



Leicester
City Council

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 20 APRIL 2022 at 5:30 pm

P R E S E N T:

Councillor Riyait (Chair)

Councillor Joel
Councillor Malik

Councillor Dr Moore
Councillor Pandya

Councillor Thalukdar
Councillor Valand

* * * * *

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Aldred and Whittle.

2. DECLARATIONS OF INTEREST

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

There were no declarations of interest.

3. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held 26 January 2022 be confirmed as a correct record.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS

The Chair noted that the applications would proceed in the order they were in the published agenda.

5. 20212643 - 252 MELTON ROAD

20212643 - 252 Melton Road

Ward: Belgrave

Proposal: Retrospective application for change of use from warehouse (Class B8) to retail/storage and distribution (Class E/B8) (Amended plans received 18/3/2022)

Applicant: Nazar Foods

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

Councillor Patel as the Ward Councillor, delivered her representation in objection to the application.

The Planning Officer and Highways Officer responded to the concerns raised by Councillor Patel.

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

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 approved. This was seconded by Councillor Pandya, 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. Within 6 months of the date of this consent secure and covered cycle parking shall be provided and retained thereafter, in accordance with written details submitted and 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).
2. The use shall not be carried on outside the hours of 0730 to 2200 daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
3. Development shall be carried out in accordance with the following approved plans:
MS-21-139-PL-LP-02 rev C received 5 April 2022, MS-21-139-PL-PR-01 rev C and MS-21-139-PL-PR-02 rev C received 18 March 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. The roller shutters, display units, extension and signage facing Melton Road remain unauthorised. If these are not removed within 3 months of the date of this consent formal enforcement action may be taken.
6. **20201473 - LAND & GARAGE REAR OF 94-102 WHITTENEY DRIVE NORTH, 9 CAMFIELD RISE**

20201473 - Land & Garages Rear of 94-102 Whitteneby Drive North, Camfield Rise

Ward: Eyres Monsell

Proposal: Construction of 5 two storey dwellinghouses (5x3 bed)
(Amended Plans received 19th April 2022)

Applicant: Leicester City Council

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

Mr Rob Sanderson delivered his representation as the agent for the application.

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

The Chair summarised the application and the points raised by Members of the Committee and moved that in accordance with the Officer recommendation and the addendum report, the application be approved. This was seconded by Councillor Moore, 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. Before the occupation of any part of the development, all parking areas shall be surfaced and marked out in accordance with details approved under this application, 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 AM12 of the City of Leicester Local Plan and Core Strategy policy CS03.)
3. 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. 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.)
4. 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 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).
5. No development shall be carried out until the site has been investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, has been submitted to and approved in writing by the local planning authority. The approved remediation scheme shall be implemented and a completion report shall be submitted to and approved in writing by the local planning authority before any part of the development is occupied. Any parts of the site where contamination was previously unidentified and found during the development process shall be subject to remediation works carried out and approved in writing by the local planning authority prior to the occupation of the development. The report of the findings shall include: (i) a survey of the extent, scale and

nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters and ecological systems; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11". (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PS11 of the City of Leicester Local Plan. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

6. Prior to commencement of construction above ground level, details of the type and location of 2 x bat bricks/tiles/box and 3 x bird bricks/boxes to be incorporated within the elevations of the proposed buildings have been submitted to and agreed in writing by the local planning authority. The locations should be determined by an ecologist who should also supervise their installation. The development shall be carried out in accordance with the approved details with the agreed features retained thereafter (In the interest of biodiversity and in accordance with NPPF (2021), Policy CS17 of the Core Strategy.)
7. A mitigation scheme to minimise disturbance to birds, hedgehogs and other wildlife as recommended in the Ecology report completed by Arcadis dated June 2020 Paragraph 4.3 (Page 10), should be implemented prior to commencement of works. This includes removal of all rubble and brash piles by hand and careful strimming back of vegetation. If evidence of any protected species is found during this process all works should cease and any mitigation measures reviewed by the ecology consultant and agreed with the Local Planning Authority. (In the interest of biodiversity and in accordance with the NPPF (2021) and Policy CS17 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.)
8. Prior to commencement of construction above ground level, 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 agreed in writing with 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) any 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) a detailed plan of the biodiversity enhancements on the site; (v) details of the make and type of bird boxes/tiles/bricks and bat boxes/tiles/bricks to be erected on buildings

along with measures to facilitate access by hedgehogs to neighbouring gardens; (vi) other surface treatments; (vii) fencing and boundary treatments (including elevation details) and (viii) any changes in levels. 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 25 years from the date of habitat creation, the applicant or owners of the land shall maintain all planted material to optimise its value for biodiversity. 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 accordance with policy NPPF (2021), Core Strategy Policies CS17 and CS03, and policy UD06 of the City of Leicester Local Plan).

9. No construction or demolition work, other than unforeseen emergency work, shall be undertaken outside of the hours of 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday or at any time on Sundays or Bank Holidays, unless the methodology has been submitted to the City Council Noise and Pollution Control Team. The methodology must be submitted at least 10 working days before such work commences and agreed, in writing, by the City Council Noise and Pollution Control Team.
The City Council Noise and Pollution Control Team shall be notified of any unforeseen emergency work as soon as is practical after the necessity of such work has been decided by the developer or by anyone undertaking the works on the developer's behalf.
(In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
10. The dwellings and 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 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).
11. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement or other alteration to any dwelling house of types specified in Part 1, Classes A, C and E of Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (Given the nature of the site, the form of development is such that work of these types may be visually unacceptable or lead to an unacceptable loss of amenity to occupiers of neighbouring properties;

and in accordance with policy PS10 of the City of Leicester Local Plan).

12. Prior to the first occupation of any dwelling, the electric vehicle charging points shall be installed. (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).
13. No part of the development shall be occupied until evidence demonstrating satisfactory operation of the approved renewable energy scheme including on-site installation has been submitted to and approved in writing by the Local Planning Authority. The scheme and installations shall be retained in operation as such thereafter. (In the interests of securing energy efficiency in accordance with Policy CS02 of the Core Strategy).
14. The development shall be carried out in accordance with the details given at Figure 3 and Appendix C of Arboricultural Report "BS5837:2012 Arboricultural Impact Assessment Report" dated July 2020. (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.)
15. Should the development not commence within 24 months of the date of the last Preliminary Ecological Appraisal Report (June 2020), then a further survey shall be carried out of all buildings trees and other features by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and agreed in writing with the local planning authority and any identified mitigation measures carried out in accordance with the approved plan. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRow Act 2000), the Habitat and Species Regulations 2017 and Policy CS17 of the Core Strategy.)
16. Prior to the commencement of development, the materials to be used for the external surfaces, ground surfacing and boundary walls shall be submitted to and approved in writing by the Local Planning Authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
17. Prior to the commencement of development, details of the brickslip system to be used (including drawings showing the reveals) shall be submitted to and approved in writing by the Local Planning Authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

18. The windows in the side elevation at the first floor of plots 1 and 5 shall be obscurely glazed to Pilkington level 4 or 5 (or equivalent) and non-opening and retained as such. (In the interests of the amenity of neighbouring occupiers and in accordance with policy PS10 of the City of Leicester Local Plan).
19. The development permitted shall be carried out in accordance with the following drawings:

P/006 Rev E - Plots 1, 2, 4 and 5 Proposed Floor Plans
P/007 Rev E - Plot 3 Proposed Floor Plan, received by the Local Planning Authority on 20th May 2021.

COV/101/P/001 Rev G - Location and Block Plan
COV/101/P/003 Rev A - Proposed Site Sections
COV/101/P/004 Rev F - Proposed Elevations
COV/101/P/011 Rev L - Proposed Site and Landscape Plan, received by the Local Planning Authority on 19th April 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. Development on the site shall avoid the bird nesting season (March to September), but if this is not possible, a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 48 hours prior to the commencement of works and evidence provided to the LPA. 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 to the nest whilst it 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 and during the nesting season to damage or destroy an active nest or eggs during that time.

3. To meet condition 11, 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.
4. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).
5. It is unlikely that any construction or demolition work will be agreed outside of the hours detailed in condition 10 unless the City Council Noise and Pollution Control Team is satisfied that
 - a) the work will not be detrimental to occupiers of neighbouring properties or
 - b) the developer is able to demonstrate that there is no practicable alternative to the proposed work taking place outside of these hours.

7. 20220290 - 67 DULVERTON ROAD

20220290 - 67 Dulverton Road

Ward: Westcotes

Proposal: Change of use from house in multiple occupation for 6 persons (Class C4) to house in multiple occupation for 7 persons (Sui Generis) (Amended plans received 08/04/2022)

Applicant: Mr Umesh Kalra

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

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

The Chair summarised the application and the points raised by Members of the Committee and moved that in accordance with the Officer recommendation and the addendum report, the application be approved. 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. The house shall not be occupied by more than six persons until four bins (2 x 240 litres waste bins & 4 x 240 litres recycling bins) have been provided on the site, and these shall be retained on the site in the position shown on the approved plan numbered 19032-P-001 (Site Location Plan) except on the day prior to collection and the day of collection. (To ensure that arrangements are in place on site for the storage of waste and recycling material arising from the occupiers of the house, in the interests of convenience and living conditions of the occupiers of the house and to ensure that the visual quality of the area is not diminished by indiscriminate storage of bins on the forecourt, in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policy PS10 of the City of Leicester Local Plan (2006)).
3. Four covered cycle parking stands shall be retained on the site in the position shown on the approved plan numbered 19032-P-001 (Site Location Plan). (To ensure that arrangements remain in place on the site for secure and weather-protected cycle parking for the occupiers of the house, in the interests of promoting sustainable transport and in accordance with Policy CS15 of the Leicester Core Strategy (2014) and saved Policy AM02 of the City of Leicester Local Plan (2006)).
4. Development shall be carried out in accordance with the following approved plans: 19032-P-001 (Site Location Plan) rec'd 07/02/2022; and 19032-P-402 Rev. A (Proposed Plans and Elevations) received 08/04/2022. (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 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.

(i) **20213057 - 4 WOODBOROUGH ROAD**

20213057 - 4 Woodborough Road

Ward: Evington

Proposal: Single storey porch extension at front; alterations to front, side and rear elevations of single storey extension at side of house (ClassC3)

Applicant: Mr & Mrs Harish Kumar & Kirti Harish Kumar Joshi

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

The Chair summarised the application and moved that in accordance with the Officer recommendation, the application be approved. This was seconded by Councillor Moore, and upon being put to the vote, the application 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. The new walls and roof of the existing side extension shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
3. Development shall be carried out in accordance with the following approved plans:

Plan nos. 001 to 007 - Site plan, floor plans and elevations-
received 20/12/2021
(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 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.

8. CLOSE OF MEETING

There being no other business, the meeting closed at 6.43pm.