



Leicester  
City Council

Minutes of the Meeting of the  
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: TUESDAY, 18 FEBRUARY 2020 at 5:30 pm

P R E S E N T:

Councillor Riyait (Chair)  
Councillor Aldred (Vice Chair)

Councillor Gee  
Councillor Halford  
Councillor Joel

Councillor Joel  
Councillor Valand

\* \* \* \* \*

**105. APOLOGIES FOR ABSENCE**

The Committee observed a minute's silence as a tribute to the recent passing of Councillor Khote who was a member of the Planning, Development and Control Committee.

Apologies for absence had been received from Councillor Rae Bhatia and Councillor Thalukdar.

**106. DECLARATIONS OF INTEREST**

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

The Chair declared that he was a part of the congregation that used the Gurdwara that was adjacent to the site in application 20191832 Land East of Thurmaston Lane off Colin Grundy Drive.

The Chair also declared that he sat on the Governing Body with an objector that was registered to speak on application 20192171 1 Exploration Drive. It was noted that the application had not been discussed and he would be looking at it with an open mind.

These interests were not considered so significant that they were likely to prejudice Councillor Riyait's judgement of the public interest. In accordance

with the Council's Code of Conduct he was therefore not required to withdraw from participation in the meeting during consideration of this item.

#### **107. MINUTES OF THE PREVIOUS MEETING**

**RESOLVED:**

That the minutes from the meeting of the Planning and Development Control Committee held on 29 January 2020 be confirmed as a correct record.

#### **108. PLANNING APPLICATIONS AND CONTRAVENTIONS**

The Chair explained that he would take the Planning and Contravention reports out of the order given in the agenda due to the attendance of members of the public and Councillor who had registered to speak, and in the interests of people in the public gallery.

**RESOLVED:**

That the report of the Director of Planning, Development and Transportation dated 18 February 2020, on applications, together with the supplemental report and information reported verbally by officers, be received and action taken as below

#### **109. 20191832 LAND EAST OF THURMASTON LANE OFF COLIN GRUNDY DRIVE**

Ward: Humberstone & Hamilton

Proposal: Construction of a two and three storey school building and sports hall with associated access; parking; external recreation areas; sports facilities and landscaping (Class D1) (subject to s111 agreement)

Applicant: Department for Education

The Planning Officer presented the report.

The applicant's agent addressed the Committee and spoke in support of the application.

Members considered the application and Officers responded to the comments and questions raised.

The Chair moved that the application be approved subject to the amendments set out in the supplementary report and the s111 Agreement to secure the Section 106 agreement. This was seconded by Councillor Halford and upon being put to the vote, the motion was CARRIED.

**RESOLVED:**

That the application be APPROVED subject to the Conditions in the report and the supplementary report and a Section 111 agreement to secure the Section 106 agreement.

## 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 any other development, the temporary construction access to Thurmaston Lane shall be installed in accordance with details shown on the drawing  
Below ground drainage layout sheet 2 FS0612-BMD-ZZ-XX-DR-D-50002 revision P06 received 3/2/2020.  
Prior to occupation of the development the access shall be converted to a foot/cycle access in accordance with details that have previously been submitted to and approved in writing by the city council as local planning authority. The foot/cycle access shall be retained thereafter for use in connection with the occupation of the approved development. (To ensure that parking can take place in a satisfactory manner, and in accordance with policy AM01 of the City of Leicester Local Plan and policy CS03 of the Core Strategy).
3. Development shall be carried out in accordance with the approved Construction Method Statement Project No. HMD.0315 Revision 03 dated 28/01/2020. (In the interests of the amenity of neighbouring occupiers and highway safety, and in accordance with policies AM01 and UD06 of the City of Leicester local plan, and Core Strategy policy CS03.)
4. Prior to the commencement of development the trees on site shall be protected, and development shall be carried out thereafter, in accordance with the details shown in the approved Arboricultural Method Statement reference RT-MME-129469-02 dated 28/01/2020. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)
5. Prior to any development taking place above ground level, and notwithstanding the approved plans, details of the following materials shall be submitted to and approved in writing by the City Council as local planning authority. Development shall be carried out in accordance with the approved details.
  - (i) External walling and roof materials including bricks, cladding and panels, rainscreen cladding
  - (ii) external windows and doors
  - (iii) canopies
  - (iv) vents, flues and louvres.The details shall include a one square metre sample panel to be constructed on site showing the bricks, window framing and cladding panels including the mortar and pointing, and expansion joint (if proposed in the development).  
(In the interests of visual amenity, and in accordance with Core

Strategy policy CS03).

6. The drainage to the access road shall be installed in accordance with details shown on drawing s38 General Arrangement AFS-LE-HAD-OF-DR-CR-101 revision G. The approved development shall not be occupied until the system has been implemented in accordance with the approved details. It shall be retained and maintained thereafter. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy.) (For the avoidance of doubt, this approval does not imply an approval of the road construction as such, which will need to be agreed with the Local Highway Authority.)
  
7. (A) No development shall take place in the "agreed area of archaeological mitigation" as shown in Figure 6 of the Archaeological Evaluation and Earthwork Survey January 2020 version 4 until a programme of archaeological work following an amended Written Scheme of Investigation has been submitted to and approved in writing by the City Council as the local planning authority. The scheme shall include an assessment of significance and research questions; and:
  - (1) the programme and methodology of site investigation and recording;
  - (2) the programme for post-investigation assessment;
  - (3) provision to be made for analysis of the site investigation and recording;
  - (4) provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - (5) provision to be made for archive deposition of the analysis and records of the site investigation;
  - (6) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation.(B) No development in the agreed area of archaeological mitigation shall take place other than in accordance with the Written Scheme of Investigation approved under (A) above.  
(C) 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 (A) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless agreed in writing with City Council as local planning authority.  
(In the interests of the protection of heritage assets, and in accordance with Core Strategy policy CS18.)
  
8. Prior to the development being brought into use, and notwithstanding the approved plans, a scheme of landscaping shall be implemented in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The details shall include:

- (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed;
- (ii) new tree, shrub and other planting including grasses and including plant type, size, quantities and locations;
- (iii) means of planting, staking, and tying of trees, including tree guards;
- (iv) other surface treatments;
- (v) fencing and boundary treatments including the main gates (the gates must not open outwards over the highway);
- (vi) any changes in levels;
- (vii) the position and depth of service and/or drainage runs (which may affect tree roots);
- (viii) the position, depth and planting of the ponds;
- (ix) sections of the landscaping bund;
- (x) a landscaping and ecological management plan.

The approved landscaping scheme shall be carried out prior to the development being brought into use for hard landscaping, and within one year of the date the development is brought into use for soft landscaping, and shall be maintained thereafter in accordance with the approved management plan. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)

- 9. No part of the development shall be brought into use until secure, lit, covered and weatherproof cycle parking spaces have been provided in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The cycle parking spaces shall thereafter be retained for use in connection with the approved development. (In the interests of the satisfactory development of the site and in accordance with policy AM02 of the City of Leicester Local Plan).
- 10. No part of the development shall be brought into use until a Travel and Car Parking Management Plan for the development has been submitted to and approved in writing by the city council as local planning authority. The Plan shall be implemented in accordance with a timetable to be contained within the Plan. The Travel and Car Parking Management Plan shall:
  - (i) assess the site in terms of transport choice for staff, pupils, visitors and deliveries;
  - (ii) consider pre-trip mode choice, and include measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport;
  - (iii) include provision for electric vehicle charging points, including monitoring of use and increasing provision over time to support use of electric vehicles;

(iv) identify marketing, promotion and reward schemes to promote sustainable travel;

(v) include provision for monitoring travel modes of all users including car and cycle parking demands (including travel surveys) at regular intervals the dates of which shall be identified in the Plan, from the first occupation of the development being brought into use until one full year after the school reaches capacity at the earliest;

(vi) include management details for the foot/cycle access to Thurmaston Lane, to discourage use of this access by people travelling by motor vehicle;

(vii) include provision for an Annual Performance Plan setting out how the plan has performed against targets, the measures in the approved Travel Plan and the outcomes from the monitoring referred to above and to provide an updated Travel Plan which shall address the negative impacts or failure to achieve targets identified in the Annual Performance Plan;

(viii) include monitoring of the use of and demand for cycle parking, including provision for additional cycle parking should the approved cycle parking reach capacity, which shall be submitted to the city council yearly on or before the anniversary of approval of the Plan, until at least one full year after the school reaches capacity.  
(To promote sustainable transport and in accordance with policies AM01, AM02, and AM11 of the City of Leicester Local Plan and Core Strategy policies CS14 and CS15).

11. Development shall be carried out in accordance with the following details:
- Precautionary methods of working set out in section 6 of the Badger Survey ref RT-MME-129469-03 dated August 2019
  - Precautionary methods of working set out in section 6 of the great Crested Newt Suitability Index Assessment ref RT-MME-128246-01.
  - The details within section 5 of the Dusk Emergence and Dawn Re-entry Bat Surveys document ref RT-MME-130819 dated July 2019.  
(In the interests of biodiversity and in accordance with Core Strategy policy CS17.)
12. Prior to the installation of any external lighting, a detailed design plan of the lighting to be installed showing the locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light, and including the proposed hours of operation of the lighting, shall be submitted to and approved in writing by the local planning authority. The lighting shall be designed to cause minimum disturbance to protected species that may inhabit the site with appropriate areas remaining dark and a maximum of 1 lux on vegetated/water areas where considered necessary. The approved scheme shall be implemented and retained as approved thereafter. No additional lighting shall be installed without prior agreement from the Local Planning Authority. (In the interests of protecting wildlife habitats and in accordance with policy BE22 of the City of Leicester Local Plan and Core Strategy policy CS17.)

13. No part of the development shall be brought into use until the link road, drop-off area and car parking spaces have been surfaced and laid out in accordance with the approved plans. The car parking areas shall be retained for the parking of vehicles in connection with the use of the site as approved unless the Travel Plan process has identified that they are no longer required. (To ensure that parking can take place in a satisfactory manner, and in accordance with policies AM01 and AM11 of the City of Leicester Local Plan and policy CS03 of the Core Strategy).
  
14. Development shall be carried out in accordance with the following approved plans.
  - GA Ground Floor Plan FS0612-MA-00-GF-DR-A-00102 revision P01 received 24/9/2019
  - GA First Floor Plan FS0612-MA-00-01-DR-00103 revision P01 received 24/9/2019
  - GA Second Floor Plan FS0612-MA-00-02-DE-A-00104 revision P01 received 24/9/2019
  - GA Roof Plan FS0612-MA-00-RF-DR-A-00105 revision P01 received 24/9/2019
  - GA Elevations FS0612-MA-00-00-DR-A-00106 revision P01 received 24/9/2019
  - GA Sections FS0612-MAB-00-ZZ-DR-A-00107 revision P01 received 24/9/2019
  - Detailed sections FS0612-MAB-00-ZZ-DR-A-00108 revision P01 received 24/9/2019
  - Detailed sections FS0612-MAB-00-ZZ-DR-A-00109 revision P01 received 24/9/2019
  - Landscape General Arrangement AFS-DHL-Z0-Z0-DR-L-0103 revision P06 received 28/1/2020
  - Paving materials and external furniture AFS-DHL-Z0-Z0-DR-L-0107 revision P05 received 24/9/2019 (for the avoidance of doubt, the cycle shelters are not approved)
  - Levels Strategy AFS-DHL-Z0-Z0-DR-L-0109 revision P08 received 20/12/2020
  - Below ground drainage layout sheet 1 FS0312-BMD-ZZ-XX-DR-D-50001 revision P05 received 28/1/2020
  - Below ground drainage layout Sheet 2 FS0612-BMD-ZZ-XX-DR-D-50002 revision P06 received 3/2/2020
  - Storm water drainage dry swale FS0612-BMD-ZZ-XX-DR-D-50010 revision P03 received 28/1/2020
  - Drainage details sheet 1 FS0612-BMD-ZZ-XX-DR-D-58001 revision P02 received 20/12/2019
  - Drainage details sheet 2 FS0612-BMD-ZZ-XX-DR-D-58002 revision P02 received 20/12/2019
  - Drainage details sheet 3 FS0612-BMD-ZZ-XX-DR-D-58003 revision P02 received 20/12/2019
  - Drainage details sheet 4 FS0612-BMD-ZZ-XX-DR-D-58004 revision P02 received 20/12/2019

Drainage details sheet 5 FS0612-BMD-ZZ-XX-DR-D-58005 revision  
P02 received 20/12/2019  
(For the avoidance of doubt.)

#### NOTES FOR APPLICANT

1. The City Council as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).  
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.
2. Further to condition 9, while the submitted landscaping information is broadly acceptable the following points should be considered when addressing the condition.
  - More information will be needed regarding planting methods and topsoil depths
  - The selection of species for planting should be checked against information available on the Leicestershire and Rutland Wildlife Trust website: <https://www.lrwt.org.uk/wildlife/species-information/>
  - Species of fruit trees chosen should be local
  - The Management Strategy does not refer to management of existing hedgerows
  - New hedging: *Carpinus betulus* may be a better choice on local heavy soils than the beech
  - The Management plan excludes the access road and the low bunds planted with woodland species.
3. The applicant has committed within the Construction Method Statement to liaising with council officers in respect of tree and hedgerow protection.  
The applicant is reminded that works to Tree 7, which has been identified as a bat roost, cannot be carried out without a licence from Natural England, and the tree works contractor must be advised of this.
4. The applicant is advised that permission is unlikely to be granted in the future to cut back trees that encroach on the site boundary. The trees in the woodland to the east, and many of the trees on the site, are protected and consent would be needed for any proposed works to the trees.
5. The applicant is reminded that bats use the site for roosting and foraging, and lighting and planting must be considered accordingly.



## 110. 20192113 166-166A EVINGTON ROAD

Ward: Stoneygate

Proposal: Change of use from betting shop (Sui Generis) to two A3 units (Class A3); alterations to shop front; part demolition of existing rear outbuilding; construction of single and two storey extension at rear; alterations (amended plans received 29/01/2020)

Applicant: Mr Yaseen Patel

The Planning Officer introduced the report. The Officer drew Members attention to the supplementary report and Officer recommendation of an additional condition.

A local resident addressed the Committee and spoke on behalf of herself and local residents in objection to the application.

Members of the Committee considered the application and Officers responded to the comments and questions raised.

The Chair moved that the application be approved subject to the conditions in the report and supplementary report. This was seconded by the Vice Chair and upon being put to the vote, the motion was CARRIED.

### RESOLVED:

That the application be APPROVED subject to the conditions outlined in the report and the supplementary report.

### 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 first use of the restaurant the flue and ventilation details shown on the approved plan shall be fitted in full accordance with the approved details and manufacturers guidance and shall be retained thereafter. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
3. No noise or vibration from the operation of the local exhaust ventilation system detrimental to amenity shall be perceptible in any adjoining property. (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)
4. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)

5. The use shall not be carried on outside the hours of 07:30 to 23:00 daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
6. There shall be no live or amplified music or voice played which would be detrimental to the amenities of occupiers of nearby properties. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
7. No machinery shall be installed or operated nor shall any processes be undertaken which are detrimental to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
8. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 29/01/2020. (For the avoidance of doubt.)

#### NOTES FOR APPLICANT

1. No consent is granted or implied for the advertisement shown on the submitted plans, for which a separate application may be necessary.
2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process.  
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

#### **111. 20192220 130 EVINGTON ROAD**

Ward: Stoneygate

Proposal: Change of use from bank (Class A2) to restaurant/ hot food take away (Class A3/A5); construction of chimney to facilitate internal ventilation flue

Applicant: Mr SUMEET SINGH

The Planning Officer introduced the report. The Officer drew Members attention to the supplementary report and Officer recommendation of an additional condition.

A representative of the applicant addressed the Committee in support of the application.

A local resident addressed the Committee and spoke in behalf of herself and other residents of the local area in objection to the application.

Members of the Committee considered the application and Officers responded to the comments and questions raised.

The Chair moved to that the application be approved subject to the amended conditions in the supplementary report. This was seconded by the Vice Chair and upon being put to the vote was CARRIED.

RESOLVED:

That the application be APPROVED subject to the conditions in the supplementary report.

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 first use of the restaurant the flue and ventilation details shown on the approved plan shall be fitted in full accordance with the approved details and manufacturers guidance and shall be retained thereafter. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
3. The external elevations shall be constructed in facing bricks to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
4. There shall be no live or amplified music or voice played which would be detrimental to the amenities of occupiers of nearby properties. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
5. No machinery shall be installed or operated nor shall any processes be undertaken which are detrimental to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
6. The use shall not be carried on outside the hours of 07:30 to 23:00 daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
7. This consent shall relate solely to the submitted plans received by the City Council as local planning authority on 04/12/2019, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

## NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019.
2. No consent is granted or implied for the advertisement, for which a separate application may be necessary

### **112. 20192171 1 EXPLORATION DRIVE**

Ward: Abbey

Proposal: Change of use of part of car park to car wash; construction of single storey detached building; construction of canopy; installation of security camera; installation of floodlights; alterations (Sui Generis)

Applicant: Waves Valeting Services Ltd

The Planning Officer informed the Committee that there were two applications for Exploration Drive. The first application would be a planning application for the car wash, the second was for advertisements at the car wash; the site was the Asda Car Park that ran onto exploration Drive and Abbey Lane. The Planning officer introduced the report and drew Members attention to the report and the proposal. The Planning Officer then drew Members attention to the supplementary report and the amended wording to some of the conditions and the complete list of recommended conditions.

A local resident addressed the Committee in objection to the application.

Members of the Committee considered the application and Officers responded to the comments and questions raised.

The Chair moved the motion to approve the application subject to the conditions. Members of the Committee did not second the motion.

The Legal Adviser to the Committee advised the Chair to invite an alternative motion from the members and allow officers to give advice on grounds for a motion to refuse.

No resolution to refuse the application was moved.

On having heard the advice given to the Committee from officers, and the comments from the Members during the debate, the Chair of the Committee moved a motion that the application be DEFERRED to consider Members'

concerns about traffic/parking, noise and other amenity for residents. Councillor Gee seconded the motion and having been put to the vote the motion was CARRIED.

RESOLVED:

That the application be DEFERRED.

#### **113. 20192172 ASDA 1 EXPLORATION DRIVE**

Ward: Abbey

Proposal: Installation of seven non-illuminated fascia signs to car wash; Installation of four freestanding signs (Sui Generis)

Applicant: Waves Valeting Services Ltd

The Chair moved to that the application be deferred as it was linked to the previous application (20192171 1 Exploration Drive). This was seconded by Councillor Gee and upon being put to the vote the motion was DEFERRED.

RESOLVED:

That the application be DEFERRED.

#### **114. 20192150 25 BRACKENTHWAITE**

Ward: Rushey Mead

Proposal: Construction of single storey detached residential annexe at rear of house (Class C3); alterations (Amended plans received 13/01/2020)

Applicant: Mr & Mrs Garry England

The Planning Officer presented the application and shared pictures displaying plans of existing and proposed plans.

Members of the Committee considered the application and Officers responded to the comments and questions raised.

The Chair moved that the application be approved subject to the conditions in the report and with the amendment in the supplementary report. This was seconded by the Vice Chair and upon being put to the vote, the motion was CARRIED.

RESOLVED:

That the application be APPROVED subject to the conditions outlined in the report and the amendment in the supplementary report.

#### **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 new walls and roof shall be constructed in materials to match those of existing house. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. The annexe shall only be used in conjunction with the main house and shall not be occupied, let, sold or otherwise disposed of as a separate dwelling. (In the interests of residential amenity in accordance with Policy PS10 of the City of Leicester Local Plan and because the facility could not operate satisfactorily as a separate unit.)
4. This consent shall relate solely to the amended plans reference nos B001a Rev A and B002a Rev A received by the City Council as local planning authority on 13/01/2020 and the site location plan received 11/11/2019. (For the avoidance of doubt.)

#### NOTES FOR APPLICANT

1. It is considered that there is a perceptible risk from landfill gas adversely affecting this site. It is therefore recommended that the advice of a suitable consultant should be sought and carried out in the design and development of any building at this site, or underground services associated with them. It is pointed out that it is the developer's responsibility for the safe development and secure occupancy of this site.
2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process.  
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

#### **115. 20190800 382 LONDON ROAD**

Ward: Knighton  
Proposal: CONSTRUCTION OF SINGLE STOREY  
EXTENSION AT REAR OF DAY NURSERY (CLASS D1);  
DEMOLITION OF GARAGE AT REAR; ALTERATIONS  
(AMENDED PLANS RECEIVED 27/08/2019)  
Applicant: KIDDI CARU DAY NURSERIES

The Planning Officer introduced the report and displayed pictures showing the existing area and the new proposed plans. It was noted the addendum report had some conditions amended for clarity.

Members of the Committee considered the application and officers answered any queries raised.

The Chair moved to that the application be approved subject to the amended conditions in the supplementary report. This was seconded by Councillor Gee and upon being put to the vote was CARRIED.

**RESOLVED:**

That the application be APPROVED subject to the conditions in the report and in the supplementary report.

**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 commencement of development, all trees on and adjacent to the site subject to a Tree Preservation Order shall be protected from damage during building operations, in accordance with the Arboricultural Method Statement (AMS) to be first submitted to and approved in writing by the City Council as local planning authority. The details shall include ground protection details, foundation design within root protection areas and construction storage details. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. Notwithstanding the approved plans, no part of the extension shall be used until the 2 metre by 2 metre sight lines on each side of each eastern vehicular accesses on Elmsleigh Avenue and one side of the western access on Elmsleigh Avenue have been provided in accordance with plans first submitted to and approved in writing by the City Council as local planning authority. The approved details shall be retained thereafter. (In the interests of the safety of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
4. No part of the extension shall be used until satisfactory footway crossings at both vehicle accesses have been provided. (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.)
5. Prior to first use of the extension, the garage shall be demolished in accordance with the approved plans. (To ensure the parking area is achieved, and in accordance with policy AM11 of the City of Leicester Local Plan and Core Strategy policy CS15.)

6. No part of the extension shall be used until a minimum of two secure and covered cycle parking have been provided and retained thereafter, in accordance with written details previously approved by City Council as local planning authority. (In the interests of the satisfactory development of the site and in accordance with policy AM02 of the City of Leicester Local Plan).
7. No part of the extension shall be used until the Travel Plan (ref. ADL/AP1440/29A dated November 2019) has been implemented in full accordance with the timetable contained within the approved Travel Plan, unless otherwise agreed in writing by the Council. The Plan shall monitor 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 policies AM01, AM02, and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).
8. Before first use of the extension, all parking areas shall be surfaced and marked out in accordance with details which shall first have been submitted to and approved by the City Council as local planning authority and shall be retained for parking and not used for any other purpose. The submitted details shall include proposed surfacing, marking and signing at accesses to indicate entrance and exit and one-way operation of the car parking area. (To ensure that parking can take place in a satisfactory manner, in the interest of highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
9. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
10. This consent shall relate to the plans ref. no. 9521-04 Rev 02, 9521-08 Rev 07 and 9521-09 Rev 07 received by the City Council as local planning authority on 27/08/2019 and plan ref. no. 9521-11 Rev 11 received by the City Council as local planning authority on 29/11/2019. (For the avoidance of doubt.)

#### NOTES FOR APPLICANT

1. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway.  
For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority.  
For more information please contact [highwaysdc@leicester.gov.uk](mailto:highwaysdc@leicester.gov.uk).



2. With regards to condition 7 above, the applicant should seek advice from Leicester City Council's Travel Plan Officer via telephone 0116 4542849.
3. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process.  
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

**116. ANY URGENT BUSINESS**

None

**117. CLOSE OF MEETING**

The meeting closed at 7.58 pm