



Leicester
City Council

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: TUESDAY, 4 AUGUST 2009 at 5:30 pm

P R E S E N T :

Councillor Clair - Chair
Councillor Shelton - Vice-Chair

Councillor Bayford
Councillor Bhavsar
Councillor Chowdhury
Councillor Glover
Councillor Mayat

Councillor Bhatti
Councillor Mrs. Chambers
Councillor Gill
Councillor Joshi

Councillor Mayat

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In accordance with the provisions of the Constitution (A4, Rule 42) the following Councillors attended the meeting and with the sanction of the Committee spoke on the items indicated but did not vote.

Councillor:	Planning Application:
Councillor Westley	20090571, Beaumont Par, Bennion Road
Councillor Draycott	20081754, 8 French Road, 34 St Barnabas Road
Councillor Potter	20090718, 36 Pine Tree Avenue
Councillor Dawood	20090309, 101 Gwendolen Road
Councillor Allen	20090502, 498 Uppingham Road

172. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Suleman.

173. DECLARATIONS OF INTEREST

Members were asked to declare any interests they had in the business to be discussed on the agenda, including under the Council's Code of Practice for Development Control Decisions, and or indicate that Section 106 of the Local Government Finance Act applied to them.

Councillor Joshi declared a personal and prejudicial interest in respect of application 20081754, 8 French Road and 34 St Barnabas Road as he was the secretary of the place of worship detailed in the proposal. Councillor Joshi undertook to leave the meeting for the discussion and vote on this application

Councillor Joshi further declared that in respect of application 20090718, 36 Pine Tree Avenue, he lived in the Humberstone and Hamilton Ward, but at some distance from the applicant.

Councillor Shelton stated in respect of application 20090571, Beaumont Park, Bennion Road, that for clarification purposes he had been a regular attendee of Speedway in the 1960s and had previously signed a petition to bring Speedway back to Leicester. He had no interests in respect of the current application.

Under the Code of Practice for Development Control Decisions, the following declarations were made:

Councillor Bhatti declared that for the avoidance of doubt, in respect of application 20090660, 429 Melton Road, he knew the previous owner of the shop as detailed in the application, but he did not know the applicant in respect of the current application.

Councillor Mrs Chambers declared that she had received telephone representations in respect of application 20090502, 498 Uppingham Road and application 20090548, 753a Aylestone Road, but she had not commented on either application.

Councillor Chowdhury declared that he had received representations in respect of application 20090309, 10 Gwendolen Road. Units 1 & 2.

Councillor Mayat declared that he had received representations in respect of application 20081754, 8 French Road and 34 St Barnabas Road.

Councillor Gill declared that he had received general lobbying in support of application 20081754, 8 French Road and 34 St Barnabas Road and application 20090571, Beaumont Park, Bennion Road. Councillor Gill further declared that in respect of application 20090502, 498 Uppingham Road, he had had some discussions with Officers and the Applicant, but had an open mind on the application.

Councillor Clair declared that he had received representations in respect of application 20090502, 498 Uppingham Road and application 20090544, 58 Green Lane Road. Councillor Clair further declared that in respect of application 20090571, Beaumont Park, Bennion Road, he had friends in the gallery of the Council Chamber who had come to the meeting for this application.

The following Councillors who were not members of the Committee attended the meeting and spoke with regard to a specific application and declared the

following interest in line with the Code of Practice for Member involvement in Development Control Decisions.

Councillor Westley declared that in respect of application 20090571, Beaumont Park, Bennion Road, he was present on behalf of all the Ward Councillors for Beaumont Leys. For clarification purposes Councillor Westley stated that he and the other Ward Councillors had not given their support to the application and had waited until all the facts were available in the report. They were now fully supportive of the application.

Councillor Draycott declared that in respect of application 20081754, 8 French Road and 34 St Barnabas Road, she had been contacted by individual members of the management committee, in respect of this and a previous application. Councillor Draycott added that she had also been contacted by people who had signed a petition.

Councillor Potter declared that in respect of application 20090718, 36 Pine Tree Avenue, she had been consulted by residents on Pine Tree Avenue.

Councillor Dawood declared that he was the Ward Councillor in respect of application 20090309, 10 Gwendolen Road, Units 1 & 2.

174. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting of the Planning and Development Control Committee held on 14 July 2009, be confirmed as a correct record.

175. PLANNING APPLICATIONS AND CONTRAVENTIONS

RESOLVED:

that the report of the Director, Planning and Economic Development, dated 4 August 2009 on Applications Recommended for Conditional Approval and Applications Recommended for Refusal, together with the additional information circulated at the meeting and reported verbally by Officers, be received and action taken as below:

20090571 - BEAUMONT PARK, BENNION ROAD

Ward: Beaumont Leys

Proposal: SPORTS COMPLEX COMPRISING SPEEDWAY TRACK WITH TWO-STOREY PAVILION BUILDING; 12 X 5-A-SIDE FOOTBALL PITCHES WITH SINGLE-STOREY FACILITY BUILDING; CYCLE TRACK; BMX TRACK; LIGHTING; ASSOCIATED PARKING (CLASS D2) (AMENDED PLANS)

Applicant: BEAUMONT SPORTS COMPLEX LTD

Councillor Bhatti left the meeting during the discussion of this application.

Councillor Westley addressed the Committee on this application and explained that he was present on behalf of all the Ward Councillors for Beaumont Leys. Councillor Westley explained that they were all supportive of the application and that they had received many calls from local residents who were also supportive of the proposal. The Committee heard that the application would provide a much needed facility for the area.

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 development commences, details of the existing site levels and the finished floor levels shall be agreed in writing with the City Council as local planning authority and the development shall be carried out in accordance with the agreed details. (In the interests of the satisfactory development of the site and in accordance with policy PS10 of the City of Leicester Local Plan).
3. The speedway track, five a side football pitches and cycle track shall not be used outside the hours of 0800-2230 daily. The speedway stand and football facility building shall not be used outside the hours of 0800-2330 daily. (In the interests of residential amenity and in accordance with policy PS10 of the City of Leicester Local Plan)
4. The number of speedway race meetings shall not exceed 50 in any one year. (In the interest of residential amenity and in accordance with policy PS10 of the City of Leicester Local Plan).
5. Before the development commences, a development programme which shall set out a programme for the bringing into use of the cycle track, the 5 a side pitches and the BMX track, shall be submitted to and agreed in writing with the City Council as local planning authority, and shall be implemented in accordance with the agreed programme. (In the interest of the satisfactory development of the site and in accordance with policies GE09 and PS10 of the City of Leicester Local Plan).
6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the site and buildings thereon shall only be used for the purposes set out in the application form and hereby approved, and not for any other uses falling within Use Classes D1 or D2. (The City Council would wish to give separate consideration to other uses, having regard to the implications for traffic generation and local amenity, in accordance with policy PS10 of the City of Leicester

Local Plan).

7. Before the use commences, specifically designed acoustic boarding shall be installed around the pit area and shall be in place at all times when speedway bikes are using the pit area, and shall totally enclose the pit area, except for the designated entrance/exit point. This entrance/exit point shall face east towards the industrial estate. The details of the acoustic boarding shall be agreed in writing with the City Council as local planning authority prior to its installation, and the boarding shall be maintained thereafter to the satisfaction of the City Council. (In the interests of residential amenity, and in accordance with policy PS10 of the City of Leicester Local Plan)
8. Before the development commences, details of the specification and operation of the public address system shall be submitted to and agreed in writing with the City Council as local planning authority, and shall be implemented in accordance with the agreed details and retained as such (In the interests of residential amenity, and in accordance with policy PS10 of the City of Leicester Local Plan)
9. Before the development commences, a security plan shall be submitted and agreed in writing with the City Council as local planning authority. The document shall outline the security and community safety measures to be incorporated within the development, including: proposed boundary treatments, protection of car parking and easily accessible routes (bollards or barriers) during closed periods, and general measures taken to prevent access to the site during closed periods, CCTV proposals, alarm proposals, procedures during events and closed periods, door entry controls and monitoring of buildings. Measures shall be put into place in accordance with the agreed details before any of the uses on the site commences. (In the interest of the satisfactory development of the site and in accordance with policy PS10 of the City of Leicester Local Plan).
10. Details of the lighting for the public routes shall be agreed in writing with the City Council as local planning authority before the development commences, and the lighting for all areas, including floodlighting, shall be installed in accordance with the submitted details before the development is brought into use and shall be retained as such. (To protect the amenity of nearby occupiers and in accordance with policies PS10 and BE22 of the City of Leicester Local Plan.)
11. At the same time as the remainder of the development, all parking areas shall be surfaced and marked out in accordance with details which shall first have been agreed in writing with the City Council as local planning authority, which shall include at least 11 spaces for the use of the disabled, and shall be retained 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.)

12. A turning space to enable vehicles always to enter and leave the site in a forward direction, shall be kept available within the site. (In the interests of highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan.)
13. Space shall be kept available within the curtilage of the site to allow for loading and unloading always to take place within the site. (In the interests in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan.)
14. Prior to the occupation of the development a secure and sheltered area for the storage of at least 27 cycles and 15 powered two-wheelers shall be provided and retained thereafter in accordance with written details previously agreed with the City Council as local planning authority. (In the interests of encouraging sustainable modes of transport and in accordance with policy AM02 of the City of Leicester Local Plan.)
15. A Travel Plan relating to the development, which shall identify modal splits, proposals, targets, objectives, time scales and monitoring techniques, for discouraging the use of private cars to and from the development and encouraging the use of alternative means of travel, including increased use of public transport, shall be submitted to and agreed by the City Council as the local planning authority before the development is commenced and implemented in accordance with the agreement. The Travel Plan shall include a separate Events Travel Plan and Car Parking Management Strategy. The Travel Plan shall deal separately with the issues relating to the Stadium, the 5-a-side Football pitches, the BMX site and the cycle track. The Travel Plan shall include provision for transport mode, measures to minimise pollution, and travel pattern surveys to be conducted every twelve months or at intervals to be agreed from the first occupation of the development until an agreed date, and shall examine the contribution that can be made by walking, cycling, use of public transport, coaches, car sharing, and the provision and control of car parking including the employment of parking attendants. The Plan shall identify a co-ordinator and point of contact for the purpose of the plan. The Travel Plan shall be carried out as agreed. (In the interest of sustainable transport system and in accordance with policy PS03 of the City of Leicester Local Plan.)
16. 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of the access in accordance with the standards in Leicester City Council's adopted guidance 'Leicestershire County Council Highway Requirements for Development'. (In the interest of highway safety and in accordance with policies AM01 and PS10 of the City of Leicester Local Plan)
17. The development shall not commence until arrangements have been agreed in writing with the City Council as local planning authority for the bringing of the access road to an adoptable standard in accordance

with the Leicester City Council and Leicestershire County Council document 'Highways, Transportation and Development'. (To achieve a satisfactory form of development, and in accordance with policies AM01 and AM12 of the City of Leicester Local Plan).

18. The cycleways and footways within the site shall be built to adoptable standards, in accordance with the Leicester City Council and Leicestershire County Council document 'Highways, Transportation and Development'. (To achieve a satisfactory form of development, and in accordance with policies AM01 and AM02 of the City of Leicester Local Plan.)
19. The development shall not commence until arrangements have been agreed in writing with the City Council as local planning authority for the control of parking on the access roads to the development. (In the interest of the satisfactory development of the site and in accordance with policies AM01 and AM12 of the City of Leicester Local Plan).
20. The development shall not be occupied until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated to the satisfaction of the City Council as local planning authority. (For the safety and convenience of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan.)
21. The development shall not commence until arrangements have been agreed in writing with the City Council as local planning authority for the provision of road signs for the development. (In the interest of the satisfactory development of the site and in accordance with policies AM01, AM02 and AM12 of the City of Leicester Local Plan).
22. Before the development commences, design details of how the development will contribute towards the Regional and Local Plans' target of 13% of the total predicted energy demand for the site to be renewable energy, and design details of how the development will contribute towards energy conservation through reducing consumption, shall be submitted to and agreed in writing with the City Council as local planning authority. Within 4 weeks of the occupation of any part of the development, evidence shall be submitted to and agreed in writing with the City Council as local planning authority which demonstrates the satisfactory operation of any on-site installation. (In the interests of sustainable development and in accordance with policies UD04 and BE16 of the City of Leicester Local Plan.)
23. The application site shall be investigated for any contamination arising from current or former uses. A site investigation report incorporating a suitable risk assessment shall be submitted to, and approved by, the Local Planning Authority.
For all risks identified by the above risk assessment as being unacceptable for the proposed use, remediation proposals shall be

submitted to, and approved by, the Local Planning Authority. Prior to use of any part of the development, a completion report relevant to that part of the development shall be submitted to, and approved by, the Local Planning Authority. The completion report shall contain:

(i). A full description of the works undertaken in accordance with the approved remediation proposals.

(ii). Results of any additional investigation or remediation works undertaken.

(iii). A statement, signed by the developer or the approved agent, confirming that all remediation work has been completed.

24. Development shall not begin until a detailed sustainable urban drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. (To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these, in accordance with policy BE20 of the City of Leicester Local Plan).
25. The development shall not commence until such time as a scheme to install trapped gullies has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved. (To prevent ground and surface water pollution and in accordance with policy BE20 of the City of Leicester Local Plan)
26. The development hereby permitted shall not commence until such time as a scheme to install oil and petrol separators has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved. (To prevent ground and surface water pollution and in accordance with policy BE20 of the city of Leicester local plan)
27. Trees to be retained should be adequately protected during the construction phase, in accordance with BS 5837:2005 'Trees in Relation to Construction'. Only those trees that can be successfully retained in the long term shall be identified for retention. Before the development commences, a scheme of planting to compensate for loss of any soft landscaping, including loss of trees, shall be agreed in writing with the City Council as local planning authority. (In the interest of the satisfactory development of the site and in accordance with policies GE09 and UD06 of the City of Leicester Local Plan)
28. Before the development commences, details of the proposed habitat creation zone shall be agreed in writing with the city council as local planning authority and shall be implemented in accordance with the agreed details within 6 months of completion of the development and shall be maintained in accordance with details previously agreed in writing with the city council as local planning authority. (In the interests of sustainable development and in accordance with policies GE09 and

UD06 of the City of Leicester Local Plan.)

29. If development does not commence within 12 months of the November 2008 survey to determine badger activity and presence at the site, a further survey shall be carried out immediately prior to the commencement of the development, and if further activity has taken place, the appropriate mitigation procedures as detailed in the Badger Report submitted with the application shall be implemented before commencement of the development. (To minimise harm or loss to the species and its habitat and in accordance with policy GE05 of the city of Leicester local plan)
30. At the commencement of development a qualified ecologist shall be present on site to confirm that no sett building has taken place since the survey was carried out (in the interests of species protection and in accordance with policy GE05 of the City of Leicester Local Plan)
31. The approved landscaping scheme, including the reinstatement of damaged areas outside the site boundaries as shown on drawing 3025 (08) 010 rev A, shall be carried out within one year of completion of the development. For a period of not less than 10 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 policies GE09 and UD06 of the City of Leicester Local Plan.)
32. This consent shall relate solely to the submitted plans 3025 (08) 002, 003, 004 and 08/788/SJ/L02 received by the City Council as local planning authority on 8 May 2009; plan 3025 (08) 005 rev A and lighting details received by the City Council as local planning authority on 8 June 2009; and plans 3025 (08) 001 rev A and 010 rev A received by the City Council as local planning authority on 19 June 2009, unless otherwise agreed in writing with the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. With regard to conditions concerning control of noise, the applicant is advised to contact Robin Marston in the Noise Team (tel 0116 252 6436) for further advice on methods of installation etc.
2. With regard to condition 18, the applicant is advised to contact Andy McParland in the Pollution Control Group, tel 0116 252 6441
3. Sport England has raised an issue concerning the adequacy of the changing room provision for the Five a Side football and is concerned that competing teams may need to share changing rooms. This matter should be discussed and resolved with Sport England at the earliest

opportunity.

4. If any Great Crested Newts are found during the clearance or construction phase of the development, work must stop immediately and a qualified ecologist must attend the site to confirm identification and take appropriate action in accordance with English Nature's mitigation guidelines of 2006. For further advice contact the City Council's Nature Conservation Officer Helen O'Brien tel 0116 252 7268.
5. Lighting should be designed to minimise harm or loss of bats or their habitat. Lighting should if possible avoid areas which could be used by bats and birds. For further advice contact the City Council's Nature Conservation Officer Helen O'Brien tel 0116 252 7268.
6. The vegetation on the site makes it likely that there will be breeding wild birds using the site to roost and nest. Such birds are all protected by the Wildlife and Countryside Act 1981 during the breeding season which is between March to the end of July. Site clearance should not be carried out during this period.
7. Due to the evidence of badger activity within the site, opportunities should be taken to enhance the woodland and hedgerow cover around the site to provide an improved habitat for the species which could allow them to make more use of the site boundary and beyond. Such tree and hedgerow planting would also have nature conservation value
8. The applicant is reminded of the Procedures for Management of the Site set out by the Leicestershire Constabulary and is advised to follow these.
9. The applicant will be responsible for the cost of any tree works required as a result of the development, including works required to any trees affected by the application that are not on the application site. The applicant is requested to arrange a meeting with Alan d'Albe (0116 291 4478) prior to the start of works to agree the detail of tree works.
10. With regard to condition 15 regarding the Travel Plan please contact Bal Minhas in the Highway Authority on 0116 252 7523.
11. With regard to condition 17, the works should include footways, a pedestrian crossing with tactile surfaces, and dropped kerbs as required. A financial contribution will be required from the developer. The applicant should contact Michael Jeeves, tel 0116 252 7272 for further details.
12. With regard to condition 19, the local highway authority is seeking to improve the flow of traffic to and from the development by the use of traffic regulation orders on the access road. The applicant should contact Michael Jeeves, tel 0116 252 7272 to discuss this.

13. Before the development commences, the applicant/developer will need to contact the Council's Highways Management Team (direct line (0116) 252 6555) to ascertain if any works in the highway will be required, for example for temporary accesses; and to obtain written approval of construction and contractor details.

20081754 - 8 FRENCH ROAD AND 34 ST BARNABAS ROAD

Ward: Coleman

Proposal: CHANGE OF USE FROM INDUSTRIAL (CLASS B2) TO PLACE OF WORSHIP (CLASS D1) AT 8 FRENCH ROAD TO FORM EXTENSION TO PLACE OF WORSHIP AT 34 ST BARNABAS ROAD; SINGLE STOREY LINK BUILDING

Applicant: MR HIMAT POPAT

Councillor Joshi, having declared a personal and prejudicial interest on the application, left the meeting at the start of this item.

Councillor Draycott addressed the Committee on this application and explained that she had concerns over parking on an earlier application, but these concerns had been addressed with the current proposal. Councillor Draycott added that she had been a Ward Councillor for the Coleman Ward for many years and during this time she had never received any complaints about the activities at the Temple. The Committee heard that the Management Committee took the Travel Plan seriously, which was important as parking was an issue in the area. Councillor Draycott stated that she supported the Officer's recommendation for conditional approval and agreed with the conditions.

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 development authorised by this permission is begun, a detailed landscaping scheme showing the treatment of the French Road forecourt shall be submitted to and agreed in writing with the City Council as local planning authority. This scheme shall include details of: (i) new planting to the existing planted area, including plant type, size, quantities and locations; (ii) other surface treatments including all hard landscaped areas, including an investigation of the use of permeable paving. The approved landscaping scheme shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material

shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policies PS10 and UD01 of the City of Leicester Local Plan.)

3. The use shall not be carried on outside the hours of 0800 to 2130 hours, Mondays to Thursday, 0800 to 2300 hours Fridays and Saturdays and 0800 to 2230 hours on Sundays; except as permitted by condition 4 below. (In the interests of the amenity of nearby occupiers and in accordance with policy PS10 of the City of Leicester Local Plan).
4. In addition to the hours specified in condition 3 above, the premises may also be used on no more than 30 days each year between the hours of 0800 to 2400, subject on each occasion to the agreement in writing of the City Council as local planning authority being given at least 21 days before each occasion. (In the interests of the amenities of nearby occupiers).
5. There shall be no live or amplified music or voice played which would be detrimental to the amenities of occupiers of nearby properties. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
6. Before the use is begun, details of the ventilation system shall be submitted to and agreed in writing with the City Council as Local Planning Authority, and shall be installed and maintained thereafter only in accordance with the agreed details. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
7. The development shall not be occupied until the footway crossing on French Road has been altered to the satisfaction of the City Council as local planning authority. (To achieve a satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan.)
8. A Travel Plan relating to the development shall be submitted to and agreed in writing with the City Council as local planning authority before the use of 8 French Road is begun. The Travel Plan shall include measures and targets for minimising the number of private vehicle trips by encouraging walking, cycling, public transport and car sharing initiatives and shall identify modal splits, proposals, targets, objectives, time scales and monitoring techniques. The Plan shall also include a schedule of large events (to be defined) with the expected visitor numbers and the arrangements to be put in place for dealing with the peak demands for major functions such as weddings, receptions, and religious and cultural events, with particular emphasis on the management of the likely car parking demand. The Travel Plan shall be submitted to and agreed by the City Council as the local planning

authority before the development is commenced and shall be implemented in accordance with the agreed details. The Plan shall identify a co-ordinator and point of contact for the purpose of the plan. (In the interest of sustainable transport system and in accordance with policies PS03 and PS10 of the City of Leicester Local Plan.)

9. Before the development commences, details of the development's ability to contribute towards the Regional and Local Plans' target of 13% of the total predicted energy demand for the site to be renewable energy, and design details of how the development will contribute towards energy conservation through reducing consumption, shall be submitted to and agreed in writing with the City Council as local planning authority. Within 4 weeks of the occupation of any part of the development, evidence shall be submitted to and agreed in writing with the City Council as local planning authority, which demonstrates the satisfactory operation of any on-site installation. (In the interests of sustainable development and in accordance with policies UD04 and BE16 of the City of Leicester Local Plan.)
10. The premises at 8 French Road shall only be used in conjunction with the existing community centre and place of worship at 34 St Barnabas Road and shall not function as an independent unit. (The City Council would wish to give further consideration to the implications for traffic generation and local amenity of the separate use of these premises, in accordance with policy PS10 of the City of Leicester Local Plan)
11. This consent shall relate solely to the drawings E1051 P02 and E1051 PO4 received by the City Council as local planning authority on 28 October 2008 unless agreed otherwise in writing with the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. If the applicant is unable to comply with condition 5, an insulation scheme may be required to be agreed and implemented in order to comply with this condition.
2. With regard to condition 8 regarding the Travel Plan please contact Bal Minhas in the Highway Authority on 0116 252 6523.
3. The applicant is advised to contact Michael Lambert Police Architecture Liaison officer (tel 222 2222 ext 5942) concerning site security and ways to improve this.
4. With regard to the footway crossings, before the development commences, the applicant/developer will need to contact the Council's Highways Management Team (direct line (0116) 252 6555) to obtain the necessary agreements.
5. REASON FOR APPROVAL. In the view of the City Council, the

proposal complies with the relevant criteria in the City of Leicester Local Plan policies listed in this decision, and there are no material considerations, which outweigh these policies. The City Council considers that any harm to residential amenity arising from the development can be overcome by the attached conditions.

Councillor Joshi returned to the meeting at this point.

20090718 - 36 PINE TREE AVENUE

Ward: Humberstone & Hamilton

Proposal: FELLING OF ONE TREE PROTECTED BY TREE PRESERVATION ORDER N4.242

Applicant: MR SYDNEY GEORGE HEATH

Councillor Potter addressed the Committee on this application and explained that residents had commented that the tree in question was one of the nicest trees in Pine Tree Avenue. A petition had been received from residents who felt that the tree was healthy and did not cause any damage, although there were concerns about another tree in the same road. Councillor Potter asked that the Committee consider either to hold a site visit or to refuse the application.

The Committee heard that the tree was a Cyprus and appeared to be a roost for pigeons. It was noted that the tree had resulted in damage to the garden wall at 36 Pine Tree Avenue and Members questioned whether there could be damage to the footpath. Councillor Bayford, seconded by Councillor Joshi, proposed a site visit to enable Members to see the impact of the tree on the amenity to the Owner's property. Upon being put to vote the motion was CARRIED.

RESOLVED:

that the application be DEFERRED for a site visit, for the reason stated above.

20090309 - 101 GWENDOLEN ROAD, UNITS 1 & 2

Ward: Spinney Hills

Proposal: CHANGE OF USE OF UNIT 1 FROM FACTORY (CLASS B2) TO FITNESS CENTRE (CLASS D2) AND UNIT 2 FROM FACTORY TO FUNCTION HALL (CLASS D2). EXTENSION TO UNIT 2. EXTERNAL ALTERATIONS.

Applicant: MR ZAK SARANG

Councillor Dawood addressed the Committee on this application and stated that he welcomed the proposal as it would bring much needed regeneration to the area. He added that facilities in the area were limited and that the proposed sports facilities would be good for young and older people and would help to tackle obesity.

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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the agreed details. (To ensure that the appearance of the development is satisfactory and in accordance with policy UD01 of the City of Leicester Local Plan)
3. The uses hereby permitted shall not be commenced until the car parking spaces shown on the drawing No 09/02/33 3 have been provided, with the individual parking spaces marked out, and available for use. The car parking spaces shall be retained at all time thereafter and not obstructed in any way so as to prevent the parking of cars. (To ensure an adequate level of off street parking for the site is provided and maintained in the interests of road safety and in accordance with policy AM11 of the City of Leicester Local Plan)
4. The use shall not take place outside the hours of 0700 - 2300 daily. (To protect the living conditions of the occupiers of nearby residential properties on Gwendolen Road in accordance with the aims of Policy PS10 of the City of Leicester Local Plan)
5. A Travel Plan relating to the development shall be submitted to and agreed in writing by the local planning authority before the first use of Unit 2 as a Function Hall as hereby permitted. The Travel Plan shall include measures and targets for minimising the number of private vehicle trips by encouraging walking, cycling, public transport and car sharing initiatives and shall identify modal splits, proposals, targets, objectives, time scales and monitoring techniques. The Plan shall also include details of a parking management strategy to be implemented for every function where a high demand for parking is likely due the expected visitor numbers. The Plan shall also identify a co-ordinator and point of contact for the purpose of the Plan. The Travel Plan shall be implemented in full accordance with the agreed details. (To encourage the use of alternative and more sustainable modes of travel to the site, to reduce the demand for parking in the area and to ensure parking arrangements at the site are managed so as not to increase parking problems in the area in accordance with policies PS03, AM11 and PS10 of the City of Leicester Local Plan.)
6. The uses hereby permitted shall not be commenced until a sound

insulation scheme for both Units 1 and 2, including noise limitation devices, has been installed in accordance with details that have first been submitted to and agreed in writing by the local planning authority. The scheme shall be designed so as to ensure that noise from activities taking place within the units or music played or performed within them would not be audible at any point more than 20 metres as measured from the front (north facing) elevations of Units 1 and 2. (To protect the living conditions of nearby residential occupiers and in accordance with Policy PS10 of the City of Leicester Local Plan)

7. The use of Unit 2 as a Function Hall shall not be commenced until facilities for the storage of refuse bins have been provided in accordance with details that have first been submitted to and agreed in writing by the local planning authority. The bin storage facilities shall be retained for such use thereafter. (To ensure adequate facilities are provided for the storage of refuse bins in the interests of the appearance of the area)
8. Unit 1 shall be used for a Fitness Centre and for no other purpose (including any other purpose in Class D2 of the Schedule to Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). (Other uses within Class D2 could result in a higher number of people using the premises which would be likely to increase the demand for parking beyond which could be accommodated within the site)
9. No external ventilation air conditioning, extraction or similar plant or equipment shall be installed other than in accordance with details that have first been submitted to and agreed in writing by the local planning authority. (To protect the living conditions of nearby residents and in accordance with Policy PS10 of the City of Leicester Local Plan)
10. Before the uses hereby permitted are commenced details of the development's ability to contribute towards the Regional and Local Plans' target of 13% of the total predicted energy demand for the site to be renewable energy, and design details of how the development will contribute towards energy conservation through reducing consumption, shall be submitted to and agreed in writing by the local planning authority. Within 4 weeks of the occupation of any part of the development, evidence shall be submitted to and agreed in writing by the local planning authority which demonstrates the satisfactory operation of any on-site installation. (In the interests of sustainable development and in accordance with policies UD04 and BE16 of the City of Leicester Local Plan.)
11. The uses hereby permitted shall not be commenced until secure and covered cycle parking facilities to serve both Units 1 and 2 has been provided in accordance with details that have first been submitted to and agreed in writing by the local planning authority. The cycle parking

facilities shall be retained for such use thereafter. (To ensure adequate cycle parking facilities are provided to encourage sustainable travel and in accordance with Policy AM02 of the City of Leicester Local Plan)

NOTES FOR APPLICANT

1. REASON FOR APPROVAL. In the view of the City Council, the proposal complies with the relevant criteria in the City of Leicester Local Plan policies listed in this decision, and with relevant Supplementary Planning Documents and Guidance, and there are no material considerations, which outweigh these policies. The City Council considers that any potential harm to residential amenity, parking and traffic conditions in the area can be overcome by the attached conditions.
2. Condition 8 means that no part of Unit 1 can be used for functions including as additional space for functions in Unit 2
3. This decision relates to the application as amended by drawing No 09/02/33 3 received the local planning authority on 7 July 2009.

20090502 - 498 UPPINGHAM ROAD; LAND AT REAR OF

Ward: Thurncourt

Proposal: ONE DETACHED HOUSE (1 X 4BED) (CLASS C3)

Applicant: MR KULDIP SINGH

Councillor Allen addressed the Committee on this application and explained that the site was situated on a very busy road and he expressed concerns at the acuteness of the bend in the road, at the point of access and egress. He explained that on the bend there was a hazard sign, which warned drivers to slow down and there had been accidents there. Councillor Allen added that there was a steep gradient in the road, which meant that vehicles accelerated to climb the hill and he was also concerned over the safety of pedestrians. He expressed concerns that the application would be dangerous and asked the Committee to refuse it.

A member stated that previously, permission for a supermarket in a different part of the City, which was also situated on a bend in a road had been granted by the Committee and he felt that traffic was more of an issue there, then with the current application. He also understood that the applicant would like to submit a Bat Survey, as requested by Officers and said that Members needed more information before they could make a decision. Councillor Gill, seconded by Councillor Mayat, proposed that the application be deferred for a site visit for the reasons given. Upon being put to the vote, the motion was CARRIED.

RESOLVED:

that the application be DEFERRED for a site visit for the reasons given above.

20090473 - 36 PORTLAND ROAD

Ward: Castle

Proposal: REPLACEMENT WALL & RAILINGS TO FRONT OF HOUSE (CLASS C3)

Applicant: MR STEPHEN KELLY

Members discussed the colour of the railings and expressed concern that they might be painted in a colour that was not in keeping with the area. Councillor Gill, seconded by Councillor Clair proposed an additional condition to require for the colour of the railings to be agreed with the Planning Authority. Upon being put to the vote, the motion was CARRIED.

RESOLVED:

that the application be APPROVED subject to an additional condition to require for the colour of the railings to be agreed with the Planning Authority.

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. This consent shall relate solely to the submitted plans received by the City Council as local planning authority on the 28th May 2009 unless otherwise agreed in writing with the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. REASON FOR APPROVAL. In the view of the City Council, the proposal complies with the relevant criteria in the City of Leicester Local Plan policies listed in this decision, with Supplementary Planning Document (SPD) - Residential Amenity, and there are no material considerations which outweigh these policies.

20090544 - 58 GREEN LANE ROAD

Ward: Charnwood

Proposal: CHANGE OF USE OF FIRST FLOOR FROM RETAIL (CLASS A1) TO SIX FLATS (6 X 1 BED); TWO STOREY SIDE EXTENSION; SHOPFRONT; ROLLER SECURITY SHUTTERS; ALTERATIONS TO ROOF; PITCHED ROOF TO SINGLE STOREY ELEMENT AT SIDE; RAMP; ALTERATIONS

Applicant: MR BASIR MULLA

RESOLVED:

that the application be REFUSED for the reasons stated below:

REASONS FOR REFUSAL

1. The proposed scheme will result in the loss of the existing service yard on the western side of the property. This is likely to result in an increase in the servicing of the retail unit from vehicles parked on the public highway, to the detriment of highway safety.
2. The proposal results in the loss of on-site parking in an area that suffers with high levels of on-street parking demand. The intensification of the use of the site with inadequate parking provision is likely to exacerbate the existing situation resulting in congestion and an increase in demand for on-street car parking to the detriment of highway safety, contrary to policies AM11, AM12 and PS10 of the City of Leicester Local Plan.
3. The development is likely to result in an increase in the use of public Youth/Adult Outdoor Play Space. No legal agreement has been signed to secure a contribution to this. As such the development is likely to result in the overuse of existing public Youth/Adult Outdoor Play Space to the detriment of the amenity of the occupants of the scheme and people living in the area, contrary to policy GE13 of the City of Leicester Local Plan.

20090548 - 753A AYLESTONE ROAD

Ward: Aylestone

Proposal: CHANGE OF USE FROM RETAIL (CLASS A1) TO TAXI BOOKING OFFICE (NO USE CLASS)

Applicant: MR DALE WESSON

Members expressed concerns that there was limited parking available in Aylestone village and that taxis would utilise laybys which would otherwise be used by shoppers and visitors to the area. Members agreed that a condition be attached that parking details to the satisfaction of the Planning Authority be provided by the applicant. Members further requested that a Note to applicant be attached to state that it was expected that taxis should not use the laybys in the shopping centre. Councillor Clair, seconded by Councillor Shelton proposed that a limited period consent be approved for one year, to enable the situation to be monitored. Upon being put to the vote, the motion was CARRIED.

RESOLVED:

that the application be APPROVED for a limited period of one year, subject to an additional condition requiring parking details to the satisfaction of the Planning Authority be submitted, and to the conditions set out below and a note to applicant stating that it was expected that taxis would not use the laybys in the shopping centre.

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 use shall not commence until noise insulation measures have been implemented in accordance with plans submitted to and agreed in writing by the local planning authority. (To protect the amenities of neighbouring dwellings in accordance with policy PS10 of the City of Leicester Local Plan.)
3. There shall be no live or amplified music or voice played which would be detrimental to the amenities of occupiers of nearby properties. (In the interests of the amenities of nearby occupiers and in accordance with policy PS10 of the City of Leicester Local Plan.)
4. The change of use shall not take place until details of parking provision for taxis has been submitted to and agreed in writing by the City Council as local planning authority. The unit at 753a Aylestone Road shall only be used as a taxi control office so long as parking for taxis is provided in accordance with that agreed with the City Council as local planning authority. Should this parking become unavailable at any time then the use of the unit as a taxi control office shall cease. (In the interests of highway safety and in accordance with policy AM11 of the city of Leicester Local Plan.)
5. The use shall be discontinued not later than the 31st August 2010 unless consent for a further period of time has been granted before that date. (To keep the matter under review, in the interests of the amenities of nearby occupiers and highway safety, and in accordance with policies PS10 and AM11 of the City of Leicester Local Plan.)
6. This consent shall relate solely to the submitted plans received by the City Council as local planning authority on the 29th May 2009 unless otherwise agreed in writing with the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. REASON FOR APPROVAL. In the view of the City Council, the proposal complies with the relevant criteria in the City of Leicester Local Plan policies listed in this decision, Supplementary Planning Guidance (SPG) - Vehicle Parking Standards and there are no material considerations which outweigh these policies.

20090660 - 429 MELTON ROAD

Ward: Rushey Mead

Proposal: VARIATION OF CONDITION 2 OF PLANNING PERMISSION 20051153 (TO ALLOW OPENING ON SUNDAYS BETWEEN THE HOURS OF 1100 - 2200)

Applicant: MR B SHAH

RESOLVED:

that the application be APPROVED subject to the conditions set out below.

CONDITIONS

1. The premises shall be closed for business outside the hours of 0930 to 2300 Monday to Saturday and 1100 to 2200 Sunday, until 31 July 2011. (To keep the matter under review in the interests of residential amenity and in accordance with policies PS10 and R06 of the City of Leicester Local Plan)

NOTES FOR APPLICANT

1. REASON FOR APPROVAL. In the view of the City Council, the proposal complies with the relevant criteria in the City of Leicester Local Plan policies listed in this decision, and with SPG - Guidelines for A3, A4 and A5 uses in local, district and town centres and there are no material considerations, which outweigh these policies. The City Council considers that any harm to residential amenity can be overcome by the attached conditions.
2. This consent is for a variation of hours as specified under condition 1 for a limited period only. The relevant conditions under the original planning permission (20051153) must be complied with unless a further permission is obtained. If you or anyone else wishes to apply for a further permission, this should be done at least two months before the expiry date given by condition 1, and you should contact the City Council's Planning Management and Delivery Group (telephone (0116) 252 7249) before making your application to ask whether further permission might be granted. After 31 July 2011 and without the benefit of an appropriate planning permission in place, the hours outlined in condition 2 of the original planning permission remain in force and must be complied with. YOU SHOULD NOT EXPECT ANY FURTHER REMINDER REGARDING THIS LIMITED PERIOD CONSENT.

176. ANY OTHER URGENT BUSINESS

The Chair reminded Members of the Committee that the Revised Code of Conduct stated that where a Ward Member was approached to speak on an application, that was outside their own Ward, they were asked as a matter of courtesy to make the appropriate Ward Members aware of the situation.

A Member of the Committee expressed concerns that this might breach a confidence between a member of the public and a Councillor and the Legal Officer advised that the onus was on the Councillor to inform the constituent that there was a Code of Conduct, which required Ward Members to inform other Ward Councillors if they were asked to speak on matters which were not in their own Ward. The Chair reminded Members that they did not need to go

into specific details that would breach a confidence.

177. CLOSE OF MEETING

The meeting closed at 7.46 pm.

