



Leicester
City Council

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 17 APRIL 2024 at 5:30 pm

P R E S E N T :

Councillor Pantling (Chair)

Councillor Agath
Councillor Bonham
Councillor Gopal

Councillor Kennedy-Lount
Councillor Kitterick
Councillor Mohammed

Councillor Dr Moore
Councillor Singh Patel
Councillor Surti

* * * * *

1. APOLOGIES FOR ABSENCE

The Chair welcomed those present and led on introductions.

Apologies were received from Councillor Aldred.

2. DECLARATIONS OF INTEREST

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

Councillor Kitterick declared that he had received a representation regarding the Barkbythorpe item but maintained an open mind.

Councillor Kennedy-Lount declared that he had received an email with the attachments provided in the addendum but maintained an open mind.

3. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held 6 March 2024 be confirmed as a correct record.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS

The Chair noted that the items would be taken according to the order listed on the agenda.

5. 20232372 23 ST JOHNS ROAD

Ward: Stoneygate

Proposal: Outline application for construction of two houses (2 x 4 bed) (Class C3) including access, appearance, layout and scale with landscaping reserved

Applicant: Mr and Mrs Parmdeep and Palbir Vadesha

The Planning Officer presented the report.

Kevin Beint addressed the Committee and spoke in opposition to the application.

Ashok Parmar 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 moved that in accordance with the Officer recommendation, that the application be approved. This was seconded by Councillor Bonham, and upon being put to the vote, the motion was CARRIED.

RESOLVED: That the application be APPROVED subject to the conditions set out below:

CONDITIONS

1. An application for approval of all reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of the final approval of all the reserved matters. (To comply with Section 92 of the Town & Country Planning Act 1990).
2. Before the occupation of the dwellings, all external framing for the windows to the front and side elevations of both properties shall be finished in white and be retained in white for the lifetime of the development. (In the interests of visual amenity and good design and in accordance with Core Strategy policy CS03).
3. The external walls of both properties shall be finished in brickwork similar in appearance to the brickwork of 32-38 Waldale Drive and the roof shall be finished in tiles similar in appearance to the tiles of 32-38

Waldale Drive. The development shall be retained as such for the lifetime of the development. (In the interests of visual amenity and good design and in accordance with Core Strategy policy CS03).

4. Notwithstanding the provisions of the General Permitted Development Order (2015) (as amended) (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration or construction of additional storeys (as specified in Part 1, Classes A and AA of Schedule 2 of The Order), no additions to the roof (as specified in Part 1, Class B of Schedule 2 of The Order) and no buildings etc incidental to the enjoyment of a dwellinghouse (as specified in Part 1, Class E of Schedule 2 of The Order) shall be constructed or undertaken without express planning permission first being granted by the local planning authority. (In the interests of visual amenity and good design, the residential amenity of neighbouring properties and of future residents of the proposed properties and in accordance with saved City of Leicester Local Plan policy PS10 and Core Strategy policy CS03).
5. Before the occupation of the dwellings two secure and covered cycle spaces (one for each property) shall be provided on site. The spaces shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with saved City of Leicester Local Plan policy AM02).
6. Before the occupation of the dwellings, the footway crossing and vehicular access shall be provided in accordance with the Leicester Street Design Guide, June 2020 and shall be retained as such. (To ensure a satisfactory means of access to the highway and in accordance with saved City of Leicester Local Plan policy AM01 and Core Strategy policy CS03).
7. Before the occupation of the dwellings the two car parking spaces for each dwelling shall be provided within the curtilage of the dwelling and shall be retained for vehicle parking. (To secure adequate off-street parking provision, and in accordance with saved City of Leicester Local Plan policy AM12).
8. Detailed plans and particulars of the landscaping (referred to in Condition 1 as "reserved matters") together with a Preliminary Ecological Appraisal, a Landscape and Ecology Management Plan (including specific biodiversity enhancements measurable from the environmental condition of the site at 30.01.2020), a Sustainable Urban Drainage Scheme and Drainage Layout Plan, and an Arboricultural Impact Assessment and Tree Protection Plan, details of replacement trees and details of the maintenance of the site for a 30 year period, dealing with matters in relation to landscaping shall be submitted to and approved in writing by the local planning authority before the development is begun.

9. The Landscape and Ecology Management Plan referred to in Condition 8 above shall include a detailed landscaping and ecological mitigation scheme showing the treatment of all parts of the site which will remain un-built upon shall be submitted to and approved in writing by the local planning authority. 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 trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots) and (viii) the location and type of biodiversity enhancements to be incorporated into the built design or garden areas (ix) management and maintenance details of the Landscape and Ecology Management Plan. The approved landscaping and mitigation scheme shall be carried out within one year of completion of the development. For a period of not less than 30 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 saved City of Leicester Local Plan policy UD06 and Core Strategy policies CS03 and CS17.)
10. The Sustainable Urban Drainage Scheme referred to in Condition 8 above 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. The approved sustainable urban drainage scheme shall be completed within one year of completion of the development and maintained throughout the lifetime of the development. (To reduce surface water runoff and to secure other related benefits in accordance with Core Strategy policy CS02).
11. The Drainage Layout Plan referred to in Condition 8 above shall be installed in full accordance with the approved details or in accordance with a phasing plan submitted as part of the details and shall be retained and maintained thereafter. (To ensure appropriate drainage is installed and in accordance with Core Strategy policy CS02).
12. Development shall be carried out in accordance with the following approved plans:
 - Pro. Block Plan, ref. no. ME11223-03, received 15.02.24
 - Proposed Plans, House. 1, ref. no. ME11223-04A, received 15.02.24
 - Proposed Elevations for H. No. 1, ref. no. ME11223-05A, received 15.02.24
 - Proposed Plans, House. 2, ref. no. ME11223-06A, received 15.02.24
 - Proposed Elevations for House. 2, ref. no. ME11223-07A, received

15.02.24
(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 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.

(i) 20232441 32, 34 & 36 BARKBYTHORPE ROAD

Ward: Troon

Proposal: Variation of condition 22 (Plans) attached to planning permission 20190377 (Demolition of existing 3 dwellings; Construction of 18 dwellings including associated external works (Amended plans (S106 agreement) to allow for removal of the approved drawing 'P006c Landscape')

Applicant: Modus Partnerships Ltd

The Planning Officer presented the report.

Dale Radford, on behalf of the application addressed the Committee and spoke in support of the application.

Jonathan Weekes, on behalf of the objectors, addressed the Committee and spoke in objection to the application.

Members of the Committee considered the report and Officers responded to the comments and queries raised.

The Chair summarised the application and the points raised by Members of the Committee and moved that in accordance with the Officers recommendation, the application be approved subject to the conditions set out in the report. This was seconded by Councillor Moore and upon being put to the vote, the motion was CARRIED.

RESOLVED: That the application be APPROVED subject to the conditions set out below:

CONDITIONS

1. The development shall commence by no later than 4 August 2024. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The materials to be used for the development shall be as approved under application 20230098. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
3. The landscaping scheme approved under application 20222157 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 CS03.)
4. The fencing surrounding all existing trees, shrubs or hedges to be retained on the site as approved under application 20222157 and in accordance with British Standard BS 5837:2012 shall be retained and maintained until all equipment, machinery and any surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition. (To minimise the risk of damage to trees and other vegetation 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 occupation of each dwelling, bird and bat boxes/bricks shall be installed to that respective dwelling in accordance with details approved under application 20231970. The boxes/bricks shall be retained thereafter. (In the interest of biodiversity and in accordance with Policy CS17 of the Core Strategy).
6. Prior to occupation of each dwelling, hedgehog boxes and gaps or holes within fences to allow free movement of hedgehogs shall be installed to that respective plot in accordance with the details approved under application 20231970. The boxes and gaps or holes in fences shall be retained thereafter. (In the interest of biodiversity and in accordance with Policy CS17 of the Core Strategy).

7. Prior to the occupation of any of the dwellings the Sustainable Drainage System (SuDS) approved under application 20221758 shall be implemented. It shall thereafter be managed and maintained in accordance with the approved details. (To secure surface water runoff and to secure other related benefits in accordance with Core Strategy Policy CS02).
8. Prior to occupation of any of the dwellings the heating scheme and PV panels approved under application 20230277 shall be implemented and retained thereafter. (To ensure that the development reduces greenhouse gas emissions and contributes towards the mitigation of climate change and in accordance with policy CS02 of the Core Strategy).
9. Prior to occupation of any of the dwellings the noise mitigation measures and overheating mitigation measures approved under application 20221758 shall be installed and retained thereafter. (In the interest of residential amenity and in accordance with City of Leicester Local Plan policy PS10 and PS11 and Core Strategy Policy CS03.)
10. No part of the development shall be occupied until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated in accordance with the Council's standards contained in the Street Design Guide. (For the safety and convenience of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
11. 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 CS03.)
12. All street works shall be constructed in accordance with the Council's standards contained in the Street 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 CS03.)
13. The construction of the development shall continue in accordance with the Construction Method Statement approved under application 20222157. (To ensure the

satisfactory development of the site, and in accordance with policies AM01, UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)

14. Prior to the first occupation of each unit, the occupiers of that dwelling shall be provided with a 'Residents Travel Pack' details of which have been approved under application 20221758. (In the interest of promoting sustainable development, and in accordance with policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy)
15. 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 application 20222157, 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. (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18.)
16. The dwellings and the 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 Core Strategy policy CS06)
17. Finished floor levels within the proposed development shall be set no lower than existing finished floor levels and flood proofing/resilience techniques shall be incorporated in accordance with 'Improving the Flood Performance of New Buildings' (Department of Communities and Local Government, 2007). (To minimise the risk of damage in times of flooding, and in accordance with policy CS02 of the Core Strategy).
18. Prior to the occupation of any of the dwellings the 54m visibility splays in both directions on Barkbythorpe Road shall be installed in accordance with the details approved under application 20222021 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 CS03.)

19. This consent shall relate solely to the following plans:

P001 site location submitted with application 20190377.
5422/MP/22/003 rev T10 proposed site plan submitted with application 20231515.
FW2237-C-03 rev A2 Section 38 layout submitted with application 20222021.
5422-103-T6 Type A1 elevations submitted with application 20230098.
5422-203-T6 Type A2 elevations submitted with application 20230098.
P101b type A1 & A2 plans submitted with application 20190377.
P201a type B floor plans submitted with application 20190377.
5422-303-T7 type B elevations submitted with application 20230098.
P301b type C plans submitted with application 20190377.
5422-403-T7 type C elevations submitted with application 20230098.
P401b type S plans submitted with application 20190377.
5422-503-T7 type S elevations submitted with application 20230098.
P501a type T plans submitted with application 20190377.
P502c type T elevations submitted with application 20190377.
P801b street elevations submitted with application 20190377.
22.1708.005 rev B and 22.1708.005 rev B Landscape Proposals submitted with application 20222157.
(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. With regards to the Travel Pack the contents of the pack are intended to raise the awareness and promote sustainable travel, in particularly for trips covering local amenities. The applicant should contact highwaysdc@leicester.gov.uk for advice.

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 2023 is considered to be a positive outcome of these discussions.
3. To meet condition 16, all those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of Category 2, M4(2). The Building Control Body for this scheme must be informed at the earliest opportunity that the units stated are to be to Category 2 M4(2) requirements. Any application to discharge this condition will only be considered if accompanied by a building regulations completion certificate/s as stated above.

6. RENEWAL OF REGULATION 7 DIRECTION, TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS (ENGLAND) REGULATIONS 2007)

The Head of Planning presented the report and provided a summary to Members.

Members welcomed the change to Regulation 7 thanked Officers for their work on the report.

The Chair thanked officers for the report and, upon note of the meeting being the last time they would Chair the Committee, thanked Members of the Committee.

AGREED:

That the report be noted.

7. ANY URGENT BUSINESS

There being no other business, the meeting closed at 7:15pm.