



Leicester
City Council

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 18 NOVEMBER 2020 at 5:30 pm

P R E S E N T :

Councillor Riyait - Chair
Councillor Aldred - Vice-Chair

Councillor Gee
Councillor Thalukdar
Councillor Whittle

Councillor Rae Bhatia
Councillor Valand

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In accordance with the provisions of the Constitution (A4, 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:
Councillor Clarke

Application details:
20201345 1-1A Monsell Drive

182. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Joel and Halford.

183. CHAIRS ANNOUNCEMENTS

The Chair welcomed everyone to the meeting, reminding them that this was a virtual meeting, as permitted under Section 78 of the Coronavirus Act 2020 to enable meetings to take place whilst observing social distancing measures.

At the invitation of the Chair, officers present at the meeting introduced themselves.

184. DECLARATIONS OF INTEREST

Members were asked to declare any interests they had in the business on the agenda, including under the Council's Good Practice Guidance for Member Involvement in Planning and Development Management Decisions.

Councillor Riyait declared in relation to planning application 20201345 1-1A Monsell Drive that he had received representation in connection with this application, but he approached the meeting with an open mind.

The remainder of the Committee Members present at the meeting introduced themselves in turn and stated that they had no such interests.

185. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held on 28 October 2020 be confirmed as a correct record.

186. ARRANGEMENTS FOR FORTHCOMING PLANNING AND DEVELOPMENT CONTROL COMMITTEE MEETINGS

NOTED:

That, as agreed by the Chair and Vice Chair of the Committee under Council Procedure Rule 39(a)(ii), (Part 4A of the Council's Constitution), further meetings of the Planning and Development Control Committee have been arranged for the following dates:

- Wednesday 18 November 2020 (already arranged)
- Wednesday 9 December 2020 (already arranged)
- Wednesday 6 January 2021
- Wednesday 27 January 2021
- Tuesday 16 February 2021 (due to Budget Council)
- Wednesday 10 March 2021
- Wednesday 31 March 2021
- Wednesday 21 April 2021
- Wednesday 12 May 2021

187. PLANNING APPLICATIONS AND CONTRAVENTIONS

The Chair advised the Committee that the report on planning application 20201133 9-11 Marble Street had been withdrawn from this agenda.

RESOLVED:

That the report of the Director of Planning, Development and Transportation dated 18 November 2020 on applications and information reported verbally by Officers, be received and action taken as below.

188. 20201345 1-1A MONSELL DRIVE

Ward: Aylestone

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

The Planning Officer presented the report and drew Members' attention to the supplementary report, which set out additional representations received in objection to the application and a further consideration.

Mr Andrew Belson, on behalf of the applicant, addressed the Committee and spoke in support of the application.

Mr Jon Saddington addressed the Committee and spoke in objection to the application.

Councillor Clarke made a declaration of interest that within his portfolio he had an executive responsibility for trees and woodlands and related areas of the Councils work including nature conservations. However, Councillor Clarke felt he did not need to rule himself out from speaking on this application even given his executive role. He noted that the decision the Planning and Development Control Committee had been asked to make was non-executive by law and that he sought to test opinions to satisfy himself that they've been arrived at with appropriate rigor. He felt that it was important to keep the appropriate professional distance and didn't seek to influence in that regard on individual applications. Councillor Clarke was content that he could express a difference of opinion without it being of a criticism of officers or their technical judgement. Councillor Clarke then addressed the Committee as a Ward Councillor and spoke in objection to the application.

Members considered the report and supplementary report, and officers responded to the comments and queries raised. The legal officer also clarified some points in relation to the conditions.

The Chair moved that the application be APPROVED subject to the conditions set out in the report and with an amendment to condition 15 to include; *'notwithstanding any details shown on the submitted plan, in the first planting...'* This was seconded by Councillor Aldred and upon being put to the vote, the motion to approve was CARRIED.

RESOLVED:

That the application be APPROVED subject to the conditions set out in the report (below) and with an amendment to condition

15 to include; *'notwithstanding any details shown on the submitted plan, in the first planting...'*

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). (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. Notwithstanding any details shown on the submitted plan, 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.

189. 20201133 9-11 MARBLE STREET

Report withdrawn.

190. CLOSE OF MEETING

The meeting closed at 6.45pm.