



Leicester
City Council

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 25 OCTOBER 2023 at 5:30 pm

P R E S E N T :

Councillor Pantling (Chair)
Councillor Aldred (Vice Chair)

Councillor Agath
Councillor Bonham
Councillor Haq

Councillor Surti

Councillor Kitterick
Councillor Mohammed
Councillor Singh Patel

In accordance with the provisions of the Constitution (Part 4A, Rule 42) the following Councillors attended the meeting and with the sanction of the Committee spoke on the items indicated but did not vote.

Councillor:
Geoff Whittle

Application details:
20230708 553 Welford Road
20231197 8 Ring Road

* * * * *

26. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Moore and Councillor Kennedy-Lount. Councillor Haq was present as substitute for Councillor Kennedy-Lount.

27. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meetings of the Planning and Development Control Committee held on 23 August 2023 and 4 October 2023 be confirmed as a correct record.

28. DECLARATIONS OF INTEREST

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

There were no declarations of interest.

29. PLANNING APPLICATIONS AND CONTRAVENTIONS

The Chair introduced the process of how each application would be heard and noted that applications would be considered in a different order to the agenda with the Uppingham Road application being considered first.

30. 20221467 268-270 UPPINGHAM ROAD

Ward: Thurncourt

Proposal: Construction of x2 two storey dwellinghouses (2 x 4 bed) (Class C3); associated parking and landscaping (amended plans 28/3/2023)

Applicant: Easy Property Group

Councillor Aldred stepped down from the Committee as she was making representations on the application.

The Planning Officer presented the report.

Aftab Yasin addressed the Committee and spoke in opposition to the application.

Councillor Aldred as Ward Councillor addressed the Committee and spoke in opposition to the application.

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

The Chair summarised the application and points raised by Committee Members and moved that in accordance with the Officer recommendation, the application be approved. This was seconded by Councillor Bonham and upon being put to the vote, the motion was REJECTED.

The Committee at this point received advice on the options available to them.

Councillor Mohammed moved that on the grounds of highways safety, the application be rejected. This motion fell for lack of a seconder.

Councillor Haq moved that the application be deferred to a future meeting so that a site visit could be conducted. This was seconded by Councillor Surti and upon being put to the vote, the motion was CARRIED.

RESOLVED: the application was deferred so that a site visit could be conducted

31. 20230708 553 WELFORD ROAD

Ward: Knighton

Proposal: Demolition of house; construction of replacement two storey dwelling (Class C3) (amended plans received 07/09/2023)

Applicant: Ms S Kaur

At this point Councillor Aldred resumed her place on the Committee.

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

Sukhi Kaur, the application, addressed the Committee and spoke in support of the application.

Peter Sharpe addressed the Committee and spoke in objection to the application.

Councillor Whittle, as Ward Councillor addressed the Committee and spoke in objection to the application.

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

The Chair summarised the application and moved that in accordance with the Officer recommendation and the addendum report, the application be approved. This was seconded by Councillor Mohammed and upon being put to the vote, the motion was CARRIED.

RESOLVED: permission was granted subject to conditions

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 any work above ground level, the materials to be used on all external elevations and roofs shall be provided on site and approved by the City Council as local planning authority. The details shall include:
 - beige stonework sample
 - grey roof tile sample
 - Wienerberger 65mm Bellbrook red multi F2 brick sample or of similar qualityThe development shall be carried out in accordance with the approved details. (To ensure that the details are agreed in time to be incorporated into the development and in the interests of visual amenity and the character and appearance of the area, and in accordance with Core Strategy policy CS03).

3. Notwithstanding the boundary treatment shown on the approved plans, the height of the close board fencing beyond the front of the front elevation shall be no higher than 1m, installed prior to occupation of the approved dwelling and retained as such thereafter. Prior to the occupation of the approved dwelling, the boundary treatment to the side and rear of the property shall be installed in full accordance with these approved details and retained as such thereafter. (In the interests of neighbouring amenity, visual amenity and the character and appearance of the area, and in accordance with saved policy PS10 of the City of Leicester Local Plan and Core Strategy policy CS03).
4. The second floor loft space shall not be used as living accommodation and only used for storage purposes and shall be retained as such (In the interests of the amenity of occupiers of the approved dwelling and in accordance with saved policy PS10 of the City of Leicester Local Plan).
5. The development shall not commence until a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon shall be submitted to and agreed in writing with the City Council as local planning authority. No part of the development shall be occupied until the LEMP has been implemented in accordance with the approved details. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of any trees, including tree guards; (iv) other surface treatments; (v) any changes in levels; (vi) the position and depth of service and/or drainage runs (which may affect tree roots), (vii) a detailed plan of the biodiversity enhancements on the site such as meadow creation and hedgerow improvements including a management scheme to protect habitat during site preparation and post-construction. (viii) details of planting design (ix) details of the make and type of [2]x bird boxes/tiles/bricks and [2] x bat boxes/tiles/bricks to be erected on buildings or trees under the guidance and supervision of a qualified ecologist. For a period of in perpetuity, 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 interest of biodiversity, amenity and the character and appearance of the area, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS3 and CS17).
6. Should the development not commence within 24 months of the date of the last protected species survey (August 2023), then a further protected species survey shall be carried out by a suitably qualified ecologist. The survey results and any revised mitigation shall be

submitted to and agreed in writing with the local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey should be repeated biannually and any mitigation measures reviewed by the Local Planning Authority until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CROW Act 2000), the Habitat & Species Regulations 2017 and CS17 of the Core Strategy).

7. Prior to any demolition of construction works, the driveway shall be widened in accordance with the approved plans and retained as such thereafter. (To ensure a satisfactory vehicular access is provided and achieve a satisfactory form of development and in accordance with saved policies AM01 and AM12 of the City of Leicester Local Plan and Core Strategy policy CS3.)
8. The dwellings and their associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwellings, a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwellings are adaptable enough to match lifetime's changing needs in accordance with Policies CS03 and CS06 of the Leicester Core Strategy (2014)).
9. All works to trees shall be carried in accordance with the details provided within the categories and subcategories of the submitted Tree Survey and Arboricultural Impact Assessment received on 20/04/2023 as follows:
 - *3.0 Tree Protection;
 - *4.0 Onsite Storage of Spoil and Building materials;
 - *5.0 Location of Site Office;
 - *6.0 Programme of Works;
 - *7.0 Remedial Tree Surgery;
 - *8.0 Levels;
 - *9.0 Services;
 - *10.0 Construction Within the Tree Protection Area;
 - *11.0 Reporting Procedure; and
 - * the Tree Protection Plan(In the interests of the health and amenity value of the trees and in accordance with saved Policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
10. During the demolition and construction process, all vehicles entering and exiting the site shall use the tarmacked driveway. The grass verge to the front of the site shall not be used for storage of construction materials, construction equipment or for vehicle parking (In the interests of the health and amenity value of the trees, the character and appearance of the surrounding area and in accordance with saved Policy UD06 of the City of Leicester Local Plan and Core Strategy

policy CS3.)

11. 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).
12. Prior to the commencement of development details of 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).
13. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to any dwelling house of types specified in Part 1, Classes A, B, C, D, E and F of Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (Given the nature of the site, the form of development is such that work of these types may be visually unacceptable or lead to an unacceptable loss of amenity to occupiers of neighbouring properties and the proposed house; and in accordance with saved policy PS10 of the City of Leicester Local Plan (2006) and Core Strategy (2014) policies CS03 and CS06).
14. Development shall be carried out in accordance with the following approved plans:
Location Plan, PL553 A212 rev B, received 07/09/2023
Proposed Site Plan, PL553 A210 rev B, received 07/09/2023
Proposed Ground Floor Plans, A200 rev A, received 20/04/2023
Proposed First Floor Plans, A201 rev A, received 20/04/2023
Proposed Second Floor Plans, A202 rev A, received 20/04/2023
Proposed Roof Plans, A203 rev A, received 20/04/2023
Proposed Front and Side Elevations, A204 rev A, received 20/04/2023
Proposed Side and Rear Elevations, A204 rev A, received 20/04/2023
Proposed Street Scene, A213 rev A, received 20/04/2023
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. All foundations, gutters and downpipes should be wholly within the application site. No permission is granted for works on, under or above land outside the ownership of the applicant. The applicant may need to enter into a Party Wall Agreement with adjacent land owners.
2. Please note it is a criminal offence to kill, injure or disturb protected species and their habitat in accordance with the Wildlife and Countryside Act (1981) as amended and The Habitat & Species Regulations (2010). If during the demolition a protected species is found, work must cease immediately and a suitably qualified ecologist or Natural England be contacted.
3. 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
highway.management@leicester.gov.uk
4. The effect of condition 13 of this planning permission is that all future alterations and extensions to the dwellings, and the construction of outbuildings within the curtilage of the dwellings, will require planning permission from the City Council as the local planning authority.
(Permitted development rights for this dwelling has been restricted).
5. 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 2023 is considered to be a positive outcome of these discussions.

32. 20231197 8 RING ROAD

Ward: Knighton

Proposal: Change of use from dwellinghouse (Class C3) to day nursery (Class E); installation of two 1m high gates to existing access at front; alterations (amended plans received 21/09/2023)

Applicant: Nursery Rhymes Learning Ltd

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

Matthew Leedham, the applicant, addressed the Committee and spoke in support of the application.

Shobhna Singh and Emma-Leigh Norton addressed the Committee and spoke in opposition to the application.

Councillor Whittle as Ward Councillor addressed the Committee and spoke in opposition to the application,

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

The Chair summarised the application and points raised by Committee Members and moved that in accordance with the Officer recommendation and the addendum report, the application be approved. This was seconded by Councillor Mohammed and upon being put to the vote, the motion was CARRIED.

RESOLVED: permission was granted subject to conditions

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 external wall of converted garage shall be constructed using facing bricks to match those existing and retained as such. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. The approved metal gates shall be powder coated in black colour and installed in accordance with the approved plans and retained as such (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
4. Traffic flow within the site shall be managed by a one-way system with vehicular access to the site from a different entrance to the vehicular egress from the site and shall be operated as such for the lifetime of the development. (In the interests of the satisfactory development of the site and in accordance with policies AM01, AM02 and AM11 of the City of Leicester Local Plan).
5. No part of the development shall be occupied until four secure and covered cycle parking spaces have been provided in accordance with the approved plans and retained thereafter. (In the interests of the

satisfactory development of the site and in accordance with policies AM02 and AM11 of the City of Leicester Local Plan).

6. No part of the development shall be occupied until all parking areas are surfaced and marked out in accordance with details shown on the approved plans and shall be retained for parking and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, in the interest of highway safety, and in accordance with policies AM01 and AM11 of the City of Leicester Local Plan and Core Strategy policy CS03)
7. The development be carried out in accordance with the Travel Plan received on 10/08/2023. The Travel Plan shall be carried out in accordance with the timetable contained within the Travel Plan. The monitoring of travel modes (including travel surveys) shall be carried out 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. The use hereby approved shall not be carried on outside the hours of 07:30 to 18:00 Monday to Friday and at no other time. (In the interests of the amenity of neighbouring occupiers, in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policies PS10 and PS11 of the Local Plan (2006).
9. The approved use shall be operated in accordance with the nursery management plan received on 21/09/2023, aimed at minimising disturbance to nearby residents and maintaining highway safety, and shall be operated at all times thereafter. (In the interests of the amenity of neighbouring occupiers, in accordance with saved Policies PS10 and PS11 of the Local Plan (2006).).
10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order amending or revoking and replacing that Order with or without modification, the premises shall not be used for any purpose other than day nursery within Class E of the Order. (To enable consideration of the amenity, parking and and highway safety impacts of alternative Class E uses, in accordance with Policies CS03 and CS15 of the Leicester Core Strategy (2014) and saved Policies PS10 and PS11 of the Local Plan (2006).)
11. Development shall be carried out in accordance with the following approved plans:
Proposed Site plan, N04-015 Rev A, received 21/09/2023
Proposed Ground Floor Plan and North Elevation, N04-030 Rev A, received 26/06/2023
Proposed elevations, N04-050, received 21/09/2023

(For the avoidance of doubt).

NOTES FOR APPLICANT

1. With regards to the Travel Pack the contents of the pack are intended to raise the awareness and promote sustainable travel. The applicant should seek advice from Leicester City Council's Travel Plan Officer
2. The effect of condition 9 of this planning permission is that future changes of use of the property will require planning permission from the City Council as local planning authority. (Permitted development rights for this property have been restricted).
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 (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 2023 is considered to be a positive outcome of these discussions.

33. ANY URGENT BUSINESS

There being no further business, the meeting closed at 8.23pm.