



Leicester
City Council

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 10 MARCH 2021 at 5:30 pm

P R E S E N T :

Councillor Riyait - Chair

Councillor Gee
Councillor Rae Bhatia
Councillor Valand

Councillor Joel
Councillor Thalukdar
Councillor Whittle

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:

Application details:

Councillor Fonseca

20202123 28 St Barnabas Road
20202124 28 St Barnabas Road

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223. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Aldred and Halford.

224. 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.

The Committee Members present at the meeting introduced themselves.

Councillor Gee declared that he had received representations in respect of applications 20202123 & 20202124 28 St Barnabas Road and had an open mind.

Councillor Joel declared that she had received representations in respect of applications 20202123 & 20202124 28 St Barnabas Road and had an open mind.

Councillor Rae Bhatia declared that he had received representations in respect of applications 20202123 & 20202124 28 St Barnabas Road and had an open mind.

Councillor Rae Bhatia also declared that he had received representations in respect of application 20202099 Groby Road Glenfield Hospital, and therefore would withdraw from the meeting whilst that item was being considered.

Councillor Riyait declared that he had received representations in respect of applications 20202123 & 20202124 28 St Barnabas Road and had an open mind.

Councillor Thalukdar declared that he had received representations in respect of applications 20202123 & 20202124 28 St Barnabas Road and had an open mind.

Councillor Valand declared that he had received representations in respect of applications 20202123 & 20202124 28 St Barnabas Road and had an open mind.

Councillor Whittle declared that he had received representations in respect of applications 20202123 & 20202124 28 St Barnabas Road and had an open mind.

225. CHAIR'S 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.

226. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held on 16 February 2021 be confirmed as a correct record.

227. PLANNING APPLICATIONS AND CONTRAVENTIONS

The Chair announced that he would take the planning reports in a different order to that given in the agenda, due to the attendance of agents and Ward Councillors who had registered to speak.

RESOLVED:

That the report of the Director of Planning, Development and Transportation dated 10 March 2021 on applications, together with the supplemental report and information reported verbally by officers, be received and action taken as below.

228. 20202123 & 20202124 28 ST BARNABAS ROAD

20202123 - 28 St Barnabas Road

Ward: North Evington

Proposal: Change of use from function hall, to function hall and restaurant (Sui Generis): single storey extension to side; installation of ventilation flue to side of main building.

Applicant: MR E. SABAT

20202124 - 28 St Barnabas Road

Ward: North Evington

Proposal: Listed Building

Applicant: MR E. SABAT

The Chair informed the Committee that there were two applications for 28 St Barnabas Road. The first application would be to consider the change of use proposal, and the second application would be to consider the listed building proposal. It was noted that the two applications would be taken together, but that the two decisions would be taken separately.

The Planning Officer presented the reports and the supplementary reports which included further representations from the applicant for both applications and a correction to the report on page 37 in relations to application 20202124 28 St Barnabas Road.

Mr Stephen Bradwell, on behalf of the applicant, addressed the Committee and spoke in support of the applications.

Councillor Luis Fonseca, Ward Councillor for North Evington, addressed the Committee and spoke in support of the applications.

Members considered the reports and officers responded to any comments and queries raised.

The Chair moved that, in accordance with the officer recommendation, the application be refused. This was seconded by Councillor Gee and, upon being put to the vote, the motion to refuse was CARRIED.

20202123 - 28 St Barnabas Road

RESOLVED: That the application be REFUSED for the reasons set out below:

REASONS FOR REFUSAL

1. The applicant has not shown that the extension by reason of its size, design and position would not result in harm to the historical, aesthetic and evidential value of the heritage asset and therefore its significance through the concealment of historic architectural features - buttresses and side entrance arch. Although this harm is less than substantial this is not outweighed by any public benefit of the proposal, contrary to policy CS18 of the Leicester Core Strategy and NPPF paragraph 196.
2. The extension and the addition of the ventilation flue would disrupt the appearance of the listed building and the nearby historic assets. The applicant has not shown that the proposal would not harm the building's historic and architectural significance and value. Although this harm is less than substantial this is not outweighed by any public benefit of the proposal. The proposal is therefore contrary to policy CS18 of the Leicester Core Strategy and NPPF paragraph 196.

NOTES FOR APPLICANT

1. For avoidance of doubt, this Planning Application is refused on the basis of the application form and plans received on 3/11/2020.

20202124 - 28 St Barnabas Road

RESOLVED: that the application be REFUSED for the reasons set out below.

REASONS FOR REFUSAL

1. The extension by reason of its size, design and position would result in less than substantial harm to the historical, aesthetic and evidential value of the heritage asset and therefore its significance through the concealment of historic architectural features - buttresses and side entrance arch, contrary to policy CS18 of the Leicester Core Strategy and NPPF paragraph 196.
2. The extension and the addition of the ventilation flue would disrupt the appearance of the listed building and the nearby historic assets and would result in less than substantial harm to the building's historic and architectural significance and value. The proposal is therefore contrary to policy CS18 of the Leicester Core Strategy and NPPF paragraph 196.

NOTES FOR APPLICANT

1. The City Council engages with all applicants in a positive and proactive

way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application no pre-application advice was sought before the application was submitted and no negotiations have taken place during the course of the application. The City Council has determined this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. As the proposal is clearly unacceptable, it was considered that further discussions would be unnecessary and costly for all parties.

At this point Councillor Rae Bhatia left the meeting.

229. 20200333 GROBY ROAD GLENFIELD HOSPITAL

Ward: Beaumont Leys

Proposal: Construction of two storey detached building at hospital (Class D1)

Applicant: University Hospitals of Leicester NHS Trust

The Planning Officer presented the report and drew Members attention to the supplementary report which set out an amended condition.

Mr Ryan Milbourne, on behalf of the applicant, addressed the committee and spoke in favour of the application.

Members considered the report and officers responded to the comments and queries raised.

The Chair moved that, in accordance with the officer recommendation, the application be approved subject to the conditions set out in the report and supplementary report. This was seconded by Councillor Thalukdar and, upon being put to a vote, the motion to approve was CARRIED.

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

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 the commencement of development a Construction Method Statement, with particular consideration being given to the water environment and flood risk management, shall be submitted to and approved in writing by the City Council as local planning authority. The approved Method Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the vehicle and pedestrian temporary access arrangements including the parking of

vehicles of site operatives and visitors; (ii) the loading and unloading of plant and materials; (iii) the storage of plant and materials used in the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for storage and management of waste resulting from excavation works (viii) the proposed phasing of development and a detailed description of the works in each phase (ix) the temporary access arrangement to the construction site; (x) procedures for ensure flood risk is managed on site during the period of works for personnel, plant and members of the public (xi) the procedures to ensure flood risk is not increased anywhere outside of the site for the duration of the works; (xii) the procedures to ensure pollution and sedimentation is minimised to any adjacent watercourse and the procedure to be used in case of a pollution incident; (xiii) the measures that will be undertaken to ensure the structure of any adjacent watercourse is not impacted by the proposed development. (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 CS02 & CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

3. Prior to the commencement of development details of drainage, shall be submitted to and approved in writing by the local planning authority. The use shall not commence until the drainage has been installed in full 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. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
4. 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 in writing by the local planning authority. The use shall not commence until the system has been implemented in full. 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. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
5. Notwithstanding the approved Energy Statement, no development shall

take place until details of the use of district heating and ground source heat pumps on site and full design details of all on-site installations to provide energy efficient measures have been submitted to and approved in writing by the City Council as local planning authority. Prior to first use of the development, evidence demonstrating satisfactory operation of the approved scheme 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 CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

6. Prior to the commencement of development, 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 approved in writing with the City Council as 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) 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. The approved LEMP shall contain details on the after-care and maintenance of all soft landscaped areas and 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 and a written assessment of the landscaped/habitat areas and use by wildlife/species present shall be submitted annually to the LPA. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
7. Prior to any work above foundation level, samples of all materials to be used for all external finishes including windows and doors shall be submitted to and approved in writing by the City Council as local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03).
8. Prior to first use of the site an updated Travel Plan for the site which takes into consideration the development shall be submitted to and approved in writing by the City Council as local planning authority. The updated Travel Plan shall be carried out in accordance with a timetable to be contained within the Travel Plan. 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).

9. No part of the development shall be occupied until a detailed design plan of external 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, has been submitted to and approved in writing by the City Council as local planning authority. The lighting should be designed to cause minimum disturbance to protected species that may inhabit the site. The approved scheme shall be implemented and retained thereafter. (In the interests of protecting wildlife habitats and in accordance with policy BE22 and policy CS17 of the Core Strategy).
10. The overall noise level from all plant and machinery on the development shall not exceed 40dB(A) expressed as a 15 minute LAeq at any residential boundary. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
11. All street works shall be constructed in accordance with the Leicester City Council Street Design Guide June 2020. (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.)
12. Prior to first use of the development, the following works have been carried out in accordance with details shown on the approved plans: (a) surfacing and marking out of all parking areas; (b) provision of loading/unloading areas; (c) provision of turning space. The parking, loading/unloading areas and turning space shall not be used for any other purpose. (In the interests in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
13. This consent shall relate solely to the submitted plans ref. no. GGH-PHS-XX-XX-DR-A-90-010 X2 P02 - Proposed Block Plan; GGH-PHS-06-ZZ-DR-A-90-006 X2 P04 – Proposed Site and Demolition Plan; GGH-PHS-06-ZZ-DR-A-90-007 X2 P02 – Proposed Site Finishes; Arboricultural Assessment; Biodiversity Survey & Report; Flood Risk Assessment; Noise Survey; and Sustainable Design & Construction Statement received by the City Council as local planning authority on 19/02/2020; Design & Access Statement received by the City Council as local planning authority on 15/06/2020; plans ref. no. GGH-PHS-06-ZZ-DR-A-90-001 X2 C02 – Location Plan; GGH-PHS-06-00-DR-A-22-001 X2 C02 – Proposed Ground Floor Plan; and GGH-PHS-06-01-DR-A-22-002 X2 C02 – Proposed First Floor Plan received by the City Council as local planning authority on 16/06/2020; plan ref. no. GGH-PHS-06-RF-DR-A-27-001 X2 C02 – Proposed Roof Plan received by

the City Council as local planning authority on 17/06/2020; plan ref. no. GGH-PHS-06-ZZ-DR-A-20-001 X2 C03 – Proposed Elevations received by the City Council as local planning authority on 08/07/2020; plans ref. no. FS 5236 - S - 7008 A - External Works Plan and FS 5236 - S - 7009 A – Internal Drainage Layout received by the City Council as local planning authority on 28/07/2020; plans ref. no. M4815-DSSR-X-01-DR-MEP-63001_P2 First Floor Lighting; M4815-DSSR-X-XX-DR-MEP-90002_P2 External Services Layout; M4815-DSSR-X-00-DR-MEP-63001_P2 Ground Floor Lighting; M4815-DSSR-X-00-DR-MEP-63002_P1 Ground Floor Lighting and Emergency Lighting; M4815-DSSR-X-01-DR-MEP-63002_P1 First Floor Lighting and Emergency Lighting; Planning Responses; Stage 2 Energy Statement; Engineering Services Strategy and Preliminary Ecological Assessment received by the City Council as local planning authority on 18/11/2020; plans ref. no. 201388-PEV-XX-ZZ-DR-C-0510 Flood Exceedance Plan; 201388-PEV-XX-ZZ-DR-C-0500 Proposed Drainage Layout; Drainage Strategy; and Maintenance Plan received by the City Council as local planning authority on 15/12/2020 and Biodiversity Net Gains Report received by the City Council as local planning authority on 22/12/2020, unless otherwise submitted to and approved by the City Council as local planning authority. (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.
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.

230. 20202099 83 HEYWORTH ROAD

Ward: Braunstone Park & Rowley Fields
Proposal: Change of use from house (Class C3) to residential care home (Class C2) (3 bedrooms) (amended plans 11.2.21)
Applicant: Mr Ibrahim Rasoul

At this point Councillor Rae Bhatia re-joined the meeting.

The Planning Officer presented the report and drew Members attention to the supplementary report which set out further representations in objection to the

application and further considerations.

Mr Iain Garnell, on behalf of the applicant, addressed the Committee and spoke in support of the application.

Members considered the report and officers responded to the comments and queries raised.

The Chair moved that, in accordance with the officer recommendation, the application be approved subject to the conditions set out in the report. This was seconded by Councillor Gee and, upon being out to the vote, the motion to approve was CARRIED.

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

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. 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 for a care home within Class C2 of the Order, unless otherwise approved in writing by the local planning authority. (To enable consideration of the amenity, parking and highway safety impacts of alternative Class C2 uses, in accordance with Policies CS03, CS06 and CS14 of the Leicester Core Strategy (2014) and saved Policies PS10 of the Local Plan (2006.)
3. This consent shall relate solely to the submitted plans received by the City Council as local planning authority on 11/02/2021, unless otherwise submitted to and approved by the City Council as local planning authority. (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/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.

231. 20210008C 11 FRANCHE ROAD (CONTRAVENTION CASE)

Ward: Fosse

Description: Dormers not constructed in accordance with
Planning Permission 20201721

The Planning Officer presented the report.

Members considered the report and officers responded to any comments and queries raised.

The Chair moved that, in accordance with the officer recommendation, no further action be taken. This was seconded by Councillor Gee and, when put to the vote, the motion to take no further action was CARRIED.

232. CLOSE OF MEETING

The meeting closed at 7.14pm.