



Leicester
City Council

**MEETING OF THE PLANNING AND DEVELOPMENT CONTROL
COMMITTEE**

DATE: TUESDAY, 4 AUGUST 2009

TIME: 5:30 pm

**PLACE: COUNCIL CHAMBER, TOWN HALL, TOWN HALL
SQUARE, LEICESTER**

Members of the Committee

Councillor Clair (Chair)

Councillor Shelton (Vice-Chair)

Councillor Bayford, Councillor Bhatti, Councillor Bhavsar, Councillor Mrs. Chambers, Councillor Chowdhury, Councillor Desai, Councillor Gill, Councillor Glover, Councillor Joshi, Councillor Mayat, Councillor Suleman and Councillor Wann.

Officer contact: Andrew Shilliam/Julie Harget
Committee Services, Resources Department
Leicester City Council
Town Hall, Town Hall Square, Leicester LE1 9BG
(Tel. 0116 229 8813/8809 Fax. 0116 229 8819)

INFORMATION FOR MEMBERS OF THE PUBLIC

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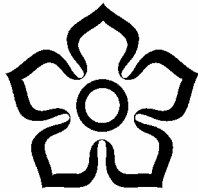
There are induction loop facilities in meeting rooms. Please speak to the Committee Services Officer at the meeting if you wish to use this facility or contact them as detailed below.

General Enquiries - if you have any queries about any of the above or the business to be discussed, please contact Andrew Shilliam or Julie Harget, Committee Services on (0116) 229 8813/8809 or email andrew.shilliam@leicester.gov.uk or call in at the Town Hall.

Press Enquiries - please phone the Communications Unit on 252 6081

Supplemental Reports

Any supplemental reports that were made available after the Agenda and Reports were published are included with this document. Please see below for details.



Leicester
City Council

Wards: see individual reports

Planning & Development Control Committee

Date 4th August 2009

SUPPLEMENTARY REPORT ON APPLICATIONS AND CONTRAVENTIONS:

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APPLICATION ORDER**

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22		20090473	36 Portland Road	PSE	CA	CO
25	4	20090502	498 Uppingham Road	PNW	TC	RF
31		20090544	58 Green Lane Road	PSE	CW	RF
35		20090548	753a Aylestone Road	PSE	AY	CO
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ADDRESS ORDER**

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5	2	20081754	8 French Road And 34 St Barnabas Road	PM	CO	CO
31		20090544	58 Green Lane Road	PSE	CW	RF
13	3	20090309	101 Gwendolen Road, Units 1& 2	PM	SH	CO
61		20090660	429 Melton Road	PNW	RM	CO
64	9	20090718	36 Pine Tree Avenue	UD	HH	CO
22		20090473	36 Portland Road	PSE	CA	CO
25	4	20090502	498 Uppingham Road	PNW	TC	RF

Recommendation: Conditional approval	
20081754	8 FRENCH ROAD AND 34 ST BARNABAS ROAD
Proposal:	CHANGE OF USE FROM INDUSTRIAL (CLASS B2) TO PLACE OF WORSHIP (CLASS D1) AT 8 FRENCH ROAD TO FORM EXTENSION TO PLACE OF WORSHIP AT 34 ST BARNABAS ROAD; SINGLE STOREY LINK BUILDING
Applicant:	MR HIMAT POPAT
App type:	Change of use
Status:	Small-scale Major Development
Expiry Date:	28 July 2009
SB1	WARD: Coleman

Page Number on Main Agenda: 5
Amended Description: No
Amended Recommendation: No

Amended/New Reasons/Conditions/Notes

Conditions 3 and 4 amended to provide correct condition references.
New Note 4 asking applicant to contact Highways Management before work starts.
Former Note 4 re-numbered 5.

Further Considerations

The main report refers to a 683 signature petition in support of the application, and states that a significant proportion of those who signed it live within walking distance. To clarify, walking distance has been taken as 800m (approximately half a mile) and the number of signatories living within 800m of the site is 441 or 64.5%.

CONDITIONS

1. START WITHIN THREE YEARS
3. The use shall not be carried on outside the hours of 0800 to 2130 hours, Mondays to Thursday, 0800 to 2300 hours Fridays and Saturdays and 0800 to 2230 hours on Sundays; except as permitted by condition 4 below. (In the interests of the amenity of nearby occupiers and in accordance with policy PS10 of the City of Leicester Local Plan).
4. In addition to the hours specified in condition 3 above, the premises may also be used on no more than 30 days each year between the hours of 0800 to 2400, subject on each occasion to the agreement in writing of the City Council as local planning authority being given at least 21 days before each occasion. (In the interests of the amenities of nearby occupiers).

Notes for Applicant

4. With regard to the footway crossings, before the development commences, the applicant/developer will need to contact the Council's Highways Management Team (direct line (0116) 252 6555) to obtain the necessary agreements.

Recommendation: Conditional approval	
20090309	101 GWENDOLEN ROAD, UNITS 1& 2
Proposal:	CHANGE OF USE OF UNIT 1 FROM FACTORY (CLASS B2) TO FITNESS CENTRE (CLASS D2) AND UNIT 2 FROM FACTORY TO FUNCTION HALL (CLASS D2). EXTENSION TO UNIT 2. EXTERNAL ALTERATIONS.
Applicant:	MR ZAK SARANG
App type:	Change of use
Status:	Smallscale Major Development
Expiry Date:	24 June 2009
DW1	WARD: Spinney Hills

Page Number on Main Agenda:	13
Amended Description:	No
Amended Recommendation:	No
New Note	8

Further Considerations

The Highway Authority would want to draw attention to additional concerns about excessive speed of vehicles using Gwendolen Road.

CONDITIONS

1. START WITHIN THREE YEARS

NOTES FOR APPLICANT

2. Condition 8 means that no part of Unit 1 can be used for functions including as additional space for functions in Unit 2

Recommendation: Refusal	
20090502	498 UPPINGHAM ROAD; LAND AT REAR OF
Proposal:	ONE DETACHED HOUSE (1 X 4BED) (CLASS C3)
Applicant:	MR KULDIP SINGH
App type:	Operational development - full application
Status:	Minor development
Expiry Date:	19 August 2009
SSA	WARD: Thurncourt

Page Number on Main Agenda: 25

Amended Description: No

Amended Recommendation: No

Representations

3 additional letters of objections have been received raising similar concerns as outlined in the main report.

Councillor Bajaj has requested the application be deferred until the next Committee meeting to allow time for the agent to address the outstanding issues.

The agent has requested that the application be deferred to allow for the wildlife and ecological report to be undertaken and submitted, and time to address the other concerns raised in the reasons for refusal.

Further Considerations

I do not consider that the ecological report would mitigate all the other reasons for refusal, which in my view are insurmountable to overcome, such as, implication of the backland development policy to achieve comprehensive schemes, highway safety and residential amenity. I therefore recommend that the application be refused for the reason stated in the main report.

Recommendation: Conditional approval	
20090571	BEAUMONT PARK, BENNION ROAD
Proposal:	SPORTS COMPLEX COMPRISING SPEEDWAY TRACK WITH TWO-STOREY PAVILION BUILDING; 12 X 5-A-SIDE FOOTBALL PITCHES WITH SINGLE-STOREY FACILITY BUILDING; CYCLE TRACK; BMX TRACK; LIGHTING; ASSOCIATED PARKING (CLASS D2) (AMENDED PLANS)
Applicant:	BEAUMONT SPORTS COMPLEX LTD
App type:	Operational development - full application
Status:	Small-scale Major Development
Expiry Date:	7 August 2009
SB1	WARD: Beaumont Leys

Page Number on Main Agenda: 38

Amended Description: No

Amended Recommendation: No

Amended/New Reasons/Conditions/Notes

New conditions 17 - 22;
Former conditions 17 – 27 renumbered 23 – 33;
Condition 10 (Lighting) amended for clarification;
Condition 14 (Parking) amended to include reference to motorcycle parking
Condition 15 (Travel Plan) amended to include car park management strategy
New Notes 10 to 13.

Representations

Highways Agency (HA) – The HA has responded and has no objection. The HA has looked at the likely impact of the development on the road network beyond the city boundary particularly the A46/A50 and A46/A5630 junctions, and concludes that the development is unlikely to have a detrimental impact on the operation of the A46. However the HA wishes to be a consultees on the Events travel Plan

Local Highway Authority – concerns about capacity of roads removed following submission of further information, but suggests further conditions.

Further Considerations

The Proposal

Speedway - The Speedway stand would accommodate 500 spectators not 1500. Approximately 1.000 spectators would be accommodated on the embankment surrounding the track.

While Saturday is the race meeting day allocated by the league, it may occasionally be necessary to hold an event on another night in the event of an unexpected cancellation– for example if a meeting is rained off.

Cycle track - The Speedway grandstand facilities would be available for users and spectators at the cycle track. The Leicestershire Road Club would manage the cycling facilities and the BMX track, not the British Cycling Federation. The number of lanes at the cycle track would be flexible and not restricted to five.

Five a side facilities – The five a side centre at Crown Hills School is the only other such centre in the City.

Traffic and parking considerations

Traffic flows Following the submission of further information about predicted traffic flows, including peak hour flows arising from the football facility, the local highway authority is satisfied that the existing roads and junctions in the area have sufficient capacity.

Parking The main report states that parking provision is considered to be adequate because the other facilities would be closed when the Stadium is open. It should be clarified that even if all facilities were to be open at the same time, parking provision

would still be adequate as the peak demand periods occur at different items. Moreover the adjacent public car parks are little used at the times when the proposed sports facilities would be most heavily used and therefore these would also be available. I therefore consider that a condition requiring other facilities to be closed when the speedway circuit is in operation is not required.

If the development is approved, a survey would be required of on street parking in adjacent residential areas to determine whether the development has given rise to a significant increase. This should be carried out shortly before speedway opens, with a further survey during a race meeting, and should form part of the Travel Plan monitoring.

Access road

The access road leading from Beaumont Way to the development is owned by the City Council but is not adopted. This road would be used by vehicular traffic and pedestrians, and would be heavily used on speedway race days. Improvements to this road would be required, including re-surfacing, a new footway, a pedestrian crossing, dropped kerbs as appropriate, and parking restrictions. I consider that if approved, conditions should be attached to secure the necessary parking regulations and carriageway/footway works.

Cycle and pedestrian routes

The development would tie into surrounding cycleways. Cycle paths going through the site need to be to adoptable standards in terms of design and width and I consider that if approved a condition should be attached to achieve this.

Signage No details of the proposed signage have been provided and therefore I consider that this should be the subject of a condition if approved. It is envisaged that Brown Back Tourist Attraction signs will be put up provided the development meets the criteria for these.

Travel Plan

A car parking management plan will be required, for example to direct traffic if the main car park becomes full. Parking attendants will be required on race days. These requirements can be part of the Events Travel Plan, and I recommend that the wording of the Travel Plan condition should be amended to include a car parking management strategy

Existing facilities

The facilities currently on the site of the proposed car park are two five a side football pitches, a skateboard park and a multi-use games area. The use of the existing five-a-side pitches and the MUGA is charged for. The football pitches would be replaced but the skateboard park and the MUGA would not be replaced. Because these facilities are little used there are no plans to replace them.

CONDITIONS

1. START WITHIN THREE YEARS

10. Details of the lighting for the public routes shall be agreed in writing with the City Council as local planning authority before the development commences, and the lighting for all areas, including floodlighting, shall be installed in accordance with the submitted details before the development is brought into use and shall be retained as such. (To protect the amenity of nearby occupiers and in accordance with policies PS10 and BE22 of the City of Leicester Local Plan.)
14. Prior to the occupation of the development a secure and sheltered area for the storage of at least 27 cycles and 15 powered two-wheelers shall be provided and retained thereafter in accordance with written details previously agreed with the City Council as local planning authority. (In the interests of encouraging sustainable modes of transport and in accordance with policy AM02 of the City of Leicester Local Plan.)
15. A Travel Plan relating to the development, which shall identify modal splits, proposals, targets, objectives, time scales and monitoring techniques, for discouraging the use of private cars to and from the development and encouraging the use of alternative means of travel, including increased use of public transport, shall be submitted to and agreed by the City Council as the local planning authority before the development is commenced and implemented in accordance with the agreement. The Travel Plan shall include a separate Events Travel Plan and Car Parking Management Strategy. The Travel Plan shall deal separately with the issues relating to the Stadium, the 5-a-side Football pitches, the BMX site and the cycle track. The Travel Plan shall include provision for transport mode, measures to minimise pollution, and travel pattern surveys to be conducted every twelve months or at intervals to be agreed from the first occupation of the development until an agreed date, and shall examine the contribution that can be made by walking, cycling, use of public transport, coaches, car sharing, and the provision and control of car parking including the employment of parking attendants. The Plan shall identify a co-ordinator and point of contact for the purpose of the plan. The Travel Plan shall be carried out as agreed. (In the interest of sustainable transport system and in accordance with policy PS03 of the City of Leicester Local Plan.)
17. The development shall not commence until arrangements have been agreed in writing with the City Council as local planning authority for the bringing of the access road to an adoptable standard in accordance with the Leicester City Council and Leicestershire County Council document 'Highways, Transportation and Development'. (To achieve a satisfactory form of development, and in accordance with policies AM01 and AM12 of the City of Leicester Local Plan).
18. The cycleways and footways within the site shall be built to adoptable standards, in accordance with the Leicester City Council and Leicestershire County Council document 'Highways, Transportation and Development'. (To

achieve a satisfactory form of development, and in accordance with policies AM01 and AM02 of the City of Leicester Local Plan.)

19. The development shall not commence until arrangements have been agreed in writing with the City Council as local planning authority for the control of parking on the access roads to the development. (In the interest of the satisfactory development of the site and in accordance with policies AM01 and AM12 of the City of Leicester Local Plan).
20. The development shall not be occupied until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated to the satisfaction of the City Council as local planning authority. (For the safety and convenience of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan.)
21. The development shall not commence until arrangements have been agreed in writing with the City Council as local planning authority for the provision of road signs for the development. (In the interest of the satisfactory development of the site and in accordance with policies AM01, AM02 and AM12 of the City of Leicester Local Plan).
22. Before the development commences, design details of how the development will contribute towards the Regional and Local Plans' target of 13% of the total predicted energy demand for the site to be renewable energy, and design details of how the development will contribute towards energy conservation through reducing consumption, shall be submitted to and agreed in writing with the City Council as local planning authority. Within 4 weeks of the occupation of any part of the development, evidence shall be submitted to and agreed in writing with the City Council as local planning authority which demonstrates the satisfactory operation of any on-site installation. (In the interests of sustainable development and in accordance with policies UD04 and BE16 of the City of Leicester Local Plan.)

NOTES FOR APPLICANT

10. With regard to condition 15 regarding the Travel Plan please contact Bal Minhas in the Highway Authority on 0116 252 7523.
11. With regard to condition 17, the works should include footways, a pedestrian crossing with tactile surfaces, and dropped kerbs as required. A financial contribution will be required from the developer. The applicant should contact Michael Jeeves, tel 0116 252 7272 for further details.
12. With regard to condition 19, the local highway authority is seeking to improve the flow of traffic to and from the development by the use of traffic regulation orders on the access road. The applicant should contact Michael Jeeves, tel 0116 252 7272 to discuss this.

13. Before the development commences, the applicant/developer will need to contact the Council's Highways Management Team (direct line (0116) 252 6555) to ascertain if any works in the highway will be required, for example for temporary accesses; and to obtain written approval of construction and contractor details.

Recommendation: Conditional approval	
20090718	36 PINE TREE AVENUE
Proposal:	FELLING OF ONE TREE PROTECTED BY TREE PRESERVATION ORDER N4.242
Applicant:	MR SYDNEY GEORGE HEATH
App type:	Control of works to protected trees
Status:	Other development
Expiry Date:	4 August 2009
PC	WARD: Humberstone & Hamilton

Page Number on Main Agenda: 64

Amended Description: No

Amended Recommendation: No

Representations

Two further letters have been received from residents on the Avenue, who have signed the previously received petition and reported in the main report, that the felling of the tree would harm the appearance of the area and set an unwelcome precedent for the future.

Further Considerations

The issues raised by the objectors have been covered in the main report.

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