



Leicester  
City Council

Minutes of the Meeting of the  
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 10 JANUARY 2018 at 5:30 pm

P R E S E N T :

Councillor Cassidy (Chair)  
Councillor Aldred (Vice Chair)

Councillor Dr Barton  
Councillor Chohan  
Councillor Cutkelvin

Councillor Govind  
Councillor Grant  
Councillor Khote

Councillor Westley

In accordance with the provisions of the Constitution (Part 4A, Rule 42) the following Councillors attended the meeting and with the sanction of the Committee spoke on the items indicated but did not vote.

Councillor:

Application details:

Councillor Kitterick  
Councillor Chaplin

20171911, St Georges Church, Rutland St  
20171883, Brookfield 266 London Road

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**113. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Thalukdar.

**114. DECLARATIONS OF INTEREST**

Members were asked to declare any interests they had in the business on the agenda, including under the Council's Good Practice Guidance for Member Involvement in Planning and Development Management Decisions.

Councillor Khote declared that she had received representations in respect of application 20171911, St Georges Church, Rutland Street and had an open mind.

Councillor Dr Barton declared that she had received representations in respect of application 20171911, St Georges Church, Rutland Street and had an open

mind. Councillor Dr Barton further declared that in respect of application 20171883, University of Leicester, Brookfield, 266 London Road, she had been working recently on a short term basis at the University of Leicester and was also a member of the University and Colleges Union although in a different branch. Councillor Dr Barton confirmed that she had an open mind on the application and following advice from the Solicitor to the Planning and Development Control Committee it was agreed that Cllr Dr Barton could participate in the discussion and vote on the application and there was no need to withdraw from the meeting.

Councillor Westley declared that he had received representations in respect of application 20171911, St Georges Church, Rutland Street and had an open mind.

Councillor Govind declared that he had received representations in respect of application 20171911, St Georges Church, Rutland Street and had an open mind.

Councillor Chohan declared that he had received representations in respect of application 20171911, St Georges Church, Rutland Street and had an open mind. Councillor Chohan added that he was one of the councillors for the Belgrave Ward where application 20171148, 30-32 Shaftesbury Avenue, 88 Newington Street was located.

Councillor Cutkelvin declared that she had received representations in respect of application 20171911, St Georges Church, Rutland Street. Councillor Cutkelvin also declared a Prejudicial Other Disclosable Interest in application 20171911 St Georges Church in that a member of her immediate family had a business in the Cultural Quarter. Councillor Cutkelvin undertook to leave the room and to take no part in the discussion or vote on that application.

Councillor Aldred declared that she had received representations in respect of application 20171911, St Georges Church, Rutland Street and had an open mind.

Councillor Cassidy declared that he had received representations in respect of application 20171911, St Georges Church, Rutland Street and had an open mind.

The following Councillors attended the meeting and with the sanction of the Chair, spoke with regards to a specific application and declared the following interests in accordance with the Good Practice Guidance for Member Involvement in Planning and Development Management Decisions.

Councillor Clarke declared that in respect of application 20171911, St Georges Church, he was the Executive Lead for the Cultural Quarter and was speaking on behalf of the Council as the applicant.

Councillor Chaplin declared that in respect of application 20171883, University of Leicester, Brookfield, 266 London Road, she had been involved in

discussions with representatives from the Leicester University and Colleges Union (UCU) and with the applicant.

#### **115. MINUTES OF THE PREVIOUS MEETING**

RESOLVED:

that the minutes of the meeting of the Planning and Development Control Committee held on 20 December 2017 be confirmed as a correct record.

#### **116. PLANNING APPLICATIONS AND CONTRAVENTIONS**

The Chair explained that he would take the Planning and Contravention reports out of the order given in the agenda due to the attendance of members of the public, Councillors who had registered to speak, and in the interests of people in the public gallery.

RESOLVED:

that the report of the Director of Planning, Transportation and Economic Development dated 10 January 2018 on applications and contravention reports together with the supplemental report and information reported verbally by officers be received and action taken as below:

#### **117. 20171911 ST GEORGES CHURCH, RUTLAND STREET**

**Councillor Cutkelvin having declared a Prejudicial Other Disclosable Interest in application 20171911 St Georges Church, Rutland Street, withdrew from the room and took no part in the discussion or vote on the application.**

Ward: Castle

Proposal: LANDSCAPING; REMOVAL OF 21 TREES INCLUDING 2 PROTECTED BY TREE PRESERVATION ORDER; DEMOLITION OF WALL; PARTIAL REMOVAL AND RELOCATION OF RAILINGS; INSTALLATION OF GATE (AMENDED 07.12.17)

Applicant: LEICESTER CITY COUNCIL

The Planning Officer presented the application and drew Members' attention to the addendum which included details of an amended condition and further representations. Members heard that an additional representation had been received after the publication of the addendum.

Councillor Clarke on behalf of the applicant addressed the Committee and spoke in favour of the application.

Ms J Fisher on behalf of Leicester Friends of the Earth addressed the Committee and spoke in objection to the application.

Councillor Kitterick addressed the Committee and spoke in objection to the application.

Concerns were expressed as to the removal of trees including trees with a Tree Protection Order, the re-location of gravestones and further information was requested relating to air pollution. The Chair stated that several issues had been highlighted and while the officers' report was detailed, he was of the view that Members needed more information to better understand those issues. The Chair moved that the application be deferred for a site visit for Members to look at the trees concerned; to receive further information on air pollution and its relationship to the trees, and to receive further information on the gravestones. This was seconded by Councillor Govind and upon being put to the vote, the motion to defer the application for a site visit was CARRIED.

**RESOLVED:**

that the application be DEFERRED for a site visit for Members to look at the trees concerned, to receive further information on air pollution and its relationship to the trees and to receive further information on the gravestones.

**Councillor Cutkelvin returned to the meeting at the conclusion of the discussion and vote on this application.**

**118. 20171883 UNIVERSITY OF LEICESTER, BROOKFIELD, 266 LONDON ROAD**

Ward: Stoneygate

Proposal: DEMOLITION OF PARTS OF BUILDINGS;  
CONSTRUCTION OF SINGLE STOREY AND THREE STOREY  
EXTENSIONS TO SIDE; PEDESTRIAN ACCESS;  
ASSOCIATED LANDSCAPING; REMOVAL OF TWELVE  
TREES (CLASS D1) (AMENDED 29.11.17)

Applicant: THE UNIVERSITY OF LEICESTER

The Planning Officer presented the report and drew Members' attention to the addendum report, which included details of amended conditions and further representations.

Mr S Holgate on behalf of the applicant addressed the Committee and spoke in favour of the application.

Ms C Vie on behalf of the Leicester University College Union addressed the Committee and spoke in objection to the application.

Councillor Chaplin addressed the Committee and spoke in objection to the application.

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

The Chair proposed that the application be approved in accordance with the officers' recommendation and the conditions detailed in the report and the addendum report. This was seconded by Councillor Govind and upon being put to the vote, the motion to approve was CARRIED.

**RESOLVED:**

that the application be APPROVED subject to the conditions as 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 chimney to the north of the lecture theatre is constructed details of the chimney at a recognised scale of 1:10 shall be submitted to and agreed by the City Council as local planning authority. The submission should include details of the final design, location, materials and construction method of the chimney. The chimney shall be constructed in accordance with the agreed details. (To ensure that the development hereby approved preserves the character and appearance of the Stoneygate Conservation Area, in accordance with Policies CS03 and CS18 of the Leicester Core Strategy.)
3. The works to the stable block at the north of the site shall not commence until drawings at a scale of 1:10 or 1:20 of the proposed windows and doors to the stable block have been submitted to and agreed by the City Council as Local Planning Authority. The works shall be carried out in accordance with these agreed details. (To ensure that the development hereby approved preserves the character and appearance of the Stoneygate Conservation Area, in accordance with Policies CS03 and CS18 of the Leicester Core Strategy.)
4. All external elevations and surfaces of the development shall be carried out in accordance with details including samples that have been submitted to and agreed by the City Council as Local Planning Authority prior to their being used. (To ensure that the development hereby approved preserves the character and appearance of the Stoneygate Conservation Area, in accordance with Policies CS03 and CS18 of the Leicester Core Strategy.)
5. Before the works to the gate piers at the western entrance of the courtyard are carried out constructed details of these works including a methodology for the works shall be submitted to and agreed by the City Council as local planning authority. The works shall be carried out in accordance with these agreed details. (To ensure that the development hereby approved preserves the character and appearance of the Stoneygate Conservation Area, in accordance with Policies CS03 and CS18 of the Leicester Core Strategy.)

6. All works shall be carried out in accordance with British Standard for Tree Work BS 3998:2010. (In the interests of the health and amenity value of the trees and in accordance with Policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
7. The works shall be carried out in accordance with the measures set out in the tree protection plan submitted on 05.09.17. (In the interests of the health and amenity value of the trees and in accordance with Policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)
8. Prior to the construction of the new footpath to London Road details of the materials to be used and the method of construction should be submitted to and agreed by the City Council as local planning authority. The footpath shall be constructed in accordance with these details. (In the interests of the health and amenity value of the trees and in accordance with Policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)
9. Within three months of the date of the planning permission details of the location and species of twenty four replacement trees shall be submitted to the City Council as Local Planning Authority for their agreement. The agreed species shall be planted in the agreed locations by the end of the first planting season of 2019. (In the interests of amenity and biodiversity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS3 and CS17).
10. A) Prior to the commencement of development a programme of archaeological work including a Written Scheme of Investigation in respect of a watching brief (including a requirement for further excavation if necessary) shall be submitted to and agreed in writing by the City Council as local planning authority. The scheme shall include an assessment of significance and research questions; and:
  - (1) the programme and methodology of site investigation and recording;
  - (2) the programme for post-investigation assessment;
  - (3) provision to be made for analysis of the site investigation and recording;
  - (4) provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - (5) provision to be made for archive deposition of the analysis and records of the site investigation;
  - (6) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation.
 (B) No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under (A) above.  
 (C) 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 approved under (A) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless agreed in writing with City Council as local planning authority. (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced and in accordance with Core Strategy policy CS18).

11. Before the development authorised by this permission is begun, a detailed landscape and ecological management plan (LEMP) showing the treatment of all parts of the site which will remain unbuilt upon shall be submitted to and agreed in writing with the City Council as local planning authority. This scheme shall include details of: (i) the position of all existing shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments, including details of the entrance gates; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots), (viii) a detailed plan of the biodiversity enhancements on the site such as pond creation, design and planting including a management scheme to protect habitat during site preparation and post-construction. (ix) details of planting design and maintenance of green roof; (x) details of 6 X (2FN Schweglar Bat Box) and (3 x 1B Schweglar Nest Box, 2 x 3S Schweglar Starling Nest box and 1 x No. 5 Schweglar Owl Box) to be erected on buildings under the guidance and supervision of a qualified ecologist.

The approved LEMP shall be carried out within one year of completion of the development. For a period of not less than ten 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 City of Leicester Local Plan policy UD06 and Core Strategy policies CS03 and CS17).

12. The following works relating to the removal of tiles, soffits and other roof features together with disturbance to internal loft spaces of the buildings identified as having a bat roost present on the Buildings Work Plan in the Bats Survey received by the City Council as local planning authority on 13.11.17 shall not in any circumstances commence unless the local planning authority has been provided with either: a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead and

appropriate mitigation to include the creation of a bat roost in the loft space of the proposed building and to be carried out in accordance with requirements stipulated; or b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence. (In the interests of protecting wildlife habitats and in accordance with City of Leicester Local Plan policy BE22 and Core Strategy policy CS17)

13. Where ecological surveys have identified the presence of roosting bats, no activities that could result in disturbance (such as demolition, roof stripping, excavations or building works or associated operations) shall be carried out between the dates of 1st May and 1st September in any year. Should the development not commence by May 2019, the ecological measures secured by Conditions 11 and 12 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats and ii) identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000) and the Habitat & Species Regulations 2010 and in accordance with Core Strategy policy CS17).
14. Before the installation of any external floodlighting a detailed design plan of the lighting to be used, showing the 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 agreed by the City Council as local planning authority. The lighting should be designed to cause minimum disturbance to protected species that may inhabit the site with appropriate areas remaining dark and a maximum of 1 lux on vegetated/water areas where considered necessary. Any lighting shall be installed and maintained in accordance with these agreed details. (In the interests of protecting wildlife habitats and in accordance with City of Leicester Local Plan policy BE22 and Core Strategy policy CS17).
15. Prior to the occupation of the development details of a Sustainable Drainage System (SuDS) shall be submitted to and agreed by the City Council as local planning authority. The system shall be implemented in accordance with the agreed details prior to the commencement of the use and shall be retained and maintained thereafter. (To reduce surface water runoff and to secure other related benefits in accordance with Core Strategy policy CS02).



16. No development shall take place until design details of how the development will provide a renewable energy system and energy efficiency measures have been submitted to and agreed by the City Council as local planning authority. No part of the development shall be occupied until evidence demonstrating satisfactory operation of the approved scheme including on-site installation has been submitted to and agreed by the City Council as local planning authority. (In the interests of securing energy efficiency in accordance with Core Strategy policy CS02).
17. The development shall not be occupied until the University of Leicester Phase 2 Travel Plan has been updated, submitted to and agreed by the City Council as local planning authority and shall be carried out in accordance with a timetable to be contained within the Travel Plan, unless otherwise agreed in writing by the City Council. The Plan shall:  
(a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries; (b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as single occupancy vehicle users, so that all users have awareness of sustainable travel options; (c) identify marketing, promotion and reward schemes to promote sustainable travel and look at a parking management scheme to discourage off-site parking; (d) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use. The plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with City of Leicester Local Plan policies AM01, AM02, and AM11 and Core Strategy policies CS14 and CS15).
18. The development shall not be occupied until the proposed 192 secure and covered cycle parking and on site shower facilities have been provided. (In the interests of the satisfactory development of the site and in accordance with City of Leicester Local Plan policies AM02 and H07).
19. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 29.11.17, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

#### NOTES FOR APPLICANT

1. With reference to Condition 8 the applicant is advised that the footpath should be constructed with a porous surface and with a load bearing,

no-dig construction to reduce damage to roots.

2. Works to trees and shrubs on the site should 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 24 hours prior to the commencement of works and evidence provided to the City Council as local planning authority. 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.

### **119. 20171563 25 EDGEHILL ROAD**

Ward: Troon

Proposal: CONSTRUCTION OF 1ST AND 2ND FLOOR EXTENSION TO PROVIDE ANCILLARY OFFICE; KITCHEN AND DINING FACILITIES TO PLACE OF WORSHIP AND COMMUNITY HALL (CLASS D1); ALTERATION TO GROUND FLOOR (AMENDED PLANS REC'D 14/11/17)

Applicant: RCCG, COVENANT OF GRACE PARISH

The Planning Officer presented the report and referred Members to the addendum report which clarified the hours of use.

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

The Chair moved that the application be approved in accordance with the officers' recommendation. This was seconded by Councillor Grant and upon being put to the vote, the motion to approve was CARRIED.

#### **RESOLVED:**

that the application be APPROVED in accordance with the conditions as 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 use of the 1st and 2nd floor and the detached building to the rear of the premises shall be restricted to an ancillary use to the main use of the ground floor of the premises as a community and prayer hall. (In the interests of the amenities of nearby occupiers, and in accordance

with policy PS10 of the City of Leicester Local Plan.)

3. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
4. The use of the site shall not be carried on outside the hours of 0800 to 2100 hours daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
5. Before the occupation of any part of the development, all parking areas shall be surfaced and marked out in accordance with the approved plans submitted to and approved by the City Council as local planning authority, and shall be retained for parking and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, and in accordance with policy(ies) AM11 of the City of Leicester Local Plan and Core Strategy policy CS3.)
6. No part of the development shall be occupied until a Travel Plan for the development has been submitted to and approved in writing by the City Council as local planning authority and shall be carried out in accordance with a timetable to be contained within the Travel Plan, unless otherwise agreed in writing by the Council. The Plan shall: (a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries; (b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as single occupancy vehicle users, so that all users have awareness of sustainable travel options; (c) identify marketing, promotion and reward schemes to promote sustainable travel and look at a parking management scheme to discourage off-site parking; (d) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use. The plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with policies AM01, AM02, and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).
7. No part of the development shall be occupied until the following works have been carried out in accordance with the written details approved in advance by the City Council as local planning authority: (a) alterations to footway crossing have been carried out to the satisfaction of the local highway authority. (To ensure a satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

8. No part of the development shall be occupied until secure and covered cycle parking has been provided and retained thereafter, in accordance with written details 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).
9. 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.)
10. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 14/11/17, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

**120. 20171148 30-32 SHAFTESBURY AVENUE, 88 NEWINGTON STREET**

Ward: Belgrave

Proposal: CONSTRUCTION OF TWO STOREY EXTENSION AND FIRST FLOOR EXTENSION AT SIDE; SINGLE STOREY EXTENSION AND DORMER EXTENSION AT REAR; ROOF LIGHTS AT FRONT AND REAR OF RESIDENTIAL CARE HOME (CLASS C2); ALTERATIONS (AMENDED PLANS RECEIVED ON 31/10/2017 AND 08/12/2017)

Applicant: HEARTWELL RESIDENTIAL CARE HOME

The Planning Officer presented the report. Members then considered the application and officers responded to the comments and queries raised.

The Chair moved that the application be approved in accordance with the officers' recommendation. This was seconded by Councillor Khote and upon being put to the vote, the motion to approve was carried.

**RESOLVED:**

that the application be APPROVED subject to the conditions as 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 is begun, the materials to be used on all external elevations and roofs shall be submitted to and approved by

the City Council as local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

3. This consent shall relate solely to the amended plans nos. 1701-P-02C, -P-006B, -P-007B, -P-0017B, -P-011C, -P-021, -P-022C received by the City Council as local planning authority on 31/10/2017 and plan nos. 1701-P-008D, -P-009D, -P-010D, -P-0015C, -P-016D, and 1701-P-0019B received on 08/12/2017, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

## **121. CLOSE OF MEETING**

The meeting closed 7. 50pm