The land levels are not considered particularly significant in terms of impact; and appear to be no more than 0.5m across both gardens.

There are four car parking spaces shown on the existing and proposed plans not including the space within the garage. The proposed car parking situation is as existing and I consider it unreasonable to attach any conditions in relation to parking.

The approval of a front dormer at the front of 7 Uppingham Close and the planning approval for an extension at 3 Uppingham Close do not relate to the current proposal at 9 Uppingham Close and any application at 3 Uppingham Close would be considered on its own merits.