



Leicester  
City Council

Minutes of the Meeting of the  
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 5 JANUARY 2022 at 5:30 pm

P R E S E N T :

Councillor Riyait (Chair)  
(Vice Chair)

Councillor Joel  
Councillor Malik      Councillor Dr Moore  
Councillor Thalukdar

\* \* \*   \* \*   \* \* \*

**7. APOLOGIES FOR ABSENCE**

The Chair led on introductions.

Apologies for absence were received from Councillor Aldred, Councillor Valand and Councillor Whittle.

**8. DECLARATIONS OF INTEREST**

Councillor Moore declared an Interest in the 20211801 4 Barbra Road application as Councillor Moore considered there was a statutory requirement of Corporate Parent in relation to looked after children. Councillor Moore confirmed she maintained an open mind and was happy to participate.

The legal officer provided advice.

Councillor Joel declared an interest in the 20212348 St Saviours Road, St Saviours Church application as it was submitted by a relative and Councillor Joel is associated with the Church. Councillor Joel stated she would not participate in this application.

**9. MINUTES OF THE PREVIOUS MEETING**

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee on 8 December 2021 be confirmed as a correct record.

## 10. PLANNING APPLICATIONS AND CONTRAVENTIONS

The Chair noted that, as there were no registered speakers, the applications would proceed in the order they were published in the agenda.

### (i) 20211801 4 BARBARA ROAD

#### **20211801 - 4 Barbara Road**

Ward: Braunstone Park & Rowley Fields

Proposal: Change of use from dwelling house (Class C3) to residential care home (2 Bedrooms)(Class C2)(Amended 04/01/2022)

Applicant: Mr Nizam Bata

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

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

The legal Officer provided advice in response to concerns raised by Members of the Committee. The Chair also responded to queries raised by Councillor Dr Moore who withdrew from the debate and did not participate in the vote.

Officers provided responses to further questions raised by Members of the Committee.

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

#### **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. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the City Council as local planning authority. These arrangements shall be maintained thereafter. (In the interests of the amenities of the surrounding area, and in accordance with policies UD06 and PS10 of the City of Leicester Local Plan and Core Strategy policy CS03.)
4. Before the occupation of any part of the development, any additional or reconfigured 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 policies AM01 and AM11 of the City of Leicester Local Plan and Core Strategy policy CS03.)
5. No part of the development shall be occupied until secure and covered cycle parking has been provided and retained thereafter, in accordance with written details previously approved by City Council as local planning authority. (In the interests of the satisfactory development of the site and in accordance with policy AM02 of the City of Leicester Local Plan.)
6. Development shall be carried out in accordance with the following approved plans and supporting documents:  
Block/Site Location Plan - received on 19/07/2021  
Proposed Floor Plan and Elevations - drawing ref no. 21-02-01-08A – amended plans received on 04/01/2022  
Revised Planning Statement -Rev B - received on 04/01/2022  
(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 2021 is considered to be a positive outcome of these discussions.

2. Leicester Street Design Guide (First Edition) has now replaced the 6Cs Design Guide (v2017) for street design and new development in Leicester. It provides design guidance on a wide range of highway related matters including access, parking, cycle storage. It also applies to Highways Act S38/278 applications and technical approval for the Leicester City highway authority area. The guide can be found at:  
<https://www.leicester.gov.uk/your-council/city-mayor-peter-soulsby/key-strategy-documents/>  
As this is a new document it will be kept under review. We therefore invite comments from users to assist us in the ongoing development of the guide.

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 alterations to existing highway the developer must enter into an Agreement with the Highway Authority and cost of the works will be borne by the applicants/developers. For more information please contact [highwaysdc@leicester.gov.uk](mailto:highwaysdc@leicester.gov.uk).

## **11. 20212348 ST SAVIOURS ROAD, ST SAVIOURS CHURCH**

### **20212348 - St Saviours Road, St Saviours Church**

Ward: North Evington

Proposal: External and internal alterations to Grade II\* Listed Building (Class F1)

Applicant: RCCG City of Favour

Councillor Joel withdrew from the Committee Meeting for the duration of the application.

Planning Officers delivered a presentation outlining the application and drew Members attention to the addendum report. It was noted that the application was for works which require Listed Building Consent.

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

The Chair summarised the application and moved that in accordance with the Officer recommendation, the application be accepted. This was seconded by Councillor Thalukdar, and upon being put to the vote, the motion was APPROVED.

### **RESOLVED:**

That the application be APPROVED subject to the conditions

set out bellow.

## CONDITIONS

1. The works to which this consent relates shall be begun within three years from the date of this consent. (To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.)
2. All external alterations should be carried out in strict accordance with the schedule of remedial works (ref - STR/IPR/IPG / 180782 / 17-3/S000 - Issue 01) unless otherwise agreed in writing by the Local Planning Authority. (In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)
3. Prior to the replacement or repointing of external brickwork or stonework, a 1m<sup>2</sup> sample panel of repointed brickwork shall be carried out on site and approved in writing by the LPA. Once the sample panel has been agreed, all further works shall be carried in accordance with the approved details. (In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
4. Bricks in those sections of the wall and capping to be repaired must be carefully removed by hand and set aside for reuse (turned) where possible. Where the condition of the bricks is so poor that they cannot be salvaged, these must be replaced on a like for like basis with reclaimed bricks. Samples of these shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved details. (In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)
5. Prior to the commencement of any stonework replacement, any new stone shall be suitably sourced to match the existing, a sample of which shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved details. (In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18. 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 stripping and relaying existing Welsh slate roofs, any new slates shall be suitably sourced to match the existing, a sample of which shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in

accordance with the approved details. (In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18. 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 roof repairs being carried out, a full schedule of repair works confirming the extent of the works shall be submitted to and approved in writing by the Council, and the work shall then be carried out in accordance with those details. This schedule of works should clearly identify a methodology for the roof repair works and include details of any replacement slates or other roofing materials to be used. (In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
8. Prior to the commencement of the works, a full internal schedule of works shall be submitted to and approved in writing by the Council, and the work shall then be carried out in accordance with those details. This shall include:
  - i) Details of all new plumbing, electrical wiring and ventilation for the toilets, including method of installation and location of new service runs and external extracts.
  - ii) Details of any replacement flooring works, including a methodology for uplifting existing tiles.
  - iii) Details of all new CCTV, alarms & audio-visual equipment, including location, method of installation and any additional electrical wiring.
  - iv) Methodology confirming the cleaning of all internal features to be retained.
  - v) Methodology confirming how existing pews are to be reduced in size.(In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
9. No works shall be carried out to the Pulpit and Font until details of their repair/restoration has been supplied to and approved in writing by the Council, and the work shall then be carried out in accordance with those details. (In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
10. No works shall be carried out to encaustic tiles (set in Geometric patterns) within the sanctuary of the church, unless details of their

repair/restoration have been supplied to and approved in writing by the Council, and the work shall then be carried out in accordance with those details. (In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)

11. Prior to the repair / replacement of the rainwater goods, details of all new gutters, downpipes, hoppers shall be submitted to and approved in writing by the Council, and the work shall then be carried out in accordance with those details. (In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
12. Development shall be carried out in accordance with the following approved plans: P1 (Location Plan); 17-08-04 P4 Rev. F (Floor Plan Existing and Proposed); 17-08-04 P5 Rev. A (Elevations 1 Existing and Proposed); 17-08-04 P6 Rev. A (Elevations 2 Existing and Proposed); 17-08-04 D4 (Proposed Partition Details); 17-08-04 P7 (Bin Store, Cycle Shelter and Entrance Gate Details); 17-08-04 P8 (Proposed Gate Details Wood Hill Elevation) - all received 14/09/2021. (For the avoidance of doubt).

#### NOTES FOR APPLICANT

1. The applicant is advised that this decision notice only relates to the external and internal works requiring listed building consent. Any external development including the erection of means of enclosure, the formation of vehicle accesses, the laying of hardsurfaces for access roads and car parking within the site, the construction of cycle parking and bin storage facilities, the fixing of CCTV and other such apparatus to the exterior of the building, and the removal of TPO-protected trees, will all need a separate grant of planning permission.
2. The applicant is advised that updated ecology surveys will be needed as part of any planning application for development at the site. It is the landowners' responsibility to ensure that relevant protected species legislation is complied with before any works are undertaken. A landowner may commit a criminal offence if they: Deliberately take, injure or kill a wild bat; Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats; Damage or destroy a place used by bats for breeding or resting (roosts) (even if bats are not occupying the roost at the time); Possess or advertise/sell/exchange a bat of a species found in the wild in the EU (dead or alive) or any part of a bat; and/or Intentionally or recklessly obstruct access to a bat roost.
3. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal

against all material planning considerations, including planning policies and representations that may have been received and subsequently determining 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 2021.

## **12. PROPOSED NEW ARTICLE 4 DIRECTION FOR CONVERSION OF DWELLING HOUSE (CLASS C3) TO SMALL HOUSES IN MULTIPLE OCCUPATION (CLASS C4) - CONSULTATION REPORT**

Planning Officers introduced the report on the proposed Article 4 Direction for the conversion of Dwelling House (CLASS C3) to small houses in Multiple Occupation (CLASS C4).

It was noted that the proposal would cover different areas of the city and these areas were chosen based on research carried out. The Article 4 Direction from 2014 had been largely successful and there was an 8 week consultation live that would end on January 13.

As part of the discussions it was noted that:

- In agreement with the City Mayor, a consultation exercise has been launched and comments received will be reviewed. The Article 4 Direction may proceed unchanged or be amended to reflect comments received. If the Article 4 Direction is revised a further consultation exercise may also be undertaken if appropriate.
- The Article 4 Direction is non-immediate and subject to the consultation outcomes, would need to be confirmed within 12 months.
- Small HMO's did not currently require permission as they were done through Permitted Developments, but after November they will need permission in the proposed areas
- As current HMO's did not require planning permission, there were no means of monitoring for the Planning Department, although the Housing Team had powers to monitor through the Housing License.
- In the future Landlords will need to ensure that they have obtained both permissions.
- Members of the Committee welcomed the proposals as they would enable the Council to restore some balance of housing provision within local communities.
- Members thank Officers for their work

RESOLVED:

- 1) That the Director of Planning and Development Control to note that the Committee were supportive of the overall proposals, and
- 2) That the report be noted.

## **13. 2021 APPEALS REPORT**



The Group Manager for Development Management delivered a summary of the report to the Committee.

It was noted that from the 55 appeals, 44 were upheld by the inspector. This showed although majority of decisions that are delegated to Officers on Members behalf were sound and that the policies were working.

Officers were happy to bring future reports to the Committee allowing for further detailed discussions. Members of the Committee were interested in the qualitative data and on decisions made by Committee against Officer recommendation.

**RESOLVED:**

- 1) That the Director of Planning and Development Control be requested to bring future reports to the Committee, and
- 2) That the report be noted.

**14. ANY URGENT BUSINESS**

None

**15. CLOSE OF MEETING**

Meeting closed at 6:42pm