



Leicester
City Council

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: TUESDAY, 19 FEBRUARY 2019 at 5:30 pm

P R E S E N T :

Councillor Cassidy (Chair)
Councillor Aldred (Vice-Chair)

Councillor Dr Barton	Councillor Khote
Councillor Cutkelvin	Councillor Rae Bhatia
Councillor Govind	Councillor Thalukdar
Councillor Halford	

In Attendance:

Councillor Kitterick

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148. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Dr Chowdhury.

149. DECLARATIONS OF INTEREST

Members were asked to declare any interest 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 Aldred declared that she had received an e-mail in relation to agenda item 5, "York Road Improvement Scheme – Objection to Proposals", but had not opened it and approached the meeting with an open mind.

Councillor Dr Barton declared that she had received e-mails in relation to agenda item 5, "York Road Improvement Scheme – Objection to Proposals", but she approached the meeting with an open mind.

Councillor Cassidy declared that he was a member of the Cathedral Council, so would vacate the Chair and leave the meeting during consideration of planning application 20182729 St Martin's, St Martin's Cathedral Church. Councillor Cassidy further declared that that he had received correspondence in relation to agenda item 5, "York Road Improvement Scheme – Objection to Proposals", but he approached the meeting with an open mind.

In relation to agenda item 5, "York Road Improvement Scheme – Objection to Proposals", Councillor Cutkelvin declared that she had been present when a petition in relation to that scheme had been discussed at Council on 24 January 2019, (minute 47, "Petitions", referred), and that, as a member of the Overview Select Committee, had been present at that Committee's discussion of the same petition, (minute 72, "Petition: To retain a safe parking zone / drop off for users of the Jain Centre, York Road, LE1 5TT", referred), but had not participated in either discussion. She further declared that she approached this meeting with an open mind.

Councillor Govind declared that he had received e-mails in relation to agenda item 5, "York Road Improvement Scheme – Objection to Proposals", and, as a member of the Overview Select Committee, had been present at that Committee's discussion of a petition received in relation to that scheme, (minute 72, "Petition: To retain a safe parking zone / drop off for users of the Jain Centre, York Road, LE1 5TT", referred). He further declared that he approached this meeting with an open mind.

Councillor Halford declared that she had received e-mails in relation to agenda item 5, "York Road Improvement Scheme – Objection to Proposals", but she approached the meeting with an open mind.

Councillor Khote declared that she had received e-mails in relation to agenda item 5, "York Road Improvement Scheme – Objection to Proposals", but she approached the meeting with an open mind.

Councillor Rae Bhatia declared that he had received e-mails and a telephone call in relation to agenda item 5, "York Road Improvement Scheme – Objection to Proposals", but he approached the meeting with an open mind.

Councillor Thalukdar declared that he had received an e-mail in relation to agenda item 5, "York Road Improvement Scheme – Objection to Proposals", but he approached the meeting with an open mind.

150. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held on 30 January 2019 be confirmed as a correct record.

151. PLANNING APPLICATIONS AND CONTRAVENTIONS

The Chair announced that he would take the Planning reports in a different order to that given in the agenda, due to the attendance of a member of the public who had registered to speak.

RESOLVED:

That the report of the Director of Planning, Development and Transportation dated 19 February 2019 on planning applications, together with information reported verbally by officers, be received and action taken as below:

Councillor Cassidy left the meeting at this point

152. 20182729 ST MARTIN'S, ST MARTIN'S CATHEDRAL CHURCH

Councillor Aldred (Vice-Chair) in the Chair

Ward: Castle

Proposal: DEMOLITION OF SINGLE STOREY EXTENSION;
CONSTRUCTION OF TWO STOREY ABOVE GROUND AND
TWO STOREY BELOW GROUND BUILDING FOR A
LEARNING CENTRE, STORE AND VOLUNTEERS AREA
(CLASS D1); ALTERATIONS (PLANS DATED 17/12/2018 &
4/2/2019)

Applicant: LEICESTER CATHEDRAL

The Planning Officer presented the report.

The Very Reverend David Monteith, Dean of Leicester, addressed the Committee on behalf of the applicant and spoke in support of the application.

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

Councillor Aldred, (Vice-Chair, in the Chair) moved that the application be approved subject to the conditions in the report, in accordance with the officer recommendation. This was seconded by Councillor Govind and upon being put to the vote, the motion to approve was CARRIED.

RESOLVED:

That 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.
 1. No demolition shall take place in relation to the Old Song School or new development in relation to the Heritage Learning Centre until the applicant has secured the implementation of an appropriate programme of archaeological work to be undertaken by a competent and experienced organisation in accordance with a Written Scheme of Investigation (WSI), which has first been submitted to and approved in writing by the City Council as local planning authority. The scheme must include an assessment of significance, research questions, and:
 - (1) a programme and methodology for site investigation, excavation and recording of archaeological deposits to an agreed depth below final formation levels, or to undisturbed natural geology;
 - (2) a method statement for the excavation, recording and analysis of human remains;
 - (2) the programme for post-investigation assessment;
 - (3) provision for the analysis of the site investigation and recording;
 - (4) provision for the publication and dissemination of the analyses and records of the site investigation;
 - (5) provision for archive deposition of the analysis and records of the site investigation.
 2. No demolition or development shall take place other than in accordance with the Written Scheme of Investigation (WSI) approved under (1) above. No variation of the WSI shall take place without the prior written consent of the local planning authority.
 3. The applicant shall notify the local planning authority of the intention to begin works at least seven days before commencement. The archaeological work and post-investigation assessment will be completed in accordance with the programme set out in the Written Scheme of Investigation (WSI) approved under (1) above.
 4. In accordance with the Written Scheme of Investigation (WSI) approved under (1) above, the applicant will ensure that provision for the analysis, publication and dissemination of results and archive deposition has been secured, unless first otherwise submitted to and approved in writing by the City Council as local planning authority. (To help to determine the extent of the loss of heritage assets of archaeological interest that will result from this development; and in accordance with Core Strategy policy CS18 and Section 16 of the NPPF. To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
3. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the City Council as local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the City Council as local planning authority. The remediation strategy shall be implemented as approved. (To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with paragraph 170 of the NPPF, policy CS02 of the

Core Strategy and policy PS10 of the City of Leicester Local Plan.)

4. Should the development for any phase of the development not commence within 24 months of the date of the last protected species survey (May 2018), then a further protected species survey shall be carried out of all buildings, trees and other features by a suitably qualified ecologist. The survey results shall be submitted to and approved in writing by the City Council as local planning authority and any identified mitigation measures carried out before the development of that phase is begun. Thereafter the survey should be repeated annually until the development begins. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRow Act 2000), the Habitat and Species Regulations 2010 and CS17 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
5. The working practices as detailed in paragraphs 5.3.2, 5.3.3 and Appendix 2 of the Protected Species Report (May 2018) shall be followed at all times during the work and no starts to work to the south of the cathedral outside the existing cathedral envelope shall be made between January the 1st and March the 31st in any year. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRow Act 2000), the Habitat and Species Regulations 2010 and CS17 of the Core Strategy.)
6. No above ground construction of any phase of the development shall take place until the final specification of materials to be used for all external surfaces of that phase has been submitted to and approved in writing by the City Council as local planning authority. The development shall only be built in accordance with the approved materials. (To maintain the character and appearance of the Grade II Star Listed Church of St Martin's, the Greyfriars Conservation Area and the setting of neighbouring listed buildings in accordance with policies CS03 & CS18.)
7. No above ground construction for the Heritage Learning Centre shall commence until a sample panel has been built in accordance with details first submitted to and approved in writing by the City Council as local planning authority. No above ground construction for the Heritage Learning Centre shall commence until the sample panel has been made available for inspection by the City Council as local planning authority and approved in writing by the City Council as local planning authority. Construction shall be carried out in accordance with the approved details. (To maintain the character and appearance of the Grade II Star Listed Church of St Martin's, the Greyfriars Conservation Area and the setting of neighbouring listed buildings in accordance with policies CS03 & CS18.)
8. No above ground construction for any phase of the development shall commence until detailed plans to a scale of 1:20, including sectional profiles of windows, curtain walling, doors, junctions between the

different materials, of that phase have been submitted to and approved in writing by the City Council as local planning authority and the development shall only be implemented in accordance with the approved details. (To maintain the character and appearance of the Grade II Star Listed Church of St Martin's, the Greyfriars Conservation Area and the setting of neighbouring listed buildings in accordance with policies CS03 & CS18.)

9. No above ground construction related to the totem signs shall commence until details of the totem signs have been submitted to and approved in writing by the City Council as local planning authority. Construction shall be carried out in accordance with the details approved. (To maintain the character and appearance of the Grade II Star Listed Church of St Martin's, the Greyfriars Conservation Area and the setting of neighbouring listed buildings in accordance with policies CS03 & CS18.)
10. No above ground construction related to the fixed roof access routes shall commence until details of the fixed roof access routes have been submitted to and approved in writing by the City Council as local planning authority. Construction shall be carried out in accordance with the details approved. (To maintain the character and appearance of the Grade II Star Listed Church of St Martin's, the Greyfriars Conservation Area and the setting of neighbouring listed buildings in accordance with policies CS03 & CS18.)
11. This consent shall relate solely to the submitted and amended plans ref. no. 542-A-080 Rev B, 301 Rev C, 321 Rev C, 542-SL-000 Rev A, 002 Rev D, 080 Rev C, 081 Rev C, 090 Rev C, 091 Rev C, 100 Rev C, 101 Rev D, 110 Rev C, 111 Rev C, 120 Rev D, 121 Rev D, 200 Rev C, 220 Rev C, 250 Rev C, 280 Rev C, 300 Rev C, 310 Rev C, 311 Rev C, 320 Rev D, 321 Rev E, 330 Rev D & 331 Rev C received by the City Council as local planning authority on the 17th of December 2018 and 4th of February 2019, unless otherwise submitted to and approved in writing by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway.
For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority. For more information please contact highwaysdc@leicester.gov.uk
2. With regards to condition 9 it is likely that advertisement consent will also be required for the totem signs.

Councillor Cassidy returned to the meeting and resumed the Chair

153. 20182474 95 DOROTHY ROAD, WORKSHOP REAR OF

Ward: Spinney Hills

Proposal: CHANGE OF USE FROM MOTOR REPAIR GARAGE
(CLASS B2) TO MOTOR REPAIR GARAGE AND MOT
TESTING CENTRE (SUI GENERIS)

Applicant: MR ASHOK BHUTIYA

The Planning Officer presented the report.

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

The Chair moved that the application be approved subject to the conditions set out in the report, in accordance with the officer recommendation. This was seconded by THE Vice-Chair 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. The use shall not be carried on outside the hours of 07:30 to 18:00 Mondays to Fridays and 07:30 to 13:00 on Saturdays. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
3. Prior to the commencement of the use details of a petrol/oil interceptor shall be submitted to and agreed by the City Council as local planning authority. The interceptor shall be implemented in accordance with these agreed details and maintained throughout the lifetime of the development (to minimise the risk of pollution of drains and watercourses and in accordance with saved City of Leicester Local Plan policy PS11).
4. This consent shall relate solely to the submitted plans received by the City Council as local planning authority on 12.11.18 and 19.11.18, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

154. 20182612 20 STRETTON ROAD

Ward: Westcotes

Proposal: INSTALLATION OF TWO ROOF LIGHTS TO FRONT AND CONSTRUCTION OF DORMER EXTENSION TO REAR OF HOUSE (CLASS C3); ALTERATIONS (AMENDED PLANS RECD 04/02/19)

Applicant: D PATEL

The Planning Officer presented the report.

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

The Chair moved that the application be approved subject to the conditions set out in the report, in accordance with the officer recommendation. 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. The cheeks of the dormer shall be constructed in materials of a similar appearance to those used in the construction of the existing roof. (In the interests of visual amenity, and in accordance with Core Strategy policies CS3 and CS18.)
3. This consent shall relate solely to the amended plans ref no. 2018/6003/01F and 2018/6003/02E received by the City Council as local planning authority on 04/02/19. (For the avoidance of doubt.)

155. YORK ROAD IMPROVEMENT SCHEME - OBJECTION TO PROPOSALS

The Director of Planning, Development and Transportation submitted a report inviting the Committee to give its views to the Director on the York Road Improvement Scheme.

The Solicitor to the Committee reminded Members that the Committee was being asked to consider and make recommendations regarding a Traffic Regulation Order (TRO) to which objections had been received. The Committee was not being asked to make the final decision on the Order, as under the Council's Constitution that was the responsibility of the Director of Planning, Development and Transportation.

The Project Manager presented the report, explaining that one aspect of the Improvement Scheme would be to create a pedestrian zone in York Road. No provision had been included in this for a pick-up/drop-off area for users of the Jain Centre. A number of objections to these proposals had been received, including a petition concerning alternative parking provision for visitors to the Jain Centre. This petition had been presented at the Council meeting held on 24 January 2019, (minute 47, "Petitions", referred), and discussed at the meeting of the Overview Select Committee held on 7 February 2019, (minute 72, "Petition: To retain a safe parking zone / drop off for users of the Jain Centre, York Road, LE1 5TT", referred).

The draft minute of the Overview Select Committee's consideration of the petition had been circulated to members of this Committee for information prior to this meeting. From this, it was noted that the Overview Select Committee had sympathy with the concerns raised and had asked for a meeting to be held between the Director of Planning, Development and Transportation and representatives of the Jain Centre. That meeting had been held on 18 February 2019.

It was noted that an e-mail had been circulated to members of this Committee by the Leicester Disabled People's Access Group (LDPAG). The Project Manager explained that the TRO set out how access to the street would be controlled, but the issues raised in the e-mail from the LDPAG related to the design of the street, so did not relate to the TRO. However, an Equality Impact Assessment had been undertaken by the design team, which would be used to address issues of concern.

At the invitation of the Chair, Mr Madhani, the lead petitioner, addressed the Committee, explaining that the Jain Centre relied on contributions from its users to continue, but if users could not get to the Centre, they would be unable to attend, with the resulting drop in contributions threatening the survival of the Centre. A few changes to the Improvement Scheme therefore were requested, which it was felt would benefit everyone.

Mr Madhani explained that services were held at the Centre at 11.00 am and 7.00 pm daily. Most people tried to attend at least one service a day, with the evening service being the best attended. It therefore was requested that the restrictions proposed for York Road be relaxed after 6.00 pm on weekdays and all day on Saturdays, to enable elderly, disabled and young people in particular to be dropped off and picked up safely in York Road. Mr Madhani suggested that very few other people used York Road, so the majority of those dropped off and picked up there would be users of the Jain Centre.

Mr Madhani also requested that three "blue badge" parking bays for use by disabled drivers be created on York Road near to Oxford Street, as it was felt to be unfair to ask those with mobility issues to park a long way from the Jain Centre and walk to it. This also would encourage those with mobility issues to attend the Centre.

At the invitation of the Chair and in accordance with Procedure Rule 42 (Part 4A) of the Council's Constitution, Councillor Kitterick addressed the Committee.

He stressed that people with mobility problems could not park too far from their destination, but the parking currently available in Grange Lane would be removed under this scheme and none would be available in York Road. Officers previously had said that it would be possible to engineer disabled parking bays in to this scheme, but they appeared to have chosen not to do so and he asked that this decision be reconsidered.

Councillor Kitterick emphasised that he was not asking for the Improvement Scheme to be stopped or for significant increases in costs, but asked that modest changes be made to the Scheme to enable people to drive down the roads concerned after 6.00 pm on weekdays and with unrestricted access on Saturdays, with the addition of a few parking bays for blue badge holders, so that people with mobility issues were not disconnected from the area.

Some Members expressed concern that this scheme did not fulfil the intentions of the Connecting Leicester programme, of which this scheme was part, but would result in people being disconnected. It was suggested that consideration should be given to adjusting the current proposals, such as having a few blue badge parking bays, and/or drop-off/pick-up bays in York Road, that would provide disabled users access to the Jain Centre, either through facilitating permanent or time specific access.

The Project Manager noted that the suggestions being made could lead to the introduction of a shared space in York Road. However, the government had asked local authorities to pause introducing these, due to potential conflicts caused by the constant movement of vehicles and pedestrians in the same area. It was recognised though that some community members would experience problems if the Improvement Scheme was introduced as proposed, so the Equality Impact Assessment sought to find ways to alleviate these problems, such as using different textures on pavements. Members were reminded that concerns about not being able to tell the difference between pavement and road were a design issue so were not being considered at this meeting.

The Project Manager advised the Committee that the Improvement Scheme aimed to improve the space for pedestrians in York Road by widening the footway. Blue badge parking in York Road therefore had not been included in the original scheme due to concerns about the narrow width of the road caused by the wider footways.

In response to concerns about the availability of parking for blue badge holders who were attending the Jain Centre, the Project Manager explained that no loading was permitted on Oxford Street in front of the Centre during peak times. If the Police did not deem it to be an obstruction, it could be possible for vehicles displaying a blue badge to park on the double-yellow lines on Oxford Street during the hours in which loading was prohibited. Any vehicle could pick up and drop off passengers at this location at any time of the day. It was noted that arrangements had been made for parking for blue badge holders using the Centre in the Newarke street car park and previously, when additional parking was needed for events at the Centre, at De Montfort University.

It was noted that some business units on Oxford Street were owned by the Council, so consideration could be given to whether parking for blue badge holders could be provided at those at certain times. This could not be for the exclusive use of Jain Centre users, but there were not many venues nearby to attract much other usage.

Members queried whether it would be possible under this Scheme for traffic using Grange Lane to leave that road before having to turn right in to Bonners Lane. The Project Manger confirmed that Deacon Street would be two-way, which would enable a circulatory movement by traffic.

The value of the Jain Centre was recognised, but the Committee also felt that the Council should not lose sight of the overall Connecting Leicester Project and the benefits it would bring to the city. Officers had explored concessions that could be made and had made some mitigation, which was welcomed.

RESOLVED:

- 1) That this draft minute be passed to the Director of Planning, Development and Transportation for consideration as this Committee's comments on the proposed Traffic Regulation Order for the York Road Improvement Scheme; and
- 2) That the Director of Planning, Development and Transportation be asked to consider the comments recorded above and in particular to:
 - a) note this Committee's concerns about the lack of parking space provision for disabled users of the Jain Centre and in the vicinity of the Improvement Scheme;
 - b) in view of the concerns under a) above, consider amendments to the proposed Traffic Regulation Order for the Improvement Scheme to enable some blue badge parking bays, and/or drop-off/pick-up bays, to be created in York Road to provide disabled users access to the Jain Centre, either through facilitating permanent or time specific access, this to include consideration of use of the proposed loading bay on York Road outside of the times for which it is used for loading; and
 - c) in view of the concerns under a) above, also consider whether parking for blue badge holders can be provided at the Council-owned business units on Oxford Street at certain times.

156. CLOSE OF MEETING

The meeting closed at 7.02 pm

