



Leicester
City Council

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 30 OCTOBER 2013 at 6:00 pm

P R E S E N T :

Councillor Kitterick - Chair
Councillor Shelton - Vice-Chair

Councillor Dr Barton
Councillor Clarke
Councillor Joshi
Councillor Sandhu

Councillor Dr Chowdhury
Councillor Fonseca
Councillor Dr Moore

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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 Meghani

20131494 – Greengate Lane,
land to north of

Councillor Riyait

20131493 – Thurcaston Road,
former Corah Sports ground

108. APOLOGIES FOR ABSENCE

There were no apologies for absence.

109. DECLARATIONS OF INTEREST

Members were asked to declare any interests they had in the business to be discussed on the agenda, including under the Council's Code of Practice for development Control decisions.

Councillors introduced themselves and made the following declarations:

Councillor Shelton declared that in respect of applications 20131493 (Thurcaston Road, former Corah Sports Ground) and 20131494 (Greengate Land, land to north of) he had received representations.

Councillor Dr Chowdhury declared that in respect of application 20131493 (Thurcaston Road, former Corah Sports Ground) he had received representations.

Councillor Clarke declared that in respect of applications 20131493 (Thurcaston Road, former Corah Sports Ground) and 20131494 (Greengate Land, land to north of) he had been a member of the Scrutiny Commission that had considered the review of the provision of gypsy and traveller sites, but that he had no pre-determined view on the applications and sat with an open mind. He further declared that he had received representations in respect of both sites.

Councillor Dr Moore declared that in respect of applications 20131493 (Thurcaston Road, former Corah Sports Ground) and 20131494 (Greengate Land, land to north of) she had received representations and had attended the site visits.

Councillor Dr Barton declared that in respect of applications 20131493 (Thurcaston Road, former Corah Sports Ground) and 20131494 (Greengate Land, land to north of) she had received representations and had attended the site visits.

Councillor Joshi declared that in respect of applications 20131493 (Thurcaston Road, former Corah Sports Ground) and 20131494 (Greengate Land, land to north of) he had received representations.

Councillor Fonseca declared that in respect of applications 20131493 (Thurcaston Road, former Corah Sports Ground) and 20131494 (Greengate Land, land to north of) he had received representations.

Councillor Sandhu declared that in respect of applications 20131493 (Thurcaston Road, former Corah Sports Ground) and 20131494 (Greengate Land, land to north of) he had received representations.

Councillor Kitterick declared that in respect of applications 20131493 (Thurcaston Road, former Corah Sports Ground) and 20131494 (Greengate Land, land to north of) he had received representations.

The following Councillors attended the meeting and with the sanction of the Committee spoke with regard to specific applications and declared the following interests in accordance with the Code of Practice for Development Control Decisions:

Councillor Meghani declared that in respect of applications 20131494 (Greengate Lane, land to north of) he had received representations.

Councillor Riyait declared that in respect of applications 20131493 (Thurcaston Road, former Corah Sports Ground).

110. PLANNING APPLICATIONS AND CONTRAVENTIONS

The Chair explained that he would take the Planning and Contravention reports out of the order given in the index contained within the report, due to the attendance of Ward Councillors, members of the public who had registered to speak in objection to applications and in the interests of people in the public gallery.

RESOLVED:

that the report of the Director, Planning, Transportation and Economic Development dated 30 October 2013 on applications and contraventions, together with the supplementary reports and information reported verbally by Officers, be received and action taken as below:

111. 20131494 - GREENGATE LANE, LAND TO NORTH OF

Ward: Beaumont Leys

Proposal: DEMOLITION OF EXISTING BUILDINGS; CHANGE OF USE OF LAND FROM HOUSES/GARDENS TO GYPSY AND TRAVELLER SITE WITH SIX PITCHES AND SIX AMENITY BUILDINGS

Applicant: FRAMEWORK HOUSING ASSOCIATION

Adam Jacobs spoke in support of the application.

County Councillor David Snartt, Terry McGreal and Peter Ablett spoke in objection to the application.

Councillor Meghani read a letter of objection received from Liz Kendall MP and spoke in objection to the application.

Members of the Committee then gave due consideration to the application and officers responded to the comments and queries raised.

It was reported that the application was the subject of Section 25 call-in procedures and that any decision of the Committee could therefore be referred to the Secretary of State.

RESOLVED:

that the application be APPROVED subject to the conditions set out below and subject to referral to the Secretary of State if called-in under the Section 25 procedures:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The site shall be managed in accordance with the Operation & Management Statement submitted with the planning application. (To ensure the site is managed in an appropriate way.)
3. 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.)
4. All street works shall be constructed in accordance with the Council's standards contained in the `6Cs Design Guide` (view from www.leicester.gov.uk/6cs-design-guide). (To achieve a satisfactory form of development, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
5. No part of the development shall be occupied until the footway crossing has been altered in accordance with the Council's standards contained in the `6Cs Design Guide` (view from www.leicester.gov.uk/6cs-design-guide). (To achieve 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.)
6. A turning space, to enable vehicles always to enter and leave the site in a forward direction, shall be kept available within the site. (In the interests in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
7. No pitch shall be occupied until bollards or another method to prevent parking on the verge adjacent to the access drive have been installed to the satisfaction of the City Council as local planning authority. (To ensure inappropriate parking does not take place in accordance with policy CS03 of the Core Strategy).

8. Any gates shall be set back to allow a Heavy Goods Vehicle to pull off the highway prior to them being opened. They shall remain so at all times. (In the interests of highway safety and in accordance with policy CS03 of the Core Strategy.)
9. Development shall not commence until details of the fabric of the amenity buildings detailing how it will contribute to a reduction in greenhouse gas emissions have been submitted to and approved by the City Council as local planning authority. Development shall be carried out in accordance with the approved details. (To reduce greenhouse gas emissions in accordance with policies BE16 of the Local Plan and CS02 in the Core Strategy.)
10. All trees near the site subject to a Tree Preservation Order and ones both on and off the site to be retained shall be protected from damage during building operations, in accordance with details to be submitted to and approved 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 CS3.)
11. Before the development is begun, a landscaping scheme showing the treatment of all parts of the site, including details of trees and shrubs to be planted, shall be submitted to and approved by the City Council as local planning authority. 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.)
12. No part of the development shall be occupied until the sustainable drainage scheme for the site has been implemented in accordance with details first submitted to and approved by the City Council as local planning authority. (To reduce the risk of flooding and in accordance with policy BE20 of the City of Leicester Local Plan and CS02 of the Core Strategy.)
13. No pitch shall be occupied until foul drainage has been implemented in accordance with details first agreed in writing by the City Council as local planning authority. (To avoid flooding and protect the water environment in accordance with policy BE20 of the City of Leicester local plan and policy CS02 of the Core Strategy.)
14. Before the development is begun a detailed design plan of external lighting to be used shall be submitted and approved in writing by the local planning authority. The lighting should be designed to cause minimum disturbance to protected species that may inhabit the site.

The approved scheme shall be implemented and retained thereafter.
(In the interests of protecting wildlife habitats and in accordance with policy BE22 and policy CS 17 Biodiversity of the Core Strategy)

15. Should the development not commence within 24 months of the date of the last protected species survey (May 2013), 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 shall be submitted to and agreed in writing with the local planning authority and any identified mitigation measures carried out before the development is begun. Thereafter the survey should be repeated bi-annually until the development begins. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRow Act 2000), the Habitat & Species Regulations 2010 and CS 17 of the Core Strategy).
16. No works shall commence on the site until ecological mitigation schemes have been submitted and approved in writing by the local planning authority. The schemes should include details of methodologies for the protection of existing features such as trees and hedgerows and associated fauna and should include details of fencing and timing of operations; tree, shrub and hedgerow planting and aftercare proposals; and habitats (hedgerow, meadow and tree planting) to be newly created or existing habitats to be enhanced and ten years aftercare proposals including construction, seeding, planting and establishment and replacement details (In the interest of biodiversity and in accordance with policy CS 17 Biodiversity of the Core Strategy).
17. During development any deep excavations shall be covered or ramped to ensure badgers have a means of escape should they become trapped. If during the proposed development works any badger setts are found at the site or within 30 metres of the site, all works should cease immediately and a suitably qualified ecologist should be consulted. (In the interest of biodiversity and in accordance with policy CS 17 Biodiversity of the Core Strategy)
18. Prior to the occupation of any pitch arrangements are to be made for a contribution to the improvement or provision of off-site Green Space in the city unless otherwise agreed in writing by the City Council as local planning authority. (To meet the recreational needs of residents in accordance with policy CS13 of the Core Strategy.)

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 any works or other related activity such as dropped kerbs, skips, scaffolds etc., on or adjacent to the highway you are required to submit the highway approval form (Form 1) which can be found on our website <http://www.leicester.gov.uk/your-council->

services/transport-traffic/highways/activities-on-the-highway/
Failure to complete this application form and provide adequate notice
will result in delays to the development works

2. With respect to condition 10 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=00000000030213642> 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 details of findings submitted 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.

112. 20131493 - THURCASTON ROAD, FORMER CORAH SPORTS GROUND

Ward: Abbey

Proposal: CHANGE OF USE OF FORMER SPORTS GROUND TO GYPSY
AND TRAVELLER SITE WITH TEN PITCHES AND TEN
AMENITY BUILDINGS

Applicant: FRAMEWORK HOUSING ASSOCIATION

Adam Jacobs spoke in support of the application.

Steve Ramsden, Terry McGreal and Alan Whomsley spoke in objection to the application.

Councillor Riyait read a letter of objection received from Liz Kendall MP and spoke in objection to the application.

Members of the Committee then gave due consideration to the application and officers responded to the comments and queries raised.

Following the public addresses it was suggested that an additional condition be

imposed to request the applicant to provide details of the operation of the CCTV system at the site.

RESOLVED:

that the application be APPROVED subject to the conditions as set out below, and an additional condition to request the applicant to provide details of the operation of the CCTV system at the site, the wording of which to be agreed in consultation with the Chair and Vice-Chair:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The site shall be managed in accordance with the Operation & Management Statement submitted with the planning application. (To ensure the site is managed in an appropriate way.)
3. 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.)
4. All street works shall be constructed in accordance with the Council's standards contained in the `6Cs Design Guide` (view from www.leicester.gov.uk/6cs-design-guide). (To achieve a satisfactory form of development, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
5. No part of the development shall be occupied until the footway crossing has been altered in accordance with the Council's standards contained in the `6Cs Design Guide` (view from www.leicester.gov.uk/6cs-design-guide). (To achieve 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.)
6. A turning space, to enable vehicles always to enter and leave the site in a forward direction, shall be kept available within the site. (In the interests in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
7. No pitch shall be occupied until bollards or another method to prevent parking on the verge adjacent to the access drive have been installed to the satisfaction of the City Council as local planning authority. (To ensure inappropriate parking does not take place in accordance with policy CS03 of the Core Strategy).

8. Any gates shall be set back to allow a Heavy Goods Vehicle to pull off the highway prior to them being opened. They shall remain so at all times. (In the interests of highway safety and in accordance with policy CS03 of the Core Strategy.)
9. No pitch shall be occupied until traffic calming and illumination at the intersection of the existing public right of way and the proposed access drive, is implemented in accordance with details first submitted to and agreed in writing by Leicester City Council as local planning authority. (In the interests of highway safety and in accordance with policy CS03 of the Core Strategy.)
10. Development shall not commence until details of the fabric of the amenity buildings detailing how it will contribute to a reduction in greenhouse gas emissions have been submitted to and approved by the City Council as local planning authority. Development shall be carried out in accordance with the approved details. (To reduce greenhouse gas emissions in accordance with policies BE16 of the Local Plan and CS02 in the Core Strategy.)
11. All trees near the site subject to a Tree Preservation Order and ones both on and off the site to be retained shall be protected from damage during building operations, in accordance with details to be submitted to and approved 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 CS3.)
12. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved details. (To reduce the risk of flooding and in accordance with policy BE20 of the City of Leicester Local Plan and CS02 of the Core Strategy.)
13. No pitch shall be occupied until foul drainage has been implemented in accordance with details first agreed in writing by the City Council as local planning authority. (To avoid flooding and protect the water environment in accordance with policy BE20 of the City of Leicester local plan and policy CS02 of the Core Strategy.)
14. Before the development is begun, a landscaping scheme showing the treatment of all parts of the site, including details of trees and shrubs to be planted, shall be submitted to and approved by the City Council as local planning authority. 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.)

15. Before the development is begun a detailed design plan of external lighting to be used shall be submitted and approved in writing by the local planning authority. The lighting should be designed to cause minimum disturbance to protected species that may inhabit the site. The approved scheme shall be implemented and retained thereafter. (In the interests of protecting wildlife habitats and in accordance with policy BE22 and policy CS 17 Biodiversity of the Core Strategy)
16. Should the development not commence within 24 months of the date of the last protected species survey (May 2013), 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 shall be submitted to and agreed in writing with the local planning authority and any identified mitigation measures carried out before the development is begun. Thereafter the survey should be repeated bi-annually until the development begins. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2010 and CS 17 of the Core Strategy).
17. The development shall not commence until details of bird and bat boxes to be incorporated within the elevations of the proposed buildings or installed around the site 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 agreed details and the agreed features retained thereafter (In the interest of biodiversity and in accordance with Policy CS 17 Biodiversity of the Core Strategy).
18. No works shall commence on the site until ecological mitigation schemes have been submitted and approved in writing by the local planning authority. The schemes should include details of methodologies for the protection of existing features such as trees and hedgerows and associated fauna and should include details of fencing and timing of operations; tree, shrub and hedgerow planting and aftercare proposals; and habitats (hedgerow, meadow and tree planting) to be newly created or existing habitats to be enhanced and ten years aftercare proposals including construction, seeding, planting and establishment and replacement details (In the interest of biodiversity and in accordance with policy CS 17 Biodiversity of the Core Strategy).
19. During development any deep excavations shall be covered or ramped to ensure badgers have a means of escape should they become trapped. If during the proposed development works any badger setts are found at the site or within 30 metres of the site, all works should cease immediately and a suitably qualified ecologist should be consulted. (In the interest of biodiversity and in accordance with policy

CS 17 Biodiversity of the Core Strategy)

20. Prior to the occupation of any pitch arrangements are to be made for a contribution to the improvement or provision of off-site Green Space in the city unless otherwise agreed in writing by the City Council as local planning authority. (To meet the recreational needs of residents in accordance with policy CS13 of the Core Strategy.)

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 any works or other related activity such as dropped kerbs, skips, scaffolds etc., on or adjacent to the highway you are required to submit the highway approval form (Form 1) which can be found on our website <http://www.leicester.gov.uk/your-council-services/transport-traffic/highways/activities-on-the-highway/> Failure to complete this application form and provide adequate notice will result in delays to the development works.
2. With respect to condition 10 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 may impact on protected species of wildlife. It is a criminal offence to kill, injure or disturb protected species and their habitat in accordance with the Wildlife and Countryside Act (1981) as amended and The Habitat & Species Regulations (2010). Vegetation should be cleared by handtools only and if, during the development a protected species is found, work must cease immediately and a suitably qualified ecologist or Natural England be contacted. Contact details for Natural England are: 0845 600 3078 8.30am - 4.15pm (Monday - Friday). Great Crested Newts and Reptiles are UK and European protected species. The ecology survey found the habitat to be suitable for both species and during development appropriate action is required should any protected species be found.
4. 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 details of findings submitted 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.

113. CLOSE OF MEETING

The meeting closed at 9.20 pm.