



Leicester
City Council

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 24 JUNE 2020 at 5:30 pm

P R E S E N T :

Councillor Riyait - Chair
Councillor Aldred - Vice-Chair

Councillor Joel
Councillor Rae Bhatia
Councillor Thalukdar

Councillor Valand
Councillor Whittle

In accordance with the provisions of the Constitution (A4, 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:

Councillor Cutkelvin

20182179 Former St Marys Allotments
Aylestone Lane-Saffron Lane

Councillor Porter

20192110 Land at rear of 51-57 Sanvey
Lane

* * * * *

138. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Gee and Councillor Halford.

139. WELCOME

The Chair welcomed everyone to the meeting, reminding everyone that this was a virtual meeting, as permitted under Section 78 of the Coronavirus Act 2020 to enable meetings to take place whilst observing social distancing measures.

At the invitation of the Chair, all officers present at the meeting introduced themselves.

140. DECLARATIONS OF INTEREST

Members were asked to declare any interests they had in the business on the agenda, including under the Council's Good Practice Guidance for Member Involvement in Planning and Development Management Decisions.

Each member of the Committee present at the meeting introduced themselves in turn and stated that they had no such interests.

141. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held on 13 May 2020 be confirmed as a correct record.

142. ARRANGEMENTS FOR FORTHCOMING PLANNING AND DEVELOPMENT CONTROL COMMITTEE MEETINGS

NOTED:

That, as agreed with the Chair and Vice-Chair of the Committee under Council Procedure Rule 39(a)(ii), (Part 4A of the Council's Constitution), further meetings of the Planning and Development Control Committee have been arranged for the following dates:

- Wednesday 15 July 2020
- Wednesday 5 August 2020
- Wednesday 26 August 2020
- Wednesday 16 September 2020

143. PLANNING APPLICATIONS AND CONTRAVENTIONS

The Chair explained that he would take the Planning reports out of the order given in the agenda, due to members of the public and Ward Councillors having registered to speak on some of the applications.

RESOLVED:

That the report of the Director of Planning, Development and Transportation dated 24 June 2020 on applications, and information reported verbally by officers, be received and action taken as below.

144. 20182179 FORMER ST MARYS ALLOTMENTS AYLESTONE LANE-SAFFRON LANE

Ward: Saffron

Proposal: Change of use from former allotments to create public

open space, play areas and protected natural areas, community orchard, access paths, replacement and refurbished fencing (Sui Generis)
Applicant: Leicester City Council

The Planning Officer presented the report.

Councillor Cutkelvin addressed the Committee, expressing some concerns regarding the application as submitted.

Members considered the report and officers responded to the comments and queries raised.

The Chair moved that, in accordance with the officer recommendation, the application be approved subject to the conditions set out in the report. This was seconded by Councillor Whittle and, upon being put to the vote, the motion to approve was CARRIED.

RESOLVED:

that the application be APPROVED subject to the conditions as set out below:

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. Within one year of work commencing on site to implement the approved plans, details of the play equipment to be provided and a timescale for the provision of the equipment shall be submitted to the local planning authority and approved in writing. The equipment shall be installed in accordance with the approved details. (In the interests of residential amenity and in accordance with policies GE20 and PS10 of the City of Leicester Local Plan and Core Strategy policies CS08 and CS13.)
3. The development shall be carried out in accordance with the submitted flood risk assessment and the measures it details: No development or ground raising within the flood plain, as indicated on the map in section 6.0 of the FRA. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. (To prevent flooding elsewhere by ensuring that there is no land raising within the flood plain and in accordance with City of Leicester local plan policy BE20 and Core Strategy policy CS02).
4. This consent shall relate to the following amended plans: DWG 100 OWD-02-19 Rev B, 04-19 rev B, 05-19 rev B, 06-19 rev B, 07-19 rev B, 08-19 rev B, 09-19 Rev B, 10-19 Rev B, 11-19 Rev B, 25-19 Rev B, 26-19 Rev B, 27-19 Rev B, 27-05 rev 1 and the Landscape and Ecology

Management Plan received on the 2nd March 2020.
(For the avoidance of doubt.)

NOTES FOR APPLICANT

1. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - on or within 8 metres of a main river, such as the Saffron Brook
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure) and you don't already have planning permissionFor further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.
The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

2. The applicant should be aware of the following advice from Network Rail in respect of safety:
Due to the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 1.8 metres and the fence should not be able to be climbed.

3. If any further clearance works are required they should be done in accordance with agreements and methodology previously agreed and with an appended note provided to the LPA.

4. 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 2019.

145. 20191465 580 GIPSY LANE

Ward: Troon

Proposal: DEMOLITION OF EXISTING DWELLING;
CONSTRUCTION OF TWO DETACHED DWELLINGS (2X
4BED) (CLASS C3); ASSOCIATED PARKING (AMENDED
PLANS RECEIVED 28/04/2020 AND 20/05/2020)

Applicant: RS DEVELOPMENTS (LEICESTER) LTD

The Planning Officer presented the report, noting that a minor correction was needed to proposed Condition 11, to clarify that there would be one parking space per dwelling, not one parking space for the whole development.

Mr Travers, the applicant's agent, addressed the Committee, and spoke in support of the application.

Members considered the report and officers responded to the comments and queries raised.

The Chair moved that the application be approved subject to the conditions set out in the report, in accordance with the officer recommendation. This was seconded by Councillor Aldred and, upon being put to the vote, the motion to approve was CARRIED.

RESOLVED:

that the application be APPROVED subject to the conditions as set out below:

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. Prior to the commencement of the proposed development hereby approved, details of all external surfaces shall be submitted to and approved in writing by the City Council as local planning authority. This should include the following:
 - o feature brickwork
 - o external finish of vertical roof 'bridge' (gap between ridge heights)
 - o external cladding & roofing samples
 - o timber fencing to curtilage

The works shall be carried out in full accordance with the approved details. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

3. Prior to the commencement of the development hereby approved full joinery details (excluding cross sections) of all window and door types (scale 1:10 / 1:20 as appropriate) shall be submitted to and approved in writing by the City Council as the local planning authority and the works shall be carried out in full accordance with the approved details. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
4. No part of the development shall be occupied until the following works have been carried out in full accordance with details shown on the approved plans: (a) footway crossing(s) at each vehicular access; (b) alterations to footway crossing(s); (c) reinstatement of any redundant footway crossings and/or damaged or altered areas of footway or other highway. (To ensure a satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
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 in writing by the local planning authority. No flat shall be occupied/the use shall not commence until the system has been implemented in full. 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. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
6. Prior to the commencement of development details of foul drainage, shall be submitted to and approved in writing by the City Council as local planning authority. No property shall be occupied until the foul drainage has been installed in full 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. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
7. Before the development is begun, a scheme shall be submitted to and approved by the City Council as local planning authority indicating details of temporary site entrances, temporary storage areas for soil and other materials, and the placing of plant and site huts to be adopted during building operations and shall be implemented. (To

ensure the satisfactory development of the site, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition)

8. The approved landscaping scheme 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 CS3.)
9. Prior to the occupation of the proposed development, the bat and swift bricks shall be installed as per the specifications in the ecology report. The proposed hedgehog holes shall be provided at the point of fence installation and soft demolition of the structures shall be carried out as per the ecology report. There shall be no lighting to the rear elevation of the properties during demolition, construction and after completion/occupation. (In the interest of biodiversity and in accordance with Policy CS 17 Biodiversity of the Core Strategy.)
10. 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 CS3.)
11. Before the occupation of each dwelling one car parking space shall be provided within the curtilage of that dwelling 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.)
12. All works shall be carried out in accordance with British Standard for Tree Work BS 3998:2010. (In the interests of the health and amenity value of the trees and in accordance with Policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
13. 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 (amend as necessary e.g. Part 1, Classes A, B, and E 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, unreasonably reduce amenity space or lead to an unacceptable loss of amenity to occupiers of neighbouring properties; and in accordance with policy PS10 of the City of Leicester Local Plan).

14. 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 dwelling 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 dwelling is adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS6)
15. This consent shall relate solely to the amended plans ref. no. 219032-SK01 Rev J, SK02 Rev G, SK03 Rev J, SK04 Rev H, SK05 Rev G, SK06 Rev F and SK10 Rev D received by the City Council as local planning authority on 20/05/2020, plan no. 219032-SK11 received on 28/04/2020, Arboricultural Report, Ecology Report and Drainage Strategy Report received by the City Council as local planning authority on 02/08/2019 (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.
As the existing building to be demolished abuts the highway boundary, any barriers, scaffolding, hoarding, footway closure etc. required for the demolition works to be undertaken will require a licence. This should be applied for by emailing Licensing@leicester.gov.uk.
2. With respect to condition 12 above, the fencing required should be welded mesh panels securely fixed to a scaffold frame work with uprights driven well into the ground and in this case should be provided not within the root protection area in accordance with details agreed with the city council in advance. In most cases this equates to 12 times the diameter of the tree when measured at 1.5m height from ground level. The applicant is advised to visit <http://shop.bsigroup.com/en/ProductDetail/?pid=000000000030213642> to find out further information in respect of BS 5837:2012.
3. Development on the site shall avoid the bird nesting season (March to September), but if necessary a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 24 hours prior to the commencement of works and evidence provided to

the LPA. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.

All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird during the nesting season or to damage or destroy an active nest or eggs during that time.

'Bats are a rare and declining group of species. Hence, all British species of bat are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c.) Regulations 1994, making it an offence to intentionally or recklessly kill or injure or disturb these species whilst in a place of shelter or protection. Failure to comply with this may result in prosecution and anyone found guilty of an offence is liable to a fine of up to £5,000 or to imprisonment for a term not exceeding six months, or both'.

4. To meet condition 14 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.
5. The effect of condition 13 of this planning permission is that all future alterations and extensions to the dwelling, and the construction of outbuildings within the curtilage of the dwelling, will require planning permission from the City Council as the local planning authority. (Permitted development rights for this dwelling have been restricted).
6. 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 2019 is considered to be a positive outcome of these discussions.

146. 20192110 LAND AT REAR OF 51-57 SANVEY LANE

Ward: Aylestone

Proposal: Construction of one bungalow (1x2 bed) (Class C3)
(Amended plans received 20/05/2020)

Applicant: Mr A Sibson

The Planning Officer presented the report.

Mr Weekes, the applicant's agent, addressed the Committee, speaking in support of the application.

Councillor Porter then addressed the Committee, speaking in objection to the application.

The Chair moved that, in accordance with the officer recommendation, the application be approved subject to the conditions set out in the report. This was seconded by Councillor Aldred and, upon being put to the vote, the motion to approve was CARRIED.

RESOLVED:

that the application be APPROVED subject to the conditions set out below:

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. Before the development is begun, the materials to be used on all external elevations and roofs shall be submitted to and approved by the City Council as local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policies CS03 and CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. 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. The dwelling shall not 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 policy CS02 of the Core Strategy.)
4. Prior to the commencement of development details of foul drainage shall be submitted to and approved by the local planning authority. The development 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 policy CS02 of the Core Strategy).

5. Before the occupation of the dwelling, the parking area as shown on the approved plan shall be provided and shall be retained and kept available for that use thereafter. (To ensure that parking/servicing can take place in a satisfactory manner; and in accordance with policies AM01 and AM12 of the City of Leicester Local Plan and Core Strategy policy CS03.)
6. 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 the dwelling or provision of any outbuilding of types specified in Part 1, Classes A, B, C and E 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, unacceptably reduce amenity space on site or lead to an unacceptable loss of amenity to occupiers of neighbouring properties; and in accordance with policy PS10 of the City of Leicester Local Plan).
7. The dwelling and its 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 dwelling 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 dwelling is adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS6)
8. Before the development is begun, all existing trees to be retained on the site shall be protected by fences erected not within the root protection area in accordance with British Standard BS 5837:2012 and in accordance with the detail in the supplied arboricultural report dated 16 December 2019. No materials whatsoever shall be stored, rubbish dumped, fires lit or buildings erected within these fences; no changes in ground level shall be made within the spread of any tree, shrub or hedge without the previous written approval of the local planning authority. No trees shall be used as anchorages, nor shall any items whatsoever be affixed to any retained tree. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)
9. Before the development authorised by this permission is begun, a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon and achieve a biodiversity net gain shall be submitted to

and agreed in writing with 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) 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 current biodiversity on the site pre-commencement and any areas to be retained, enhanced or created using the Defra Metric and calculated in accordance with Defra guidelines to clearly show a biodiversity net gain. The approved LEMP 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 25 years from the date of planting, the applicant or owners of the land shall maintain all planted material to optimise its value for biodiversity. In accordance with policy NPPF (2019), Core Strategy CS 17 Biodiversity, CS3 Urban Design, and UD06 of the City of Leicester Local Plan.)

10. A mitigation scheme to minimise disturbance to reptiles, hedgehogs and other wildlife as recommended in the Ecology report completed by Ramm Sandersons dated April 2020 Paragraph 5.4.8 (page 21/40) should be implemented prior to commencement of works. This includes removal of all rubble and brash piles by hand and careful strimming back of vegetation. If evidence of any protected species are found during this process all works should cease and any mitigation measures reviewed by the ecology consultant and agreed with the LPA. (To comply with Core Strategy policy CS17.)
11. The development shall not commence until details of the type and location of bat and bird boxes to be incorporated within the elevations of the proposed building along with the location of a hedgehog box and measures to facilitate access by hedgehogs to neighbouring gardens have been submitted to and agreed in writing with the City Council as local planning authority. The development shall be carried out in accordance with the details and the agreed features retained thereafter (In the interest of biodiversity and in accordance with Policy CS 17 Biodiversity of the Core Strategy).
12. Before the development is begun a detailed design plan of lighting to be used which shows the locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light, shall be submitted and approved in writing by the local planning authority. The lighting shall be designed to cause minimum disturbance to protected species that may inhabit the site with appropriate areas remaining dark and a maximum of 1 lux on vegetated/water areas where considered necessary. The approved scheme shall be implemented and retained thereafter. No additional lighting should be

installed without prior agreement from the Local Planning Authority (In the interests of protecting wildlife habitats and in accordance with saved policy BE22 and Core Strategy policy CS17)

13. This consent shall relate solely to the revised plans ref. no. 19-76.2 - Rev E, and 19-76.3-Rev E received by the City Council as local planning authority on 20/05/2020, unless otherwise submitted to and approved by the City Council as local planning authority. (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 2019 is considered to be a positive outcome of these discussions.
2. Condition above refers to alterations/extensions that you are normally allowed to carry out to houses without planning permission. In this case the City Council wants to be able to control any alterations and extensions to preserve the appearance of the property or protect the amenities of neighbouring properties. You should contact the City Council (telephone (0116) 454 1000) if you are considering such works.
3. To meet condition above, 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.
4. Development on the site should avoid the bird nesting season (March to September), but if this is not possible, a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 48 hours prior to the commencement of works and evidence provided to the LPA. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.

All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird and during the nesting season to damage or destroy an active nest or eggs during that time.

147. 20191480 4 KNIGHTON PARK ROAD

Ward: Castle

Proposal: DEMOLITION OF EXISTING GARAGE AND OUTBUILDING; CONSTRUCTION OF NEW DWELLING (1 X 2 BED) (CLASS C3); ALTERATIONS (AMENDED PLANS RECEIVED 21/05/2020)

Applicant: MS C EVERT

The Planning Officer presented the report, which Members then considered.

The Chair moved that, in accordance with the officer recommendation, the application be approved subject to the conditions set out in the report. This was seconded by Councillor Valand and, upon being put to the vote, the motion to approve was CARRIED.

RESOLVED:

that the application be APPROVED subject to the conditions set out below:

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. All trees on and adjacent to the site subject to a Tree Preservation Order shall be protected from damage during building operations, in accordance with details to be submitted prior to the commencement of development and approved in writing by the City Council as local planning authority. (In the interests of amenity, and in accordance with 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.)
3. Notwithstanding any materials outlined on the approved plans, prior to the commencement of any works above slab/foundation level on site a materials sample panel for all external finishes, including but not limited to, windows, doors and cladding shall be submitted to and approved in writing by the City Council as Local Planning Authority. The development shall only be delivered in accordance with the approved materials. (In the interests of visual amenity and In the interests of preserving and enhancing the character and appearance of the conservation area, and in accordance with Core Strategy policies CS03

and CS18).

4. Prior to commencement of any works above slab/foundation level on site, full joinery details including horizontal and vertical cross sections of all windows and doors (scale 1:2 / 1:5 as appropriate) shall be submitted to and approved in writing by the City Council as local planning authority, and the works carried out in accordance with the approved details. (In the interests of preserving and enhancing the character and appearance of the conservation area, and in accordance with Core Strategy policy CS18 Historic Environment).
5. Notwithstanding any landscaping details on the approved plans, prior to the commencement of any works above slab/foundation level on site , a detailed landscaping scheme showing the treatment 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) 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). The approved landscaping scheme shall be carried out in full 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. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
6. Prior to the commencement of any works above slab/foundation level on site 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 in writing by the local planning authority. The dwelling shall not be occupied until the system has been implemented in full. 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).

7. Before the occupation of the proposed extension new windows facing 4 Knighton Park Road shall be fitted with sealed obscure glazing (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of 4 Knighton Park Road and in accordance with policy PS10 of the City of Leicester Local Plan).
8. The development shall be carried out in full accordance with the precautionary mitigation and enhancements as recommended in Section 7 of the Protected Species Report: Bat presence and absence surveys (Brindle and Green, September 2019). Where necessary a suitably qualified ecologist should be present on site to supervise works and actions taken to minimise risk of injury or disturbance to species and their habitats and evidence provided in writing to the City Council as Local Planning Authority. Any necessary mitigation shall be retained thereafter. (In the interests of existing ecology and in accordance with Core Strategy policy CS17)
9. The dwelling and its 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 dwelling 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 dwelling is adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06)
10. The vehicular access to the site shall be retained and kept available for that use by the host building (4 Knighton Park Road) and the proposed dwelling. (To ensure that vehicular access is retained and also to ensure a second access is not proposed in the future to protect the character of the Area and secure highway safety; and in accordance with policies AM12 and UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS18.)
11. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 21/05/2020. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. All foundations, gutters and downpipes should be wholly within the application site.
2. To meet condition 9 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.

3. Development on the site shall avoid the bird nesting season (March to September), but if necessary a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 24 hours prior to the commencement of works and evidence provided to the LPA. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.

All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird during the nesting season or to damage or destroy an active nest or eggs during that time.

'Bats are a rare and declining group of species. Hence, all British species of bat are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c.) Regulations 1994, making it an offence to intentionally or recklessly kill or injure or disturb these species whilst in a place of shelter or protection. Failure to comply with this may result in prosecution and anyone found guilty of an offence is liable to a fine of up to £5,000 or to imprisonment for a term not exceeding six months, or both'.

4. 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 2019 is considered to be a positive outcome of these discussions.

148. CLOSE OF MEETING

The meeting closed at 7.18 pm