



Leicester
City Council

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 24 AUGUST 2022 at 5:30 pm

P R E S E N T:

Councillor Riyait (Chair)
Councillor Aldred (Vice Chair)

Councillor Broadwell
Councillor Chamund

Councillor Dr Moore
Councillor Thalukdar

Councillor Valand

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11. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Pandya and Councillor Westely.

12. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held 3 August 2022 be confirmed as a correct record.

13. DECLARATIONS OF INTEREST

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

Councillor Dr Moore noted that she had received a constituent at a Ward Surgery in relation to the 5 Pendene Road application and informed them she was unable to discuss the application as she was a Member on the Planning Committee.

There were no declarations of interest.

14. PLANNING APPLICATIONS AND CONTRAVENTIONS

The Chair noted that the applications would be taken out of the order printed on

the application.

15. 20220701 5 PENDENE ROAD

20220701 - 5 Pendene Road

Ward: Knighton

Proposal: Demolition of garage and construction of two storey dwellinghouse (1 bed) (Class C3); installation of gates/fence and hard surfacing and removal of gate and fence to front.

Applicant: Mr and Mrs Sultan

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

Mrs Sultan, the applicant delivered a representation to the Committee in support of the application.

Ian Brown and Wendy Hubbard delivered a representation and spoke in objection to the application.

Councillor March, as the local Ward Councillor spoke in support of the application.

Councillor Whittle, as the local Ward Councillor spoke in objection to the application.

Members of the Committee considered the report and Officers responded to the comments and queries raised.

The Chair summarised the application and the points raised by Members of the Committee and speakers, and moved that in accordance with the Officers recommendation, the application be approved subject to the conditions set out in the report and the addendum. This was seconded by Councillor Broadwell and upon being put to the vote, the motion 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. Prior to the commencement of development details of drainage, shall be submitted to and approved in writing by the local planning authority. No 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 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).

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 in writing by the local planning authority. No property shall 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. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
4. Prior to any works above foundation level, the materials to be used on all external elevations and roofs shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved materials. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3).
5. Notwithstanding the approved plans, prior to the commencement of any works above ground, a detailed landscaping scheme showing the treatment of all parts of the site which will remain unbuilt upon shall be submitted to and approved 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 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. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

6. The development shall not commence above ground level until details of the type and location of 2 x integrated bat bricks and 1 x sparrow terrace to be incorporated within the elevations of the proposed building have been submitted to and approved in writing by the local planning authority. The locations should be determined by an ecologist who should also supervise their installation. The development shall be carried out in accordance with the agreed details and the agreed features retained thereafter. (In the interest of biodiversity and in accordance with NPPF (2021), Policy CS 17 Biodiversity of the Core Strategy).
7. Prior to first occupation of the dwelling, details of arrangements for storage of bins and collection of waste have been submitted to and approved in writing by the local planning authority. These arrangements shall be maintained thereafter. (In the interests of the amenities of the surrounding area, and in accordance with saved policies UD06 and PS10 of the City of Leicester Local Plan and Core Strategy policy CS03.)
8. Before the occupation of the proposed dwelling the dormer windows facing 3 and 5 Pendene Road shall be obscurely glazed to Pilkington level 4 or 5 (or equivalent) and non-opening (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of 3 and 5 Pendene Road and in accordance with saved policy PS10 of the City of Leicester Local Plan).
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 and approved in writing by the 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. 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 A and B 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 the property and/or neighbouring properties; and in accordance with saved policy PS10 of the City of Leicester Local Plan).
11. Before any equipment, machinery or materials are brought on to the site for the purposes of the development, all existing trees, shrubs or

hedges to be retained on or adjacent to the site shall be protected by fencing in accordance with British Standard BS 5837:2012. The location of the protective fencing shall not be within the root protection area of all retained trees. The fencing shall be 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 and no alteration to the ground level shall be made without the prior written approval of the local planning authority unless this is clearly indicated on the approved plans. (To minimise the risk of damage to trees and other vegetation in the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.

12. Should the development not commence within 24 months of the date of the last protected species survey (22/06/2022), 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 approved in writing with the Local Planning Authority and any identified mitigation measures carried out in accordance with the approved details. Thereafter the survey should be repeated annually and any mitigation measures reviewed by the Local Planning Authority until the development commences. (In the interest of biodiversity and in accordance with Core Strategy policy CS17 and section 15 of the NPPF 2021).
13. Development shall be carried out in accordance with the following approved plans:
DSA-19146-PL-PRO-02-210322, Proposed Site Plan and Street Scene, received 28/03/2022; and
DSA-19146-PL-PRO-01-A-210322, Proposed Plans and Elevations, received 28/03/2022.
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. All foundations, gutters and downpipes should be wholly within the application site. No permission is granted or implied for any development (including any overhanging projection/s) outside the application site. The applicant may need to enter into a Party Wall Agreement.
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 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.

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 during previous applications.

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 2021 is considered to be a positive outcome of these discussions.

16. 20200789 LANESBOROUGH ROAD - LAND AT REAR OF NOS 3-53

20200789 - Lanesborough Road, Land at rear of Nos 3 - 53

Ward: Rushey Mead

Proposal: Construction of 37 dwellings (12 x 1-bed; 9 x 2-bed; 12 x 3-bed; 4 x 4-bed); associated roads, drainage and landscaping (Class C3). (Amended plans).

Applicant: Leicester City Council

Councillor Thalukdar joined the meeting at this point.

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

Mr Sanderson, the applicant's agent delivered a representation to the Committee in support of the application.

Pravin Laladia and Feisal Musa delivered a representation and spoke in objection to the application.

Councillor Patel, as the local Ward Councillor delivered a representation to the Committee.

Members of the Committee considered the report and Officers responded to the comments and queries raised.

The Transport Planner in attendance at the meeting provided responses to highways related matters

The Chair summarised the application and the points raised by Members of the Committee and speakers, and moved that in accordance with the Officers recommendation, the application be approved subject to the conditions set out in the report and the addendum. This was seconded by Councillor Dr Moore and upon being put to the vote, the motion 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. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall include:
 - (a) arrangements for the parking of vehicles of site operatives and visitors;
 - (b) arrangements for the loading and unloading of plant and materials;
 - (c) arrangements for the storage of plant and materials used in constructing the development;
 - (d) details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (e) details of wheel washing facilities;
 - (f) details of works to be carried out in the Highway and arrangements to facilitate those works;
 - (g) measures to control the emission of dust and dirt during construction;
 - (h) measures to control the impact of noise on existing residents;
 - (i) a scheme of working hours;
 - (j) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - (k) procedures to ensure flood risk is managed on site during the period of works for personnel, plant and members of the public;
 - (l) procedures to ensure flood risk is not increased anywhere outside of the site for the duration of the works;
 - (m) procedures to ensure pollution and sedimentation is minimised to the adjacent watercourse and the procedure to be used in case of a pollution incident;

(n) measures to ensure that the structure of the adjacent watercourse is not affected by the proposed development;

(o) a scheme of tree protection for retained trees.

(To ensure the satisfactory development of the site, and in accordance with saved policies AM01, UD06 and PS11 of the City of Leicester Local Plan and Core Strategy policies CS02 and CS03. In order to ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

3. No development, including groundworks, shall take place until a programme of archaeological work and a Written Scheme of Investigation in respect of an archaeological evaluation have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:
 - (a) the programme and methodology of site investigation and recording;
 - (b) the programme for post-investigation assessment;
 - (c) provision to be made for analysis of the site investigation and recording;
 - (d) provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - (e) provision to be made for archive deposition of the analysis and records of the site investigation;
 - (f) nomination of a competent person or persons or organisation to undertake the works set out within the Written Scheme of 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).
4. No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 3 above.

(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).
5. 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 above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless agreed in writing with the 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.).

6. No development shall take place until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the local planning authority. The strategy shall include the following details:
 1. A preliminary risk assessment which has identified:
 - (a) all previous uses;
 - (b) potential contaminants associated with those uses;
 - (c) a conceptual model of the site indicating sources, pathways and receptors;
 - (d) potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.The scheme shall be implemented as approved.
(In the interests of ensuring that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution and in accordance with saved policy PS11 of the City of Leicester Local Plan and paragraph 170 of the National Planning Policy Framework. In order to ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
7. No part of the development shall be occupied until a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. (To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete and in accordance with saved policy PS11 of the City of Leicester Local Plan and paragraph 170 of the National Planning Policy Framework.)

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved. (To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site and in accordance with saved Policy PS11 of the City of Leicester Local Plan and paragraph 170 of the National Planning Policy Framework.)
9. Before any development takes place details of a scheme of mitigation, as well as a timetable for the implementation of the scheme, to mitigate the risks to human health arising from the landfill gas identified in report reference "10033776-ARC-XX-XX-RP-ZZ-0003-01-Lanesborough_Rd_Gas" shall be submitted to and approved in writing by the local planning authority. All approved mitigation measures shall be included in the development and shall be in place prior to occupation, and shall be retained thereafter. No occupation shall take place until a verification report has been submitted to and approved in writing by the local planning authority. (The site is in the vicinity of a landfill site known to have accepted wastes and it is considered that there is a perceptible risk of landfill gas adversely affecting it and in accordance with saved policy PS11 of the City of Leicester Local Plan. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
10.
 - A. Notwithstanding the approved plans, before any development takes place a materials sample panel drawing (at a scale of 1:20) and materials schedule for the development shall be submitted to and approved in writing by the local planning authority. The materials shall be in broad accordance with the specifications submitted as part of the application.
 - B. Before any above ground works take place a sample panel shall be constructed on site in accordance with the details approved under A above showing all external materials including:
 - (a) brick slip cladding system including method of installation, brick, bond and mortar colour and showing the treatment of cills, lintels, doorways, corners and junction with timber cladding;
 - (b) timber cladding;
 - (c) window frames, cills and lintels;
 - (d) door frames; and
 - (e) roofing,for inspection and approval in writing by the local planning authority. The development shall be constructed in accordance with the approved sample panel and materials.
(In the interest of visual amenity and the character and appearance of the area and in accordance with 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).

11. Before any development takes place a scheme of on-site and off-site biodiversity mitigation including habitat for Badger and informed by the findings and recommendations of the following reports:
Badger Monitoring Report ref 10047095-ARC-XX-XX-RP-EC-0001-01-
Badger Monitoring Report revision 01 dated August 2022
Biodiversity Metric Report 2022 ref 10047095-ARC-XX-XX-RP-EC-0001-02-BNG Lanesborough Road revision dated June 2022
Preliminary Ecological Appraisal Report ref 10033776-ARC-XX-XX-RP-EC-0003-05-Lanesborough Road PEA version 05 dated September 2021
shall be submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for implementation and details of long term management and maintenance over a period of a minimum of thirty years. The scheme shall thereafter be implemented in accordance with the approved timetable.
(In the interests of protecting and securing gains to biodiversity, mitigating harm to protected species and in accordance with Core Strategy policy CS17 and relevant provisions of the NPPF in particular paragraph 180).
12. A. Prior to any work taking place on the Sustainable Drainage System (SuDS) for the site details of the attenuation basin and the swale, including sections, layout plans and drainage calculations, shall be submitted to and approved in writing by the Local Planning Authority.
B. No part of the development shall be occupied until the Sustainable Drainage System (SuDS) for the site has been completed in accordance with the approved details contained within the Phase 1 Drainage Strategy reference 10033776-ARC-XX-XX-RP-CE-0001 version 4.0 dated June 2022, as modified under part A above, and is operational. The Sustainable Drainage System shall be retained thereafter.
(To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy.)
13. Prior to the commencement of any construction above ground level details of the heating and ventilation systems shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
The development shall be carried out so as to achieve at least the minimum standards set out in sections 3.2 and 3.4 of the Sustainable Design and Construction Statement version 02 dated September 2021. The mechanical ventilation shall be capable of providing four air changes per hour on demand.
(In the interests of securing energy efficiency in accordance with policy CS02 of the Core Strategy).
14. Before any above-ground work takes place details of a design for the

site access shall be submitted to the local planning authority for approval in writing. The alterations shall be completed prior to occupation of the development. All street works shall be constructed in accordance with the Leicester Street Design Guide, June 2020. The details shall include:

- (a) alterations to the existing bell-mouth junction and kerbed radii;
 - (b) provision of tactile paving and dropped kerb pedestrian crossing points;
 - (c) provision of a junction table on Lanesborough Road;
 - (d) alterations to existing highway drainage as required;
 - (e) provision of highway signing and lining as required;
 - (f) diversions of any statutory undertakers' equipment as required.
- (To achieve a satisfactory form of development in respect of Highway safety, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

15. Before any of the flat blocks is occupied, and notwithstanding the approved plans, that block shall be provided with cycle parking in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The cycle parking shall be contained within structures that are lockable, secure and weatherproof, and occupants of each flat shall be provided with access to the cycle shelters on occupation of the flat.
The cycle parking shall be retained thereafter for use in connection with occupation of the approved development. (In the interests of the satisfactory development of the site and to encourage sustainable travel in accordance with saved policies AM02 and H07 of the City of Leicester Local Plan).
(For the avoidance of doubt, the details approved as part of this planning permission are not sufficient to address this condition.)
16. Before the development authorised by this permission is occupied, and notwithstanding the approved plans, 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 be in broad accordance with Landscape Strategy Plan 2377_PL_01_REV H and shall include details of:
 - (a) the position and spread of all existing trees, shrubs and hedges to be retained;
 - (b) new tree, shrub and other planting, including plant type, size, quantities and locations and including defensive planting to exposed rear boundaries;
 - (c) means of planting, staking, and tying of trees, including tree guards and surfacing of tree pits;
 - (d) other surface treatments including paths within the public open space, patios, driveways and refuse bin areas;
 - (e) works to the existing public footpath;
 - (f) fencing and boundary treatments including boundary treatments along the entrance drive between 21 and 25 Lanesborough Road,

along the south-west and south-east site boundaries and means of controlling vehicular access to the open spaces;
(g) retaining structures including sections showing foundations clear of the Highway;
(h) pedestrian visibility splays to driveways and parking spaces;
(i) any changes in levels;
(j) the position and depth of service and/or drainage runs (which may affect tree roots);
(k) street furniture and similar items to be placed in the public open space and within the highway;
(l) landscaping of the swale and attenuation basin including sections and demonstrating integration with and usability as public open space;
(m) consideration of biodiversity enhancements including hedgehog holes in boundary walls and fences;
(n) a landscape and ecology management plan covering aftercare/maintenance of planting and open spaces.

The approved landscaping scheme shall be carried out prior to occupation for hard landscaping, and within one year of occupation of the development for soft landscaping. 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 biodiversity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17.)

(For the avoidance of doubt, the details approved as part of this planning permission are not sufficient to address this condition.)

17. Prior to the installation of the solar photo voltaic systems details of the systems shall be submitted to and approved in writing by the local planning authority. Evidence demonstrating satisfactory installation and operation of the approved scheme prior to occupation shall be submitted to the local planning authority within three months of the system becoming operational. (In the interests of securing energy efficiency in accordance with Core Strategy policy CS02).
18. No part of the development shall be occupied until details of a long term maintenance and management scheme for the Sustainable Drainage System (SuDS) as approved and as modified under condition 12 above has been submitted to and approved in writing by the local planning authority. The details shall include 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 Sustainable Drainage System shall be managed and maintained thereafter in accordance with the approved management and maintenance plan. (To reduce surface water runoff and to secure other related benefits in accordance with

policy CS02 of the Core Strategy.)

19. Before, or at the time of, the first occupation of each dwelling, the occupiers of that dwelling shall be provided with a 'Residents Travel Pack', details of which shall have previously been submitted to and approved in writing by the local planning authority. The contents of the Travel Pack shall consist of paper and/or electronic information promoting the use of sustainable personal journey planners, walking and cycle maps, bus maps, the latest bus timetables applicable to the proposed development, and bus fare discount information. (In the interest of promoting sustainable development, and in accordance with saved policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy)
20. The dwelling on Plot 11 as shown on the approved plans and its associated parking and approach shall be constructed in accordance with "Category 3: Wheelchair accessible dwellings M4 (3)" Optional Requirement of the Building Regulations. All other dwellings and their associated parking and approaches shall be constructed in accordance with "Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement" of the Building Regulations. On completion of the scheme and prior to the occupation of any dwelling a completion certificate for that dwelling 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 dwelling is adaptable enough to match lifetime's changing needs and to meet the need for accessible housing in accordance with Core Strategy policy CS06).
21. No part of the development shall be occupied until dropped kerbs and ramps, suitable for wheelchairs and prams, have been provided in the footways at all major pedestrian crossing points, at road junctions, and at footway crossings, in accordance with details that have previously been submitted to and approved in writing by the local planning authority. Notwithstanding the approved plans, the details shall include the provision of bollards at the footway radii at the internal priority junction, such bollards to be provided prior to any occupation of the development and retained thereafter. (For the safety and convenience of pedestrians including disabled people and pram and wheelchair users; and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
(For the avoidance of doubt, the details approved as part of this planning permission are not sufficient to address this condition.)
22. No dwelling shall be occupied until the visibility splays to each side of each vehicular access to that dwelling, or to the parking area for the block in which the dwelling is contained, have been provided as shown on the approved plans. The visibility splays shall be retained thereafter free of any obstruction over 600mm in height. (In the interests of the safety of pedestrians and other road users, and in accordance with

saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

23. No dwelling shall be occupied until the approved facilities for the storage and collection of refuse including storage areas and bins, collection point and access for collection operatives, as shown on drawing G70-005 revision P4, are complete and ready for use. The approved facilities shall be retained thereafter for use in connection with the approved use of the development and all refuse bins shall be kept within the designated area other than on refuse collection day. (To ensure adequate facilities for the storage and collection of refuse and to protect the amenity of the area in accordance with saved policy H07 of the City of Leicester local plan and Core Strategy policy CS03).
24. Before the occupation of each dwelling the parking space(s) to serve that dwelling as shown on the approved plans shall be provided. The on-plot spaces shall be retained thereafter for the parking of vehicles in connection with the approved use of the dwelling. The spaces within the Highway shall be retained thereafter. (To secure adequate parking provision, and in accordance with saved policies AM12 of the City of Leicester Local Plan and Core Strategy policy CS03.)
25. The development shall be carried out in accordance with the details contained within the submitted Flood Risk Assessment reference: 10033776-ARC-XX-XX-RP-CW-001-01 dated October 2021 and the following mitigation measures it details:
 - Finished floor levels shall be set no lower than 51.83 metres above Ordnance Datum (AOD).This measure shall be implemented and maintained thereafter throughout the lifetime of the development and shall be applied to any extensions constructed to any of the dwellings. (To minimise the risk of damage in times of flooding, and in accordance with Core Strategy policy CS02).
26. Should the development not commence within twelve months of the date of the last protected species survey then a further protected species survey shall be carried out by a suitably qualified ecologist and submitted, including details of any revised or additional mitigation, to the local planning authority prior to the commencement of development. Development shall not commence until the local planning authority has approved the details in writing, and development shall be carried out in accordance with any approved mitigation. (In the interests of protecting and securing gains to biodiversity and in accordance with Core Strategy policy CS17 and relevant provisions of the NPPF in particular paragraph 180).
27. Before any charging points for electric vehicles are installed (other than those which are entirely contained within the private curtilage of a house) details shall be submitted to and approved in writing by the local planning authority. The charging points shall be installed in

accordance with the approved details. (In the interests of energy efficiency and sustainable travel and in accordance with Core Strategy policy CS02).

28. Before the occupation of any "House Type B" the side windows above ground floor level shall be fitted with obscure glazing to a minimum of Level Five on the Pilkington scale, and shall be fixed shut (with the exception of a top opening light at least 1.7m above internal floor level). The windows shall be retained as such thereafter. (In the interests of the amenity of occupiers of neighbouring dwellings and in accordance with policy PS10 of the City of Leicester Local Plan).
29. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no enlargement or outbuilding shall be carried out to any dwelling or curtilage on plots 1, 2, 26, 27, 28, 29, 30, 31, 32 and 33 other than as shown on the approved plans. (Given the layout of the development plots, 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.)
30. Development shall be carried out in accordance with the following approved plans:
G70-005 revision P4, Site layout as proposed, received 2/8/2022
A-G20-009 revision P4, plans and elevations house type B, received 18/11/2021
A-G20-004 revision P8, plans and elevations house type D, received 4/7/2022
A-G20-006 revision P10, plans and elevations house type E, received 4/7/2022
A-G20-008 revision P5, plans and elevations house type G, received 4/7/2022
G-20-010 revision P6, plans and elevations house type F, received 4/7/2022
A-G20-011 revision P5, plans and elevations apartment block A, received 4/7/2022
A-G20-012 revision P5, plans and elevations apartment block B, received 4/7/2022
A-G20-013 revision P5, plans and elevations apartment block C, received 4/7/2022
(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 2021 is considered to be a positive outcome of these discussions.

2. The Environment Agency has advised that the proposed surface water drainage outfall to the Melton Brook will require the necessary discharge consents to be agreed and that any works within 8 metres of an EA main river will require a permit. 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 (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the EA's National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and the EA advises consultation at the earliest opportunity.

3. Access and egress from Lanesborough Rd (extreme event) - advice to the applicant from the Environment Agency

Although the main access to the site has been assessed as being outside of both the design and sensitivity flood events i.e. the 1 in 100yr 30% CC event and 1 in 100yr 50% CC event, the access is shown to be inundated by flooding within the 1 in 1000yr event.

Typically, within this event depths are below 300mm however the residual risk of flooding remains. The EA recommends that a flood management plan is prepared and that the site is registered for flood alerts and warnings for the Upper Soar catchment to ensure the safety of residents within the occurrence of more extreme events.

4. The site known as Lanesborough Road, Leicester located at NGR SK 598 076 lies directly beneath the proposed development and is known to have accepted brick and concrete fragments, wood, ash/tarmac, old

vegetation, plastics and clays. Any operations at this site would have ceased prior to the implementation of licensing under the Control of Pollution Act 1974 and as such the Environment Agency has only limited details. However, gas monitoring carried out between 1990 and 1993 detected significant quantities of landfill gas in one of six boreholes put down at the site. The potential for further gas generation at this site must therefore be assumed, however further investigations would be needed to confirm the current status of the site.

The site known as Off Bath Street, Leicester lies adjacent to the proposed development and is known to have accepted waste from the construction industry. It is assumed that this site was operational prior to the implementation of licensing under the Control of Pollution Act 1974, as a site licence was never issued. The Environment Agency has no records of waste types deposited at this site. A storage compound now occupies the area. The Agency is not aware of any gas monitoring being carried out at this location.

The site known as Bath Street, Leicester located at NGR SK 597 078 lies adjacent to the proposed development and is known to have accepted canal and watercourse silt dredgings. The site is currently operational and tipping is controlled under Waste Disposal Licence reference 85. The Environment Agency is not aware of any gas monitoring being carried out at this site.

5. Further to condition 11 above, it is understood that land within the applicant's ownership to the west of the site would be suitable for off-site biodiversity mitigation. In the event that this land is unavailable or unsuitable then an alternative site capable of providing an acceptable level of mitigation would be required to be provided for the off-site mitigation, within close proximity to the site and within the existing ecological/Green Infrastructure network.
6. Further to condition 12 above, it is expected that the gradients of the attenuation features will be reduced in order to improve the amenity use of the features. As the gradients are adjusted this might affect the volume of the water that can be stored, hence the requirement for drainage calculations. It is recognised that further discussions might need to be held with officers in the council's Parks team in order to achieve a design that can be adopted as open space and which also meets drainage, amenity and biodiversity requirements.
7. The applicant is advised that although there is no planning condition regarding the installation of Electric Vehicle charging points to the houses and bungalow these can be installed as part of the development provided they would have only a minor impact on the external appearance of the buildings.
8. 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.

17. 20202126 HINCKLEY ROAD, WESTERN PARK OPEN AIR SCHOOL

20202126 - Hinckley Road, Western Park Open Air School

Ward: Western

Proposal: Change of use to office (use class E(g)(i)) and community building with cafe; demolition of two buildings and fire damaged elements; construction of three new elements/extensions; construction of bridge over watercourse; new internal driveway and external lighting (Amended plans 17.03.2022 and 25.03.2022)

Applicant: WPOAS Limited

The Planning Officer presented the application and noted that the presentation would also cover the second application on the listed building consent.

Machaila Smith delivered a representation in objection of the application.

Members of the Committee considered the report and Officers responded to the comments and queries raised.

The Chair summarised the application and the points raised by Members of the Committee and speakers, and moved that in accordance with the Officers recommendation, the application be approved subject to the conditions set out. This was seconded by Councillor Broadwell and upon being put to the vote, the motion 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. 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 local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - (a) vehicle and pedestrian temporary access arrangements; the parking of vehicles of site operatives and visitors;
 - (b) the loading and unloading of plant and materials;

- (c) the storage of plant and materials used in constructing the development;
- (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (e) wheel washing facilities;
- (f) measures to control the emission of dust and dirt during construction;
- (g) measures including working hours to minimise the effect of noise on neighbouring occupiers;
- (h) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (i) measures to ensure that flood risk is managed on site during the period of works for personnel, plant and members of the public;
- (j) measures to ensure that flood risk is not increased anywhere outside of the site for the duration of the works;
- (k) measures to ensure that pollution and sedimentation is minimised to any adjacent watercourse and the procedure to be used in case of a pollution incident;
- (l) measures to ensure that the structure of any adjacent watercourse is not affected by the proposed development.

(To ensure the satisfactory development of the site, and in accordance with saved policies AM01, PS11 and UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17. In order to ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

3. Before any development takes place 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 use shall not commence until the system has been installed in accordance with the approved details and is operational. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include:
 - (a) full design details including sections of the attenuation features;
 - (b) a water quality assessment;
 - (c) a timetable for its implementation; and
 - (d) 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).
4. Before any development takes place (including demolition, ground works and vegetation clearance) a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the

following details:

- (a) Risk assessment of construction activities with the potential to cause harm to biodiversity;
- (b) identification of "biodiversity protection zones";
- (c) measures (both physical and working practices) to avoid or reduce impacts during construction including use of suitable roofing materials to minimise effects on Bats;
- (d) the location and timing of sensitive works to avoid harm to biodiversity features;
- (e) times during construction when specialist ecologists shall be present on site to oversee works;
- (f) responsible persons and lines of communication;
- (g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- (h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to throughout the construction period.

(In the interests of amenity and biodiversity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17. In order that the details can be agreed in time to be incorporated into the development this is a PRE-COMMENCEMENT condition).

5. Before any development takes place a detailed landscape 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 agreed in writing by the local planning authority. The scheme shall include details of:
- (a) the position and spread of all existing trees, shrubs and hedges to be retained or removed;
 - (b) new tree and shrub planting, including plant type, size, quantities and locations;
 - (c) sections of and planting to the attenuation features;
 - (d) a detailed plan of biodiversity enhancements on the site including a management scheme to protect habitat during site preparation and post-construction;
 - (e) details of the make, type and location of six bird boxes/tiles/bricks and six bat boxes/tiles/bricks to be installed on buildings/trees and two hedgehog boxes, all to be sited and installed 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 and be carried out within one year of completion 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 and a written assessment of the landscaped/habitat areas and use by wildlife/species present shall be submitted annually to the local planning authority.

(In the interests of amenity and biodiversity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17. In order that the details can be agreed in time to be incorporated into the development this is a PRE-COMMENCEMENT condition).

6. Before any development takes place a detailed design plan of lighting to be used across the site, including the main Park driveway, shall be submitted to and approved in writing by the local planning authority. The details shall include:
 - (a) the locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light;
 - (b) hours of operation of the lighting and details of the operating hours of the approved office development.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 completed and operational prior to the development being brought into use and shall be retained thereafter. No additional lighting shall be installed other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority. (In the interests of public safety and protecting wildlife habitats and in accordance with Core Strategy policies CS03 and CS17 and paragraph 180 of the National Planning Policy Framework. In order that the details can be agreed in time to be incorporated into the development this is a PRE-COMMENCEMENT condition).
7. No development shall take place until details including a manufacturer's specification and permeability details of the replacement and new external surfacing have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. (In the interests of amenity and sustainability and in accordance with Core Strategy policies CS02 and CS03.)
8. The development shall not be occupied until remedial works to the road markings on the Western Park access driveway have been carried out in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. (In the interests in public safety, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.) (For the avoidance of doubt, the details approved as part of this permission are insufficient to address this condition).
9. Before any development takes place details of the vehicular access to the upper car park and the main bin store as shown on drawing shall be submitted to and approved in writing by the local planning authority. The details shall include:

- (a) Plans, sections and levels;
- (b) details of the construction of the retaining walls;
- (c) details of tree removal and protection measures;
- (d) details of surfacing;
- (e) details of enclosure to the bin store.

Development shall be carried out in accordance with the approved details and the ramp and bin store shall be provided prior to the development being brought into use.

(To ensure the satisfactory development of the site, and in accordance with saved policies AM01 and UD06 of the City of Leicester Local Plan and Core Strategy policy CS03. In order to ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

10. No development shall take place (other than site clearance) until details of the proposed new footbridge adjacent Building 8, as shown on drawing, have been submitted to and approved in writing by the local planning authority. The bridge shall be installed and open for use prior to the development being brought into use, and shall be retained and available for use at all times when the site is open for use. (In the interests of the safety of users of the site and in accordance with saved policies AM01 and AM02 of the City of Leicester Local Plan).
11. The development shall not be occupied until a waste management plan has been submitted to and approved in writing by the local planning authority. The Plan shall include details of:
 - (a) location and surfacing of refuse collection point(s) and refuse store(s);
 - (b) signage directing occupants to the refuse collection point(s)/refuse store(s) and advising them of contact details for the management company, such signage to be retained throughout the lifetime of the development and updated within seven days when such contact details change;
 - (c) provision for persons with mobility and other limitations to use the refuse collection point(s) and refuse store(s);
 - (d) arrangements for cleaning and maintenance of the refuse collection point(s) and refuse store(s);
 - (e) contact details for any management company responsible for the site;
 - (f) provision for any change to the management company, or change to contact details for that company, to be advised to the local planning authority within seven days of the change of responsibility or details taking effect.

The development shall not be occupied or used other than in accordance with the approved plan.

(To ensure adequate facilities for the storage and collection of refuse and to protect the amenity of the area in accordance with Core Strategy policy CS03).
12. The development shall be managed and operated in full accordance

with a Management Plan, the details of which shall be submitted to and approved in writing by the local planning authority before the first occupation of the development. The management plan shall set out procedures for:

- (a) hours of operation of the site and arrangements for closure of the car park during the hours when the main park gates are closed;
- (b) how servicing and deliveries will be managed;
- (c) the security of the development and its occupiers including any gate to the footbridge;
- (d) maintaining the external areas of the site;
- (e) operation of the site vehicle gate and control of access;
- (f) advising the local planning authority of the contact details for site management.

(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 occupiers in accordance with the aim of Core Strategy policies CS03, CS06 and CS15 and policy PS10 of the City of Leicester Local Plan.)

13. The development shall not be occupied until a Travel Plan for the development has been submitted to and approved in writing by the local planning authority. The Plan shall be carried out in accordance with a timetable to be contained within the Plan. The Plan shall:
 - (a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries;
 - (b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as single occupancy vehicle users, so that all users have awareness of sustainable travel options;
 - (c) identify marketing, promotion and reward schemes to promote sustainable travel and look at a parking management scheme to discourage off-site parking;
 - (d) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use. The plan shall be maintained and operated thereafter.(To promote sustainable transport and in accordance with saved policies AM01, AM02, and AM11 of the City of Leicester Local Plan and Core Strategy CS14 and CS15).
14. Before the installation of the gate to the vehicle bridge, details of the gate including design and operation shall be submitted to and approved in writing by the local planning authority. The gate shall be installed and operated thereafter in accordance with the approved details. (In the interests of safety and security and in accordance with

Core Strategy policy CS03.)

15. All development including the installation of the lighting to the Park driveway shall be carried out in accordance with the details contained within the document Arboricultural Impact Assessment and Method Statement reference AAAIAWEST dated 6 April 2022.
(In the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)
(The applicant's attention is drawn to the requirement to comply with NJUG requirements.)
16. Development shall take place in accordance with the Construction Management Recommendations within the Badger Survey report reference BS/BC/Open Air/v2 dated 15 March 2022, Section 6 (P7/8).
(In the interests of biodiversity and avoiding harm to a protected species and in accordance with Core Strategy policy CS17.)
17. The development shall not be brought into use until facilities for the charging of electric vehicles have been provided to each of the two car parking areas and at least one cycle parking area, and shall be available at a minimum of one accessible car parking space in each of the upper and lower parking areas, and a minimum of five other car parking spaces and five cycle parking spaces. (In the interests of energy efficiency and sustainable travel and in accordance with Core Strategy policy CS02).
18. The development shall not be occupied until cycle parking has been provided in full accordance with the details shown on the approved plans. The cycle parking shall be retained thereafter for use in connection with occupation of the approved development. (In the interests of the satisfactory development of the site and in accordance with saved policy AM02 of the City of Leicester Local Plan).
19. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), and notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (or any order revoking and re-enacting that Order with or without modification), the buildings labelled Building One to Building Seven on drawing 28806(P-20)101 revision S shall be used only as offices falling within Use Class E(g)(i) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (as it existed at the date of permission) and for no other use within that or any use class. (To ensure that full consideration is given to any alternative use).
20. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), and notwithstanding the provisions of the Town and

Country Planning (Use Classes) Order 1987, (or any order revoking and re-enacting that Order with or without modification), the building labelled Building Eight on drawing shall be used only as a mixed use of cafe and community facility and for no other use. (To ensure that full consideration is given to any alternative use).

21. Development shall be carried out in accordance with the following approved plans:
- Proposed site layout, drawing no 28806(P-20)101 revision S received 17/3/2022
 - Site layout including Hinckley Road, drawing no 28806(P-20)107 revision F, received 17/3/2022
 - Building 1 floor plans, drawing no 28806(P-20)203 revision C, received 2/9/2021
 - Building 1 elevations and sections, drawing no 28806(P-20)205 revision C, received 2/9/2021
 - Building 2 floor plans, drawing no 28806(P-20)206 revision D, received 2/9/2021
 - Building 2 elevations and sections, drawing no 28806(P-20)207 revision D, received 2/9/2021
 - Building 3 floor plans, drawing no 28806(P-20)208 revision D, received 2/9/2021
 - Building 3 elevations and sections, drawing no 28806(P-20)209 revision D, received 2/9/2021
 - Buildings 1, 2, 3 floor layout, drawing no 28806(P-20)201 revision D, received 2/9/2021
 - Buildings 1, 2, 3 front elevations, drawing no 28806(P-20)202 revision C, received 2/9/2021
 - Building 4 floor plans, drawing no 28806(P-20)210 revision C, received 2/9/2021
 - Building 4 elevations, drawing no 28806(P-20)211 revision C, received 2/9/2021
 - Building 4 elevations and sections, drawing no 28806(P-20)212 revision E received 21/10/2021
 - Building 5/6 floor plans, drawing no 28806(P-20)213 revision C received 2/9/2021
 - Building 5/6 elevations and sections, drawing no 28806(P-20)214 revision C received 2/9/2021
 - Building 5/6 elevations and sections, drawing no 28806(P-20)215 revision D received 2/9/2021
 - Building 7 floor plans, drawing no 28806(P-20)216 revision C, received 2/9/2021
 - Building 7 elevations and sections, drawing no 28806(P-20)217 revision D received 2/9/2021
 - Building 8 floor plans, drawing no 28806(P-20)218 revision D received 12/7/2022
 - Building 8 elevations and sections, drawing no 28806(P-20)219 revision D, received 2/9/2021
 - Pergola, drawing no 28806(P-20)111 revision A received 26/10/2021
 - Bin store (Building 8), drawing no 28806(P-20)105 revision B, received

12/10/2021

Bridge link adjacent Building 8, drawing no 28806(P-20)106 revision B, received 2/9/2021

Cycle storage, drawing no 28806(P-20)103 revision B, received 2/9/2021

(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 2021 is considered to be a positive outcome of these discussions.
2. Further to condition 16 above, the mitigation measures include the need for a pre-commencement badger survey and inclusion of a 20m exclusion zone to be erected around the site to protect badger setts. If any partially/active setts fall within the 20m exclusion zone, temporary closure under Natural England licence will be necessary throughout the duration of nearby works. In this case all works should cease and any mitigation measures be reviewed by the LPA.
3. Birds
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 have to 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.

18. 20202119 HINCKLEY ROAD, WESTERN PARK OPEN AIR SCHOOL

20202119 - Hinckley Road, Western Park Open Air School

Ward: Western

Proposal: Internal and external alterations to listed buildings to

facilitate the change of use to office (use class E(g)(i)) and community building with cafe; demolition of two buildings and fire damaged elements; construction of three new elements/extensions; construction of bridge over watercourse; new internal driveway and external lighting (Amended plans 17.03.2022 and 25.03.2022).

Applicant: WPOAS Limited

Machaila Smith delivered a representation in objection to the application.

The Chair summarised the application and the points raised by Members of the Committee and speakers, and moved that in accordance with the Officers recommendation, the application be approved subject to the conditions set out. This was seconded by Councillor Valand and upon being put to the vote, the motion was CARRIED.

RESOLVED:

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

CONDITIONS

1. The works to which this consent relates shall be begun within three years from the date of this consent. (To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.)
2. Before any works take place a full internal schedule of works shall be submitted to and approved in writing by the local planning authority. The Schedule shall include:
 - (a) a detailed schedule confirming the extent of works to all walls, floors, ceilings and historic features to the first storey of Building 5/6;
 - (b) floorplans confirming the location, scope and method of the installation of all new plumbing and pipework;
 - (c) full details including relevant sectional drawings at an appropriate scale (1:10, 1:5, 1:2) of the location and methodology of any fire protection and acoustic/thermal separation works (ceilings, walls and floors) to all retained buildings on site;
 - (d) full details of the new staircase to Building 5/6
 - (e) details of the condition and appropriate repair or replacement of the lift doors in Building 5/6.A photographic record of works carried out, and retained historic features, shall be kept during the works, and a copy provided to the local planning authority after the completion of works.
(In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)
3. Prior to the cleaning of the exterior brickwork, stonework and/or render, a patch test shall be undertaken in accordance with details that have previously been submitted to and approved in writing by the local planning authority. In the event that the exterior cleaning of

brickwork/stonework/render is to be carried out using any other system than DOFF, details shall be submitted to and approved in writing by the local planning authority prior to the work being carried out. The exterior cleaning shall be carried out as approved.

(In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)

4. Before any work takes place details of materials to be used on all new and existing external surfaces shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The details shall include:
 - (a) specification and sample of roofing;
 - (b) specification and sample of wall cladding;
 - (c) specification and sample of brick;
 - (d) specification and sample of rainwater goods and details of where existing rainwater goods have to be replaced;
 - (e) a joinery schedule showing full details including elevation and section drawings at an appropriate scale (1:10, 1:5, 1:2 or 1:1), material and surface finish for all new external windows and doors cross-referenced with their location;
 - (f) any exterior paint to be used.Development shall be carried out in accordance with the approved details.

(In the interests of preserving the character, appearance and setting of the listed buildings, and in accordance with Core Strategy policy CS18.)
5. Before the double glazing is installed to the retained timber window frames, a sample of one existing window with double glazing fitted shall be prepared for inspection and approved in writing by the local planning authority. Double glazing shall be installed to other windows and doors in accordance with the approved sample.

(In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)
6. Before any work is carried out to the roof timbers the scope of the works and details of replacement timbers shall be submitted in writing to the local planning authority, and arrangements made for a site inspection. No work shall be carried out until approval has been issued in writing by the local planning authority and the work shall take place in accordance with the approved details.

(In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)
7. Prior to the installation of any mechanical and electrical services with external elements including but not limited to vents, extracts, flues, soil pipes, external lighting, security cameras/alarms, telecommunication aerials and fibre optic/telecommunications cables (where visible) details including material, colour, surface finish and scaled elevation drawings (1:50) showing the location and design shall be submitted to

and approved in writing by the local planning authority.

No additional such external elements shall be installed unless details of their design and location have first been submitted to and approved in writing by the local planning authority.

Development shall be carried out in accordance with the approved details.

(In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)

8. Before any work takes place to the floor of Building 8 (to facilitate drainage works if required) details of the condition and materials of the floor and details of the proposed restoration shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
(In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)
9. Development shall be carried out in accordance with the following approved plans.
Proposed site layout, drawing no 28806(P-20)101 revision S received 17/3/2022
Site layout including Hinckley Road, drawing no 28806(P-20)107 revision F, received 17/3/2022
Building 1 floor plans, drawing no 28806(P-20)203 revision C, received 2/9/2021
Building 1 elevations and sections, drawing no 28806(P-20)205 revision C, received 2/9/2021
Building 1 Schedule of Works floor plans, drawing no 28806(P-08)101 revision D, received 2/9/2021
Building 1 Schedule of Works elevations and section, drawing no 28806(P-08)102 revision D, received 2/9/2021
Building 2 floor plans, drawing no 28806(P-20)206 revision D, received 2/9/2021
Building 2 elevations and sections, drawing no 28806(P-20)207 revision D, received 2/9/2021
Building 2 Schedule of Works floor plans, drawing no 28806(P-08)103 revision D, received 2/9/2021
Building 2 Schedule of Works elevations and sections, drawing no 28806(P-08)104 revision D, received 2/9/2021
Building 3 floor plans, drawing no 28806(P-20)208 revision D, received 2/9/2021
Building 3 elevations and sections, drawing no 28806(P-20)209 revision D, received 2/9/2021
Buildings 1, 2, 3 floor layout, drawing no 28806(P-20)201 revision D, received 2/9/2021
Buildings 1, 2, 3 front elevations, drawing no 28806(P-20)202 revision C, received 2/9/2021
Building 3 Schedule of Works floor plans, drawing no 28806(P-08)105 revision D, received 2/9/2021
Building 3 Schedule of Works elevations and section, drawing no

28806(P-08)106 revision D, received 2/9/2021
Buildings 2 and 3 Schedule of Works: window and door Sections, drawing no 28806(P-20)221 revision A, received 2/9/2021
Building 3 Schedule of Works floor plans, drawing no 28806(P-08)105 revision D, received 2/9/2021
Building 3 Schedule of Works elevations and section, drawing no 28806(P-08)106 revision D, received 2/9/2021
Building 4 floor plans, drawing no 28806(P-20)210 revision C, received 2/9/2021
Building 4 elevations, drawing no 28806(P-20)211 revision C, received 2/9/2021
Building 4 elevations and sections, drawing no 28806(P-20)212 revision E received 21/10/2021
Building 4 Schedule of Works floor plans, drawing no 28806(P-08)107 revision D, received
Building 4 Schedule of Works elevations and section, drawing no 28806(P-08)108 revision D, received 2/9/2021
Building 4 Schedule of Works window and door sections, drawing no 28806(P-08)241 received 1/3/2021
Building 5/6 floor plans, drawing no 28806(P-20)213 revision C received 2/9/2021
Building 5/6 elevations and sections, drawing no 28806(P-20)214 revision C received 2/9/2021
Building 5/6 elevations and sections, drawing no 28806(P-20)215 revision D received 2/9/2021
Building 5/6 Schedule of Works floor plans, drawing no 28806(P-08)109 revision D, received 2/9/2021
Building 5/6 Schedule of Works elevations, drawing no 28806(P-08)110 revision D, received 2/9/2021
Building 5/6 Schedule of Works elevations and sections S2, drawing no 28806(P-08)111 revision D, received 2/9/2021
Building 5 Schedule of Works window and door sections, drawing no 28806(P-08)251 received 1/3/2021
Building 5 Schedule of Works window and door sections, drawing no 28806(P-08)252 received 1/3/2021
Building 7 floor plans, drawing no 28806(P-20)216 revision C, received 2/9/2021
Building 7 elevations and sections, drawing no 28806(P-20)217 revision D received 2/9/2021
Building 7 Schedule of Works floor plans, drawing no 28806(P-08)112 revision D, received 2/9/2021
Building 7 Schedule of Works elevations S1, drawing no 28806(P-08)113 revision D, received 2/9/21
Building 7 Schedule of Works elevations and sections S2, drawing no 28806(P-08)114 revision D, received 2/9/2021
Building 7 Schedule of Works window and door sections, drawing no 28806(P-08)271 received 1/3/2021
Building 8 floor plans, drawing no 28806(P-20)218 revision D received 12/7/2022
Building 8 elevations and sections, drawing no 28806(P-20)219

revision D, received 2/9/2021

Building 8 Schedule of Works floor plans, drawing no 28806(P-08)115 revision D, received 2/9/2021 (NB: layout of accessible WC as per drawing ref 28806(P-20)218 revision D)

Building 8 Schedule of Works elevations and sections, drawing no 28806(P-08)116 revision D, received 2/9/2021

Building 8 Schedule of Works window and door sections, drawing no 28806(P-08)281 received 1/3/2021

Building 8 Schedule of Works window and door sections, drawing no 28806(P-08)282 received 1/3/2021

Building 8 Schedule of Works window and door sections, drawing no 28806(P-08)283 received 1/3/2021

Pergola, drawing no 28806(P-20)111 revision A received 26/10/2021

Bin store (Building 8), drawing no 28806(P-20)105 revision B, received 12/10/2021

Bridge link adjacent Building 8, drawing no 28806(P-20)106 revision B, received 2/9/2021

Cycle storage, drawing no 28806(P-20)103 revision B, received 2/9/2021.

(For the avoidance of doubt).

19. ANY URGENT BUSINESS

There were no items of urgent business.

20. CLOSE OF MEETING

The meeting closed at 7:38pm.