

<b>Recommendation: Conditional approval</b>	
<b>20201345</b>	<b>1-1A Monsell Drive</b>
Proposal:	Variation of conditions 11 (TPO trees to be protected from damage) & 12 (Existing trees, shrubs, hedges to be protected) attached to planning permission 20191818 (Demolition of existing apartment buildings (Class C3); Construction of two and three storey Care Home (60 Bed) (Class C2) to allow for changes to the tree protection measures and felling of four trees protected by TPO N4.0177 (Amended plan received 7/10/2020)
Applicant:	Mr Adrian Doyle
View application and responses:	<a href="https://planning.leicester.gov.uk/Planning/Display/20201345">https://planning.leicester.gov.uk/Planning/Display/20201345</a>
Expiry Date:	18 November 2020
ACB	WARD: Aylestone



©Crown Copyright Reserved. Leicester City Council Licence 100019264 (2019). Ordnance Survey mapping does not imply any ownership boundaries and does not always denote the exact ground features.

## Summary

- The application is being reported to committee due to the number of objections received.
- A report was withdrawn from the meeting on 28th October to republicise amendment
- 30 people have objected on the grounds that too many trees would be felled. Some of the objectors have repeated their concerns.
- Councillor Porter has supported these objections

- Issues are the impact on the trees and amenity
- Application is recommended for approval.

## **The Site**

The application relates to a site which is on the corner of Lutterworth Road and Monsell Drive which was originally occupied by a two-storey detached house. The site is located within an area that is largely residential in character.

The site is currently being developed as a care home.

27 individual trees on the application site and the adjacent undeveloped site are protected by a Tree Preservation Order (TPO) no N4.177. The TPO further covers a group of trees which are mainly Cypress trees on the boundary with 60 Lutterworth Road.

To the east of the site is a vacant plot which was occupied by a house. There are residential properties to the north, south and west of the site.

## **Background**

In July 2005, permission was granted (20032496) for the erection of two 3-storey apartment blocks comprising 17 2-bedroom flats. This entailed demolition of the house that occupied the site and removal of some existing vegetation including removal of one of the TPO trees.

In February 2006 planning permission (20051768) was refused for an increased number of flats to 24 on the grounds of increased traffic generation and a loss of character to the area. The scale of the buildings was similar to that previously approved.

An appeal against this decision was subsequently dismissed. The Inspector concluded that the proposed development would have no material effect on highway safety or traffic congestion in the area or on the availability of parking. Neither would it have a material detrimental effect on the character of the area with reference to density. However, the Inspector dismissed the appeal on the grounds that the proposed development was likely to result in future demands for the trees to the front of the development to be removed which would expose the buildings and they would appear stark and conspicuous on the prominent corner of Lutterworth Road and Monsell Drive. This, she concluded, would have a material harmful effect on the character and appearance of the site and the surrounding area.

Planning permission 20032496 was implemented, with the smaller block facing Monsell Drive being predominantly complete and the external shell of the larger of the two blocks being finished. These buildings have since been demolished (see below).

In July 2011 planning permission 20110503 was granted for change of use from seventeen self-contained flats to care home (62 bed); two-storey link extension;

three storey extensions at front of blocks A and B; two storey and single storey extension at rear of block A. This permission was not implemented and has expired.

In January 2018 planning permission 20162240 was granted for change of use from flats to care home (50 bed and 4 x 2 bed assisted living apartments) (Class C2); construction of three storey extension at front; three storey extension at side and rear; single storey detached bin store; single storey detached cycle store; associated landscaping and car parking. The plans included removal of 8 further non-protected trees. The development was not implemented.

In June 2018 planning permission 20180439 was granted to vary condition 22 of planning permission 20162240 to allow for the removal of the basement, an increase in height of the three-storey extension and the removal of the assisted living element to create an additional 10 bedrooms for the care home. This development was not implemented

In August 2018 consent was granted (20181490) for the felling of one of the protected trees. This was at the rear of the site and was a mature tree in poor condition and of little amenity value.

In March 2019 consent was granted for the felling of another of the protected trees. This was a relatively small tree at the front of the site and was in poor condition.

Following structural surveys by the applicant it was clear that the approved conversion scheme could not be done and the existing buildings would have to be demolished.

In December 2019 planning permission 20191818 was granted for the demolition of the apartment buildings and the construction of a two and three storey care home (60 bed) (Class C2). The plans were comparable with that approved as a conversion scheme under 20180439 but allowed for the removal and replacement of a further tree.

That is the permission which has been part implemented and the full conditions applying are:

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 walls, roof, windows doors and other external materials shall be constructed in accordance with the details submitted in the application form. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)*

3. *Plant and machinery shall only be operated and installed in accordance with the details submitted on approved plan SK-001 rev P2 submitted to the City Council as Local Planning Authority on 19 November 2019. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)*

4. *Before the occupation of any part of the development, 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. (To ensure that parking can take place in a satisfactory manner, and in accordance with policy AM11 of the City of Leicester Local Plan and Core Strategy policy CS3.)

5. No part of the development shall be occupied until secure and covered cycle parking has been provided and retained thereafter, in accordance with the details shown on the approved plan AL(9)901 rev J. (In the interests of the satisfactory development of the site and in accordance with policy AM02 of the City of Leicester Local Plan).

6. The use shall only operate in accordance with the details submitted in the Travel Plan dated October 2016 and approved under application 20162240. 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).

7. 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](http://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.)

8. 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.)

9. The gate at the entrance from Monsell Drive shall be set back at least 5m from the footway and retained as such. (In the interests of highway safety and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

10. All works shall be carried out in accordance with British Standard for Tree Work BS 3998:2010. (In the interests of the health and amenity value of the trees and in accordance with Policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

11. All trees on the site subject to a Tree Preservation Order shall be protected from damage during building operations, in accordance with details submitted within the Tree Survey dated 25 October 2019. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

12. Prior to the commence of the development, all existing trees, shrubs or hedges to be retained on the site shall be protected by fences erected not within the root protection area in accordance with details submitted within the Tree Survey dated 25 October 2019. No materials whatsoever shall be stored, rubbish dumped, fires lit or buildings erected within these fences; no changes in ground level shall be made within the spread of any tree, shrub or hedge without the previous written approval of the local planning authority. No trees shall be used as anchorages, nor shall any items whatsoever be affixed to any retained tree. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

13. All vegetation intended for clearance shall be clearly identified on site in accordance with details submitted within the Tree Survey dated 25 October 2019, before any clearance is begun. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

14. During works of demolition and construction all operations shall only be carried out in accordance with the details shown on plan SK(8)910 received by the City Council as Local Planning Authority on 13 August 2018 in respect of temporary site entrances, temporary storage areas for soil and other materials, and the placing of plant and site huts. (To ensure the satisfactory development of the site, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

15. In the first planting season following the removal of each tree, a replacement tree shall be planted. The replacement tree(s) shall be 2:1 at 14/16 Extra Heavy Standard of the same species unless an alternative scheme has first been submitted to and approved by the City Council as local planning authority. All replacement trees shall be maintained for a minimum period of five years following planting. Any tree that dies, becomes seriously damaged or is removed shall be replaced by another of the same specification at the same place in the first available planting season. (In the interests of the amenity of the area, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

16. No part of the development shall be occupied until evidence demonstrating satisfactory operation of the approved Combined Heat and Power based community based heating and hot water system including on-site installation has been submitted to and approved in writing by the City Council. (In the interests of securing energy efficiency in accordance with Policy CS2 of the Core Strategy.)

17. 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.)

18. No part of the development shall be occupied until the arrangements for storage of bins shown on the approved plans have been provided. These arrangements shall be maintained thereafter. (In the interests of the amenities of the surrounding area, and in accordance with policy PS10 of the City of Leicester Local Plan and Core Strategy policy CS3.)

19. 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. 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.)

20. The development shall not commence above ground level until details of 8 bat bricks and 12 bird boxes to be incorporated within the elevations of the proposed building have been submitted to and agreed in writing by the City Council as 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 bat and bird boxes shall be retained thereafter. (In the interests of biodiversity and in accordance with policy CS17 of the Leicester Core Strategy.)

21. Before any external lighting is installed a detailed design plan of lighting to be used which shows the locations of lights, their type of light emittance and wavelength, together

*with a lux contour map showing the variation in light, shall be submitted 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 areas where considered necessary. The approved scheme shall be implemented and retained 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 saved policy BE22 of the City of Leicester Local Plan and policy CS 17 of the Leicester Core Strategy)*

22. *The use shall not commence until the drainage, and especially foul drainage, has been installed in accordance with the details approved by the City Council as local planning authority under application 20181828. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy)*

23. *The development hereby approved shall be carried out solely in accordance with the following drawings:*

*AL(1)105 rev A (Roof Plan) received 23 September 2019*

*AL(1)104 rev A(Attic Plan) received 23 September 2019*

*AL(1)103 rev A(Second Floor Plan) received 23 September 2019*

*AL(1)102 rev A (First Floor Plan) received 23 September 2019*

*AL(1)101 rev A (Ground Floor Plan) received 23 September 2019*

*AL(1)140 rev A, AL(1)141 rev A and AL(1)142 rev A (Elevations) received 23 September 2019*

*AL(9)901 rev J (Site Plan) received 23 September 2019*

*AL(9)902 rev K (Landscaping) received 19 November 2019*

*Unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)*

In March 2020 a report was received that the tree protection fencing was not in the position shown on the approved plans and that there had been some changes to the land levels which were also not shown. An investigation found that the tree protection fencing around 3 trees to the north east corner of the site was not in the correct place.

This application has been submitted as a result of the investigation and discussions with the developer to provide most appropriate approach to protecting trees to be retained and to secure satisfactory replacements as appropriate in the interests of the long term future of trees on the site.

## **The Proposal**

The proposal is to vary conditions 11 and 12 attached to planning permission 20191818 (“the extant consent”) to allow for a reduced tree protection area around three trees to the north east corner of the site.

The proposal to vary the 2019 permission also includes the additional felling of a Cypress tree in the garden area to allow for benches to be installed and the felling and replacement of 3 (one holly , two cypress) trees on the boundary of the site with 60 Lutterworth Road. One Plum tree and two Beech trees would have canopies reduced to allow for scaffolding to be installed without long term harm to those trees

Amended plans were received following the original publicity that remove the felling of one of the Cypress trees and clarify that the 3 trees to the boundary with 60 Lutterworth Road that are covered by the TPO will be felled. The amended plans also show that T19 of the TPO to the front of the site will be felled and a replacement tree will be planted.

## **Policy Considerations**

### National Planning Policy Framework (NPPF) 2019

The National Planning Policy Framework (NPPF) 2019 sets out the Government's planning policies for England and how these are expected to be applied.

Paragraph 2 states that applications for planning permission must be determined in accordance with development plans unless material considerations indicate otherwise.

Paragraph 11 states that there will be a presumption in favour of sustainable development.

Paragraph 170 states that decisions should contribute to and enhance the natural and local environment by minimising impact on and providing net gains for biodiversity and prevent new development from contributing to, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

### Development Plan policies

Development plan policies relevant to this application are listed at the end of this report.

## **Consultations**

Trees and Woodlands – In light of the finished levels of the site the proposal is acceptable and would result in minimal tree loss, most of which will be at the back of the site and new development, not seen by the public, there would remain sufficient tree cover on the rear boundary. It would not be possible to construct to the approved plans without the removal/changes to tree protection due to the car parking provision and these changes are therefore acceptable. Following receipt of the amended plans they confirm that the proposal to fell T19 and details of its replacement are acceptable

## **Representations**

Objections have been received from 30 people. Some of these have submitted further representations to emphasise the concerns. The grounds of objection are;

- The developer knew the site had protected trees and should work around them

- The tree protection to the north east corner has already been located in the proposed position and has never been in the approved position
- The proposal will cause more damage to trees and lead to further applications to remove them.
- The previous buildings should not have been allowed to be demolished.
- The proposal will have more of an impact on wildlife in the area.
- Impact on residential amenity of neighbouring property due to further felling of trees on the southern boundary.
- Removing more trees will impact on drainage.

Cllr Porter has objected to the application on the grounds that the loss of trees would affect the amenity of the occupiers of neighbouring properties. Further that the developers should have been fully aware of the protection and that if the application is approved the whole tree protection policy should be abandoned.

Further representations have been received alleging that the planning service has made poor decisions previously regarding acceptable development and tree removal/protection. There are further allegations that there has been inadequate and ineffective enforcement.

### **Consideration**

The principle of the development, including the design of the buildings and its surround has been established by the extant consent. This is an application to vary the conditions attached to an earlier permission the Council is only required to consider the questions of the conditions subject to which a new planning permission could be granted. However, the application must be determined according to the current development plan and relevant material considerations. There have been no changes to the materials considerations or Development Plan since the extant consent was granted but access for machinery to construct the approved development and the method of construction of the car park have resulted in a need to amend conditions 11 and 12 of the extant consent.

The main issues under consideration is the impact on the protected trees, removal of trees and visual and general amenity.

Although the application is for a variation of condition, if approved it would result in a new planning permission for the development, and as a result the other proposed conditions from the extant consent also need reviewing.

### **Impact on trees**

The site is covered by a TPO and the extant consent included details of the tree protection methods. The majority of protection methods would remain as approved however in the north east corner of the site the protective fencing needs to be moved so that it is directly adjacent to the current position of tree T19 of the TPO and 3.3m from T17 of the TPO. This is to allow for construction of the parking spaces and for machinery to access the north east part of the site to enable the construction to occur. This part of the development has already occurred on site. I do not consider that it would result in significant compaction of the soil around the

roots to result in the loss of these trees. I therefore consider that this element of the application is acceptable.

Government guidance on TPOs states that a local planning authority's consent is not required for carrying out work on trees subject to an Order so far as such work is necessary to implement a full planning permission. For example, the Order is overridden if a tree has to be removed to make way for a new building for which full planning permission has been granted. Condition 11 was therefore imposed to ensure that the protected trees would be retained on the site.

The proposal also includes felling of three Cypress trees on the boundary with 60 Lutterworth Road which are part of the group section of the TPO. I consider that this is acceptable as sufficient tree cover would remain.

The tree identified as T19 is located on the boundary with Monsell Drive and there are a number other mature trees in this location. The amended plans show that tree T19 (Lime) of the TPO would be felled and replaced with a *Tilia cordata* 'Rancho' to be located near to T6 of the TPO. T19 needs to be felled as it is adjacent to the car park area and would suffer damage in the longer term. I consider that the proposal to fell T19 and its replacement is acceptable and is in the interests of renewal and maintaining long term tree cover. Condition 15 will ensure a suitable size of replacement tree is planted.

In recommending on this and previous applications, officers consider that the right balance has been struck between reasonable and appropriate sustainable development and the retention/ provision of trees of good quality and high amenity value.

### Amenity

The site has a substantial coverage of trees particularly close to boundaries. Consents granted previously have accepted the need for retaining/replacing/managing trees and landscaping in the interests of allowing reasonable and beneficial development. The removal and replacement of trees now proposed will not significantly harm the visual amenity of the site and wider area. Further the renewal of trees on the site is in the long term interest of such amenity.

As this is an application for variation of conditions it would result in a new planning permission being granted and therefore the other conditions require reviewing.

### Other matters

A number of the objections say that the developers should have been aware of the tree protection. I consider that the developers were aware of the protected nature of the trees. Plans for developments and their impacts often need to be re-assessed through the process of construction.

One of the objections states that the previous buildings should not have been demolished. This has already been approved under the extant consent as the

previous buildings on the site were found not to be of adequate construction standards and therefore had to be demolished in order to make use of the site.

Removal of the 4 trees is unlikely to significantly harm wildlife due to the still dense tree coverage on the site and the Nature Conservation Officer considers the impact to be acceptable and manageable.

#### Condition 1

The development has already commenced; however, all planning permissions must have a start date and therefore I recommend a condition to reflect the approved start date.

#### Condition 2

The materials to be used were detailed in the original application and I therefore recommend a revised condition to reflect this.

#### Condition 3

Plant and machinery have not been installed yet and I therefore recommend a revised condition to reflect the previously approved details.

#### Condition 4

The parking areas have not yet been provided and the development is not occupied. I therefore recommend the same condition.

#### Condition 5

The cycle parking has not been provided and I therefore recommend a revised condition to reflect the approved details.

#### Condition 6

The Travel Plan is still a requirement and I therefore recommend the same condition.

#### Condition 7

The works to Monsell Drive has not been completed and I therefore recommend the same condition.

#### Condition 8

This is a condition which will require ongoing compliance and I therefore recommend the same condition.

#### Condition 9

The gate has not yet been installed and I therefore recommend the same condition.

#### Condition 10

All works are still to be carried out in accordance with the British Standard and I therefore recommend the same condition

Conditions 11, 12 and 13 are recommended to be amended to reflect the amended details.

#### Condition 14

The development is still at construction phase and therefore I recommend a revised version of the condition.

#### Condition 15

There is still a requirement for the trees lost to be replaced and I therefore recommend the same condition.

#### Condition 16

The combined heat and power system have not yet been installed and I therefore recommend the same condition to confirm its satisfactory operation.

#### Condition 17

The requirement to implement the approved landscaping scheme should remain.

#### Condition 18

There will still be a requirement for bin storage and I therefore recommend a revised version of the condition.

#### Condition 19

The sustainable drainage system has not yet been installed and the condition requires ongoing compliance. I therefore recommend a revised version of the condition.

#### Condition 20

Application 20201503 has been approved to discharge this condition. I therefore recommend an amended condition to reflect the approved details and require the installation to be carried out.

#### Condition 21

No plan of the lighting to be installed has yet been received and I therefore recommend the same condition.

### Condition 22

The drainage has not yet been installed and I therefore recommend the same condition

### Condition 23

The approved plans have not been amended and I therefore recommend a revised version of the condition.

### Conclusion

The development of the site is allowed under the 2019 permission and the development could proceed under that albeit potentially not fully in accordance with all the conditions. Any enforcement action would need to be limited to what could reasonably achieve the aims of those conditions. Approving this application would enable the development to meet those aims without having to resort to such action.

This application is to allow for variations to deal with revised arrangements for tree protection/retention.

In conclusion, I consider that the changes to the tree protection areas will not have a significant impact on the root system of the trees such as to risk their lifespan.

I further consider that the removal of three further trees adjacent to 60 Lutterworth Road and T19 fronting Monsell Drive will not have a significant impact on the amenity value of the trees or on the visual amenity of the site and wider area.

I consider that the development with the variation is in compliance with all relevant policies and further I consider that the development as now proposed would have been approved under application 20191818.

I recommend that this application is APPROVED subject to the following conditions

#### CONDITIONS

1. The development shall be begun by 13 December 2022. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The walls, roof, windows doors and other external materials shall be constructed in accordance with the details submitted in the application form and plan AL(0)060 submitted with application 20191818. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. Plant and machinery shall only be operated and installed in accordance with the details submitted on approved plan SK-001 rev P2 submitted to the City Council as Local Planning Authority under application 20191818 on 19 November 2019. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

4. Before the occupation of any part of the development, 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. (To ensure that parking can take place in a satisfactory manner, and in accordance with policy AM11 of the City of Leicester Local Plan and Core Strategy policy CS3.)

5. No part of the development shall be occupied until secure and covered cycle parking has been provided and retained thereafter, in accordance with the details shown on the approved plan AL(9)901 rev J submitted with application 20191818. (In the interests of the satisfactory development of the site and in accordance with policy AM02 of the City of Leicester Local Plan).

6. The use shall only operate in accordance with the details submitted in the Travel Plan dated October 2016 and approved under application 20162240 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).

7. 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](http://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.)

8. 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.)

9. The gate at the entrance from Monsell Drive shall be set back at least 5m from the footway and retained as such. (In the interests of highway safety and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

10. All works shall be carried out in accordance with British Standard for Tree Work BS 3998:2010. (In the interests of the health and amenity value of the trees and in accordance with Policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

11. All trees on the site subject to a Tree Preservation Order except for those to be felled shall be protected from damage during building operations, in accordance with details submitted on the approved plan ref no 4074 rev D received by the City Council as local planning authority on 9 October 2020 (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

12. Prior to the commence of the development, all existing trees, shrubs or hedges to be retained on the site shall be protected by fences erected not within the

root protection area in accordance with details submitted within the approved plan ref no 4074 rev D received by the City Council as local planning authority on 9 October 2020. No materials whatsoever shall be stored, rubbish dumped, fires lit or buildings erected within these fences; no changes in ground level shall be made within the spread of any tree, shrub or hedge without the previous written approval of the local planning authority. No trees shall be used as anchorages, nor shall any items whatsoever be affixed to any retained tree. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

13. All vegetation intended for clearance shall be clearly identified on site in accordance with details submitted on plan ref no 4074 rev D received by the City Council as local planning authority on 9 October 2020, before any clearance is begun. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

14. During works of demolition and construction all operations shall only be carried out in accordance with the details shown on plan SK(8)910 received by the City Council as Local Planning Authority on 13 August 2018 under application 20191818 in respect of temporary site entrances, temporary storage areas for soil and other materials, and the placing of plant and site huts. (To ensure the satisfactory development of the site, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

15. In the first planting season following the removal of each tree, a replacement tree shall be planted. The replacement tree(s) shall be 2:1 at 14/16 Extra Heavy Standard of the same species unless an alternative scheme has first been submitted to and approved by the City Council as local planning authority. All replacement trees shall be maintained for a minimum period of five years following planting. Any tree that dies, becomes seriously damaged or is removed shall be replaced by another of the same specification at the same place in the first available planting season. (In the interests of the amenity of the area, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

16. No part of the development shall be occupied until evidence demonstrating satisfactory operation of the approved Combined Heat and Power based community based heating and hot water system including on-site installation has been submitted to and approved in writing by the City Council. (In the interests of securing energy efficiency in accordance with Policy CS2 of the Core Strategy.)

17. 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.)

18. No part of the development shall be occupied until the arrangements for storage of bins shown on the approved plans AL(9)904 under application 20191818 have been provided. These arrangements shall be maintained thereafter. (In the interests of the amenities of the surrounding area, and in accordance with policy PS10 of the City of Leicester Local Plan and Core Strategy policy CS3.)

19. 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 shown on plan DD150 submitted with application 20191818. 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.)

20. The development shall not be occupied until the 8 bird bricks and 10 bat tubes approved under application 20201503 have been installed under the supervision of an ecologist. The bat tubes and bird boxes shall be retained thereafter. (In the interests of biodiversity and in accordance with policy CS17 of the Leicester Core Strategy.)

21. Before any external lighting is installed a detailed design plan of lighting to be used which shows the locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light, shall be submitted 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 areas where considered necessary. The approved scheme shall be implemented and retained 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 saved policy BE22 of the City of Leicester Local Plan and policy CS 17 of the Leicester Core Strategy)

22. The use shall not commence until the drainage, and especially foul drainage, has been installed in accordance with the details shown on plan DD150 approved by the City Council as local planning authority under application 20181828. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy)

23. The development hereby approved shall be carried out solely in accordance with the following drawings submitted under application 20191818:

AL(1)105 rev A (Roof Plan) received 23 September 2019

AL(1)104 rev A(Attic Plan) received 23 September 2019

AL(1)103 rev A(Second Floor Plan) received 23 September 2019

AL(1)102 rev A (First Floor Plan) received 23 September 2019

AL(1)101 rev A (Ground Floor Plan) received 23 September 2019

AL(1)140 rev A, AL(1)141 rev A and AL(1)142 rev A (Elevations) received 23 September 2019

AL(9)901 rev J (Site Plan) received 23 September 2019

AL(9)902 rev K (Landscaping) received 19 November 2019

and 4074 rev D (Tree Protection Plan submitted with this application and received on 9 October 2020

Unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

## NOTES FOR APPLICANT

1. Development on the site shall avoid the bird nesting season (March to September), but if necessary a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 24 hours prior to the commencement of works and evidence provided to the City Council as Local Planning Authority. 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 whilst the nest 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.

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 (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.

## **Policies relating to this recommendation**

2006_AM01	Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
2006_AM02	Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
2006_AM11	Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
2006_BE16	Planning permission will be granted for the development of renewable energy installations where local impacts are not outweighed by wider benefits. Major developments must realise their potential for incorporating renewable energy technologies.
2006_BE20	Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.

- 2006\_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2006\_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014\_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014\_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014\_CS13 The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
- 2014\_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014\_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 2014\_CS19 New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.