



Leicester
City Council

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 2 APRIL 2025 at 5:30 pm

P R E S E N T :

Councillor Surti (Chair)
Councillor Aldred (Vice Chair)

Councillor Bajaj
Councillor Cassidy
Councillor Chauhan

Councillor Mohammed
Councillor Dr Moore
Councillor Porter

Councillor Gopal
Councillor Kitterick
Councillor Modhwadia

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1. APOLOGIES FOR ABSENCE

The Chair, Councillor Surti, welcomed those present to the meeting.

There were three substitutions, Councillor Bajaj for Councillor Joel, Councillor Chauhan for Cllr Singh Patel and Councillor Porter for Councillor Kennedy-Lount.

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 12 February 2025 be confirmed as a correct record.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS

5. 20242120 - 69 BRYONY ROAD

20242120 - 69 Bryony Road

Ward: Humberstone & Hamilton

Proposal: Change of use from dwellinghouse (Use Class C3) to residential children's home (Use Class C2) to accommodate a maximum of three children

Applicant: Mr Singh

The Planning Officer presented the report.

Faizal Osman addressed the Committee and spoke in support of the application.

Hasnain Merchant addressed the Committee and spoke in opposition to the application.

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

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

RESOLVED: permission was granted subject to conditions

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, CS08 and CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006)).
3. The premises shall not accommodate any more than 3 residents in care at any one time. (To enable consideration of the amenity of residents and parking impacts of a more intensive use, in accordance with Policy CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006)).

4. Development shall be carried out in accordance with the submitted plans received by the City Council as Local Planning Authority on 02/12/2024.
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption/transitional arrangement is considered to apply:

Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

2. 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 2024.

6. 20240308 - 80 WHARF STREET SOUTH

20240308 - 80 Wharf Street South

Ward: Castle

Proposal: Part demolition; Conversion of 80 Wharf Street South & construction of 6 storey building to form flatted residential development (Class C3); associated access and landscaping (amended plans)

Applicant: Mr Mohammed Al Rais

The Planning Officer presented the report.

There were no speakers on this item.

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

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

RESOLVED: Agreed Delegation to officers to approve subject to receipt of satisfactory bat surveys and as per addendum with additional Note to applicant

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. Development shall proceed in strict accordance with all recommendations within Section 4 of the "Demolition Method Statement for the part of the building to be demolished adjacent to the building to be retained" (PRP, ref 82592-06) (to ensure the locally listed building is not adversely impacted by demolition works, in accordance with Core Strategy policy CS18).
3. Prior to the commencement of development other than demolition, a materials sample panel drawing (at a scale of 1:20), a materials specification schedule of all external materials used in building works and boundary treatments including gates, and design details of the Juliet balconies shall be submitted to and approved in writing by the local planning authority. Prior to the construction of any above ground works of the new buildings, the approved sample panel shall be constructed on site, showing all external materials, including brick, brick bond and mortar colour and thereafter approved in writing by the City Council as local planning authority. The development shall be constructed in strict accordance with the approved sample panel and materials specifications. (In the interest of visual amenity and character and appearance of the area and in accordance with Core Strategy policy CS03).
4. Details of all alterations, improvements and restoration works to 80 Wharf Street South, shall be submitted to and approved in writing by the local planning authority prior to any such works taking place. The details shall include detailed cross-section drawings, samples of any new bricks or cast stone, a sample panel that demonstrates the mortar mix and pointing. details of materials specifications, and details of conservation cleaning. The development shall be carried out in strict accordance with the approved details. (In the interest of heritage and building conservation, in accordance with Core Strategy policies CS03 and CS18).
5. Prior to commencement of works above slab level and notwithstanding the submitted details, a detailed landscaping plan shall be submitted to and approved in writing by the local planning authority. This shall include:
 - (i) new tree and shrub planting, including plant type, size, quantities and locations - this should include bat-friendly planting as outlined on p18 of the

submitted Preliminary Roost Assessment; (ii) means of planting, staking, and tying of trees, including tree guards; (iii) all hard surface treatments including manufacturers specifications; (iv) details of the location, make and type of 6x bird boxes/bricks to be erected on buildings; and (v) details on the after-care and maintenance of all soft landscaped areas. The approved details shall be carried out within one year of completion of the development. For a period of not less than 30 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 saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17).

6. Prior to any development other than demolition above slab level, a detailed design of all external lighting for that phase, including 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 implemented prior to occupation of any flats in strict accordance with the approved details and retained thereafter. No additional external lighting should be installed without prior written agreement from the local planning authority. (In the interests of providing an amenable development and protecting wildlife, in accordance with Core Strategy policy CS03 and policy CS17 of the Core Strategy).

7. Prior to construction works above slab level and occupation of any flats, full details of insulation (including proposed building materials and insulation performance), means of fresh air ventilation, and an overheating assessment utilising the proposed window/ ventilation set up to prevent the transmission of noise into the development whilst allowing windows to remain closed. Prior to occupation of any flats, the approved details shall be implemented in full and shall be retained and maintained thereafter. Notwithstanding the submitted details, the above details shall be informed by a further noise assessment taking into account potential re-use of the commercial buildings on the east side of Wharf Street South between Wheat Street and Crafton Street West within their lawful planning use (In the interests of residential amenity and in accordance with Saved Policies H07 and PS10 of the City of Leicester Local Plan).

8. No flats shall be occupied until the following aspects of the development have been provided in full in accordance with the approved site plan (21121 PL01-B):

- a) provision to accommodate 76 cycle parking spaces;
- b) Waste storage for 13 1100l bins; and
- c) surfacing and marking out of parking areas.

These aspects of the site shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with saved policies AM02 and H07 of the City of Leicester Local Plan).

9. Prior to the first occupation of each flat, the occupiers shall be provided

with a Residents Travel Pack, the details of which shall have been submitted to and approved in writing by the local planning authority in advance. The contents of this shall include walking, cycling and bus maps, latest relevant bus timetable information and bus travel and cycle discount vouchers. (In the interest of sustainable development and in accordance with saved policies AM01, AM02 and AM05 of the City of Leicester Local Plan and Core Strategy policy CS14).

10. Prior to occupation of any flats, a detailed Management Plan shall be submitted to and approved in writing by the local planning authority. The management plan shall set out procedures for: (i) how servicing and deliveries will be managed; (ii) the security of the development and its occupiers; (iii) dealing with refuse bins, dealing with bins on collection days and maintaining the external areas of the site. The premises shall be managed in accordance with the approved management plan thereafter. (To ensure the development is properly managed so as to minimise its effect on the surrounding area and in the interests of the safety and security of its occupiers in accordance with saved policy PS10 of the City of Leicester Local Plan and Core Strategy policies CS03, CS06 and CS15).

11. No part of the development shall be occupied until the following access works have been carried out in full: (a) implementation of a footway crossing at the vehicular access including amendments to the on-street car parking bays on Fleet Street; (b) reinstatement of the existing dropped crossings to Wharf Street South with full height kerbs (c) reinstatement of damaged or altered areas of footway or other highway during the course of construction of the access and reinstatement works. (To ensure a satisfactory means of access to the highway, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03).

12. Prior to the commencement of the development, a Demolition Method Statement shall be submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the demolition period. The Statement shall provide for:

i. 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; iv. The erection and maintenance of security hoarding; v. Wheel washing facilities; vi. Proposed hours of work vii. A scheme for recycling/ disposing of waste resulting from construction works. (To ensure the satisfactory development of the site, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.).

13. Prior to the commencement of the development other than demolition, a Construction Method Statement shall be submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: i. 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 constructing the development; iv. The erection and maintenance of security hoarding; v. Wheel washing facilities; vi. Proposed hours of work; vii. A scheme

for recycling/ disposing of waste resulting from construction works. (To ensure the satisfactory development of the site, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.).

14. All demolition and construction procedures shall incorporate dust mitigation measures wherever feasible as set out in Appendix D of the Air Quality Assessment (Aeolus Consulting, dated July 2023) (to mitigate impacts to air quality of the area during the development, in accordance with Core Strategy policy CS02).

15. Prior to any development above slab level other than demolition, full design details of on-site installations to provide energy efficiency measures shall have been submitted to and approved in writing by the City Council as local planning authority. Prior to the occupation of any flats evidence demonstrating satisfactory operation of the approved scheme including on-site installation of that phase shall be submitted to and approved in writing by the City Council. The approved scheme shall be retained and maintained thereafter. (In the interests of securing energy efficiency in accordance with Policy CS02 of the Core Strategy).

16. Prior to any development other than demolition, details of drainage shall be submitted to and approved in writing by the local planning authority. No flat shall be occupied until the drainage for that phase has been installed in strict accordance with the approved details. The drainage systems shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy).

17. Prior to any development other than demolition, 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. No flat shall be occupied until the system has been implemented in full for that phase in strict accordance with the approved details. It shall thereafter be managed and maintained in strict 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).

18. The development shall not commence other than demolition works until a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;

- c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
 - d) Description of the management operations necessary to achieving aims and objectives;
 - e) Preparation of a works schedule, including annual works schedule;
 - f) Details and a timetable of the monitoring needed to measure the effectiveness of management;
 - g) Details of the persons responsible for the implementation and monitoring;
 - h) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
 - i) Details of methodology and frequency of monitoring reports to be submitted to the Local Planning Authority to assess biodiversity gain
- (To enhance biodiversity, and in accordance with the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990)

19. Development shall take place in strict accordance with the procedure to protect birds at paragraph 5.2 of the Preliminary Roost Assessment (Elite Ecology, dated October 2023) (to protect nesting birds in accordance with Core Strategy policy CS17).

20. Should the development not commence within 24 months of the date of the Preliminary Roost Assessment (Elite Ecology, dated 12 October 2023) then a further protected species survey shall be carried out of all species by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and approved in writing by the local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey shall be repeated biennially and any mitigation measures submitted and reviewed by the local planning authority until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRow Act 2000), the Habitat & Species Regulations 2017 and Core Strategy policy CS17).

21. i) No groundworks, including slab removal, all associated engineering and drainage works, or new development shall take place or commence until a programme of archaeological investigation, including a Level 2 Historic Building Survey, has been agreed in accordance with a prepared Written Scheme of Investigation submitted to and approved in writing by the City Council as the local planning authority. The scheme shall include:

- (1) an assessment of significance and how this applies to the regional research framework;
- (2) the programme and methodology of site investigation and recording;
- (3) the programme for post-investigation assessment;
- (4) provision to be made for analysis of the site investigation and recording;
- (5) provision to be made for publication and dissemination of the analysis and records of the site investigation;
- (6) provision to be made for archive deposition of the analysis and records of the site investigation;

(7) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation.

ii) No groundworks or new development shall take place other than in accordance with the Written Scheme of Investigation approved under (1) above.

iii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation or updated project design approved under (1) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless agreed in advance in writing with City Council as the local planning authority. (to ensure that the site can be examined for archaeological assets in accordance with Core Strategy policy CS18).

22. i) Following demolition and prior to any other construction works, further ground testing shall take place in accordance with Section 10.3 of the Phase II Ground Investigation Report (ref 82592-05, Revision A) and details of such testing and any necessary further proposed ground remediation measures shall be submitted to and approved in writing by the Local Plan Authority.

ii) Development shall take place in strict accordance with ground remediation measures outlined within the Phase II Ground Investigation Report (ref 82592-05, Revision A) and any further measures agreed under part i) above.

iii) Within 6 months following commencement and completion of the approved remediation strategy, a verification report shall be submitted to the City Council, showing the implemented remediation scheme and, if required, details of long-term maintenance and monitoring.

(To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, in accordance with saved policy PS11 of the Local Plan).

23. The dwellings hereby permitted shall comprise 54 flats (31 x 1 bed; 23 x 2 bed) in accordance with the approved plans (Ground Floor Plan ref 21121 PL-01B, Floor Plans levels 02-07 ref 21121 PL-02C) (to ensure a suitable mix and layout of dwellings and in accordance with policies CS03 and CS06 of the Core Strategy and saved policies PS10 and PS11 of the City of Leicester Local Plan).

24. Development shall take place in strict accordance with the following approved plans:

Demolition Plan 21121 PL03 X received on 19/09/2024

Ground Floor Plan Ref 21121 PL-01 B received on 19/09/2024

Floor Plans levels 02-07 21121 PL-02 C received on 19/09/2024

Roof Gardens detailed landscape proposals 23-065-P-02 received on 13/02/2024

Window bay detail dated 25.07.2023 received on 19/09/2024

South Elevation 21121 PL04 B received on 19/03/2025

East Elevation 21121 PL05 A received on 25/10/2024

North Elevation 21121 PL06 A received on 25/10/2024

West Elevation 21121 PL07 C received on 25/10/2024

West & North Elevation 21121 PL20 A received on 19/03/2025
(for the avoidance of doubt).

NOTES FOR APPLICANT

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority,

and

(b) the planning authority has approved the plan.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

2. A surface water pumping system has been proposed within this development. However, pumping systems require ongoing maintenance and in the event of a malfunction could increase flood risk. It is recommended that STW are consulted to determine whether a gravity connection into the public sewer can be made to manage surface water runoff, providing an alternative to a pumping system.

3. 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 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 2024 is considered to be a positive outcome of these discussions.

7. 20250190 - 2-4 HAVELOCK STREET

20250190 - 2 & 4 Havelock Street

Ward: Saffron

Proposal: Change of use from two dwellings (Class C3) to residential care homes (Both Class C2) (Both max 2 residents in care)

Applicant: Sublime Care Solution Limited

The Planning Officer presented the report.

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

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

RESOLVED: permission was refused

REASONS FOR REFUSAL

1. Given the cumulative impacts in relation to disturbance, parking, and character of the use of the properties resulting from additional comings and goings and managed nature of the 2 proposed residential care dwellings in this dense locality, the proposal would result in significant erosion to the residential character of the area, contrary to Local Plan 2006 saved policy PS10, Core Strategy 2014 policy CS03, and National Planning Policy Framework 2024 paragraph 135.
2. The dwellings would not provide suitable outdoor amenity space for residents in care, resulting in unacceptably poor living conditions. The proposal would therefore be contrary to National Planning Policy Framework 2024 paragraph 135f.

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 advice was given at pre-application process. 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 was clearly unacceptable and could not be reasonably amended it was considered that further discussions would be unnecessary and costly for all parties.

8. ANY OTHER URGENT BUSINESS

There being no other urgent business, the meeting closed at 20.05.