



Leicester  
City Council

**Wards: see individual reports**

**Planning & Development Control Committee**

**Date: 31st July 2019**

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**SUPPLEMENTARY REPORT ON APPLICATIONS AND CONTRAVENTIONS:**

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<b>Recommendation: Conditional approval</b>	
<b>20190066</b>	<b>ROSSHILL CRESCENT, LAND OFF</b>
Proposal:	CONSTRUCTION OF FIVE BUNGALOWS (5 X 1 BED) AND CANOPY (CLASS C3); INSTALLATION OF HARD STANDING AND 1.8M HIGH FENCES AND WALLS; ALTERATIONS (AMENDED PLANS RECD 14/06/19, 20/06/19 AND 21/06/19)
Applicant:	LEICESTER CITY COUNCIL
App type:	City Council Regulation 3
Status:	Minor development
Expiry Date:	2 August 2019
TB	WARD: Thurncourt

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### **Amended Conditions/Notes**

Condition 5 has been amended to clarify that it is a pre-commencement condition. A new condition 6 has been added as shown below (other conditions re-numbered).

### **Representations**

A request for deferral has been made by an objector as they are cannot attend the Committee in person to speak against the proposal.

### CONDITIONS

5. Prior to the commencement of development details of all street works; including the provision of dropped kerbs and ramps suitable for wheelchairs and prams at all major pedestrian crossing points, road junctions and footway crossings, the provision of the new footway and new highway verge and the provision of new footway crossings; shall be submitted to and approved in writing by the City Council as local planning authority. Prior to occupation of the dwellings all street works must be implemented in accordance with the approved details. (To achieve a satisfactory form of development and 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 CS3. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
6. Notwithstanding the details shown on the approved plans, prior to the installation of any canopy details and materials shall be submitted to and approved in writing by the City Council as local planning authority and carried out in accordance with the approved details. (In the interests of the visual amenity of the surrounding area and in accordance with Core Strategy policy CS03).

<b>20190079</b>	<b>8-10 KING STREET</b>	
Proposal:	CHANGE OF USE OF BASEMENT AND GROUND FLOOR FROM RESTAURANT (CLASS A3) TO BASEMENT NIGHT CLUB AND GROUND FLOOR BAR/RESTAURANT/HOT FOOD TAKEAWAY (SUI GENERIS); INSTALLATION OF SHOPFRONT, DOOR AND CANOPIES TO FRONT AND VENTILATION FLUE AT REAR; ALTERATIONS (AMENDED PLANS RECD 17/07/19 AND 30/07/19)	
Applicant:	MR KUMAR	
Expiry Date:	1 August 2019	
TB	TEAM: PD	WARD: Castle

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**Amended Description:** amended plan

**Amended Conditions**

- Condition 2: expanded to require further noise mitigation and noise management plan
- Condition 3: revised so that it does not conflict with condition 2. A note to applicant has also been added to clarify an additional reason for condition 3.
- Condition 4: revised to clarify that the reason of the condition requiring further details of the new shopfront is also for sound attenuation purposes.
- Condition 7: revised to clarify that disposal of waste includes the disposal of bottles.
- Condition 8: revised to clarify that the condition is referring to deliveries to the site.
- Condition 10: revised to include the amended plans received on 30/07/19, which were re-submitted for accuracy purposes with regards to proposed sectional elevation B-B and the existing and proposed ground floor plans.
- Note 2 to advise on noise assessment

**CONDITIONS**

2. Notwithstanding the submitted noise impact assessment, the approved uses shall not commence and the ventilation flue shall not be installed until sound insulation measures and a noise management plan to cover activities and noise levels within and outside the building have been agreed with the City Council as local planning authority. The agreed measures and plan shall be designed to minimise the transmission of noise and vibration to residential properties in the area and to the second and third floors of the host property. It shall also be informed by a new noise impact assessment. (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan (2006)).

3. Cooking of food that requires an external ventilation flue shall not commence until the ventilation system to control the emission of fumes and smell from the premises has been installed in accordance with written details approved in advance by the City Council as local planning authority and it shall be maintained and operated thereafter in accordance with the manufacturer's instructions (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. Prior to the commencement of any works to the new shopfront and caged door, detailed elevational and cross sectional drawings at a scale of 1:5 and material details of the new shopfront and caged door shall be submitted to and approved in writing by the City Council as local planning authority and carried out in accordance with the approved details. (To preserve the character and appearance of the Conservation Area and to attenuate sound in accordance with Core Strategy (2014) policies CS03 and CS18 and saved policies BE10, PS10 and PS11 of The City of Leicester Local Plan (2006)).
7. The rear courtyard shall not be used for disposal of waste and/or bottles outside the hours of 07:30 - 21:00 Monday to Saturday and 10:00 - 16:00 on Sundays. (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan (2006)).
8. Deliveries to the site shall not be carried on outside the hours of 07:30-23:00 daily. (In the interests of the amenities of nearby occupiers and to preserve the character of the New Walk Conservation Area, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan (2006) and Core Strategy (2014) Policy CS18.)
10. This consent shall relate solely to the amended plan ref. no. DSA-18194-PL-PRO-01-N received by the City Council as local planning authority on 30/07/19 and DSA-18194-PL-AL-02-C received by the City Council as local planning authority on 17/07/19. (For the avoidance of doubt.)

#### NOTES FOR APPLICANT

2. Regarding condition 2, an assessment of ambient noise during the day with regards to the kitchen extraction system has been undertaken. It compares ambient noise, including noise from other existing premises on adjoining properties and other premises in the area. However, the assessment has not taken into account night time/early morning noise levels, when other systems are not working. There are a number of flats that directly overlook the rear yard of the property (stated to be within 8m in the noise impact assessment). Whilst the assessment has recommended a number of issues that should be addressed, there is insufficient data/information supplied with the assessment/application with respect to noise from the extraction system over a 24 hour period.

<b>Recommendation: Conditional approval</b>	
<b>20190086</b>	<b>22 SOUTH KNIGHTON ROAD, ULVERSCROFT, LAND ADJACENT</b>
Proposal:	CONSTRUCTION OF TWO SEMI-DETACHED DWELLINGS (2 X 3 BED) (CLASS C3) (AMENDED PLANS RECEIVED 17/04/2019)
Applicant:	MS S LITTLEJOHN
App type:	Operational development - full application
Status:	Minor development
Expiry Date:	1 August 2019
PK	WARD: Knighton

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**Amended Conditions:**3, 4, 5 to add reference to pre-commencement 10 to correct typo.

### **Representations**

A further representation has been received from an adjacent occupier. The comments suggest errors within the report and maintain the concerns regarding parking and loss of trees.

### **Further Considerations**

#### **The Site**

The garden area is situated to the east of the host property.

Residential amenity (*neighbouring properties*)

*20 South Knighton Road*

The ground floor side window is not supplemented by the bay window to the front but the window to the rear of the property. The side window remains a secondary window and therefore afforded limited weight.

#### Ecology and Landscaping

The submitted supporting information indicates that there would be some removal of trees along the sites east boundary. An objector has raised concerns regarding the impact of the removal of the trees on the patio at the adjacent property. Planning permission does not allow development on, over or beneath land outside of the application site. The applicant is advised in this regard by virtue of note to applicant number 5.

#### CONDITIONS

3. Prior to the commencement of the development hereby approved details of all street works, including alterations to the footway crossing, shall be submitted to and approved in writing by the City Council as local planning authority. Prior to the occupation of the development all streetworks must be implemented in full accordance with the approved details. (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. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
4. Prior to the commencement of development details of drainage, and especially foul drainage, shall be submitted to and approved 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).
  5. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved by the local planning authority. No property shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
  10. Before the occupation of the proposed dwellings new windows facing 20 and 22 South Knighton Road shall be fitted with sealed obscure glazing (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of 20 and 22 South Knighton Road and in accordance with policy PS10 of the City of Leicester Local Plan).

<b>20190692 &amp;</b>	<b>16 THURMASTON LANE</b>
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**THESE APPLICATIONS HAVE BEEN WITHDRAWN**