



Leicester
City Council

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 24 APRIL 2019 at 5:30 pm

P R E S E N T :

Councillor Cassidy (Chair)
Councillor Aldred (Vice Chair)

Councillor Dr Barton
Councillor Dr Chowdhury

Councillor Thalukdar

Councillor Govind
Councillor Khote

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	20172677, Fleet Street, Fleet House
Councillor Kitterick	20172678, Fleet Street, Fleet House
Councillor Riyait	20182003, 131 Anstey Lane
Councillor Kitterick	10 Friar Lane, Fernandez Grillhouse Appeal: Council Position

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186. CHAIR'S ANNOUNCEMENTS

The Chair announced that this was the last meeting of the municipal year and Councillor Dr Chowdhury's last meeting as he was retiring. The Chair thanked Councillor Dr Chowdhury for the excellent work he had carried out as a Councillor saying that it had been a pleasure working with him on the Planning and Development Control Committee. The Chair wished Councillor Dr Chowdhury best wishes for the future.

187. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cutkelvin, Halford and Rae Bhatia.

Councillor Thalukdar arrived shortly after the meeting had started.

188. 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 Khote declared that she had received correspondence relating to the report on 10 Friar Lane, Fernandez Grill House Appeal – Council Position, and she had an open mind.

Councillor Dr Chowdhury declared that he had received correspondence relating to the report on 10 Friar Lane, Fernandez Grill House Appeal – Council Position, and he had an open mind.

Councillor Govind explained that he had been away and had not had a chance to catch up with his emails, but he had an open mind.

Councillor Dr Barton declared that she had received emails relating to the report on 10 Friar Lane, Fernandez Grill House Appeal – Council Position, and in the past correspondence regarding Fleet House, and she had an open mind.

Councillor Aldred declared that application 20170533, 377 Uppingham Road was in her ward and she had an open mind.

Councillor Cassidy declared that he had received correspondence relating to report on 10 Friar Lane, Fernandez Grill House Appeal – Council Position, application 20172677, Fleet Street, Fleet House and application 20172678, Fleet Street, Fleet House and he had an open mind.

On joining the meeting, Councillor Thalukdar declared that he had received representations on 20182786, 72-74 Osmaston Road and he had an open mind.

189. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting of the Planning and Development Control Committee held on 3 April 2019 be confirmed as a correct record.

190. PLANNING APPLICATIONS AND CONTRAVENTIONS

The Chair announced that he would take the reports in a different order to that

given in the agenda, due to the attendance of members of the public and Ward Councillors who had registered to speak and in the interests of people in the public gallery. The Chair added that application 20182635, 120 Berners Street had been deferred as detailed in the supplementary report.

RESOLVED:

that the report of the Director, Planning, Development and Transportation dated 24 April 2019, on applications, together with the supplemental report and information reported verbally by officers, be received and action taken as below:

191. 20172677 FLEET STREET, FLEET HOUSE

Councillor Thalukdar arrived during the Planning Officer's presentation of the planning application. Councillor Thalukdar did not sit at the meeting table and took no part in the discussion or vote on this application.

Ward: Castle

Proposal: DEMOLITION OF BUILDINGS; CONSTRUCTION OF 10 AND 11 STOREY BUILDING COMPRISING 211 FLATS (76 X 1 BED; 136 X 2 BED) (CLASS C3); ANCILLARY COMMUNAL ANCIALLRY FACILITIES; 238 SQM OF FLEXIBLE SPACE TO BE USED FOR A RANGE OF USES (CLASS A1, A2, A3, A4, A5, B1A); 163 SQM OF LEISURE (GYM) USE (CLASS D2); LANDSCAPING AMENITY SPACE; NEW VEHICLE AND PEDESTRIAN ACCESS (AMENDED PLAN REC 27/6/18)
Applicant: LEE CONTRACTS

The Planning Officer presented the report and drew Members' attention to the Supplementary Report which had details of amended reasons and notes, additional representations from objectors, an additional representation from the applicant and further considerations.

Mr Badley and Mr May on behalf of the applicant spoke in support of the application.

Mr Sturgess spoke in objection to the application and then Councillor Kitterick as Ward Councillor, also spoke in objection to the application.

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

The Chair moved that the application be refused due to the reasons set out in the report and the supplementary report, in accordance with the officer recommendation. This was seconded by Councillor Govind, and upon being put to the vote, the motion to refuse was CARRIED.

RESOLVED:

that the application be REFUSED due to the reasons as set out below:

REASONS FOR REFUSAL

1. The proposal would result in the loss of a large complex of primarily late Victorian two, three and four storey buildings included on the Council's adopted Heritage Asset Register. Their loss is not considered acceptable due to the positive contribution they make to the street scene and character of the area by providing a focal corner landmark on Fleet Street, Byron Street and Dryden Street. The proposal is therefore contrary to Policy CS18 of the Core Strategy and paragraphs 185,187,189,197 and 198 of the National Planning Policy Framework.
2. The proposal fails to appropriately consider and respond to the local context and to the immediate surroundings of the site. The proposal is not justified in townscape terms and would not contribute positively to the area's character and appearance in terms of scale, height, urban form, massing and appearance and having a negative influence on the potential for appropriately managing the future growth of the area. As such the proposed building will be harmful to the character and appearance of the area and the proposal is contrary to policies CS03 and CS18 in the Core Strategy and to the relevant provisions of the NPPF; in particular paragraphs 122, 124, 126, 127,128 and 130.
3. The proposed development would by reason of its design and layout result in a poor standard of living environment for future occupants due to the internal layout and positioning and size of fenestration of some units and the placing of fins to principal room windows and the lack of sufficient external amenity space. This is exacerbated by the number and density of the units and the layout and scale of the development. The proposal is therefore contrary to Policy H07 and PS10 of the City of Leicester Local Plan and Policy CS03 of the Core Strategy.
4. The proposed development would by reason of its location and excessive height have an adverse effect on the Local Heritage Asset 80 Wharf Street South. The proposal is therefore contrary to Policy CS18 of the Core Strategy and paragraphs 185,187,189,197 and 198 of the National Planning Policy Framework.

NOTES FOR APPLICANT

1. 1. The City Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application advice was given during the application process. Notwithstanding that advice the City Council has determined this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. As the proposal was clearly unacceptable

and could not be reasonably amended it was considered that further discussions would be unnecessary and costly for all parties.

Councillor Thalukdar joined the meeting at this point.

192. 20172678 FLEET STREET, FLEET HOUSE

Ward: Castle

Proposal: DEMOLITION OF BUILDINGS; CONSTRUCTION OF 8 AND 11 STOREY BUILDING COMPRISING 227 FLATS (111 X 1 BED; 89 X 2 BED; 27 X STUDIOS) (CLASS C3); ANCILLARY USES COMPRISING: COMMUNAL FACILITIES; 71 SQM OF STORAGE USE (CLASS B8) AND CRECHE (CLASS D1); LANDSCAPING AMENITY SPACE; NEW VEHICLE AND PEDESTRIAN ACCESS

Applicant: LEE CONTRACTS

The Planning Officer presented the report and drew Members' attention to the Supplementary Report which had details of amended reasons and notes, additional representations from objectors, an additional representation from the applicant and further considerations.

Mr May on behalf of the applicant addressed the Committee and spoke in support of the application.

Mr Sturgess addressed the Committee and spoke in objection to the application.

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

The Chair moved that the application be refused due to the reasons set out in the report and the supplementary report, in accordance with the officer recommendation. This was seconded by Councillor Dr Chowdhury and upon being put to the vote, the motion to refuse was CARRIED.

RESOLVED:

that the application be REFUSED due to the reasons as set out below:

REASONS FOR REFUSAL

1. The proposal would result in the loss of part of a large complex of primarily late Victorian two, three and four storey buildings included on the Council's adopted Heritage Asset Register which would significantly affect the value of this historic asset. The application does not satisfactorily justify how this part of Fleet House is more worthy of demolition than the other elements excluded by the site boundary and the information provided is wholly inadequate in terms of assessing the relative significance. This loss is not considered acceptable due to the

positive contribution that the building makes to the street scene and character of the area. The proposal is therefore contrary to Policy CS18 of the Core Strategy and paragraphs 185,187,189,197 and 198 of the National Planning Policy Framework.

2. The application does not appropriately address the severance of the locally listed building which would result in harm to its appearance. The proposal is therefore contrary to Policy CS18 of the Core Strategy and paragraphs 185,187,189,197 and 198 of the National Planning Policy Framework
3. The proposal fails to appropriately consider and respond to the local context and to the immediate surroundings of the site. The proposal is not justified in townscape terms and would not contribute positively to the area's character and appearance in terms of scale, height, urban form, massing and appearance and having a negative influence on the potential for appropriately managing the future growth of the area. As such the proposed building will be harmful to the character and appearance of the area and the proposal is contrary to policies CS03 and CS18 in the Core Strategy and to the relevant provisions of the NPPF; in particular paragraphs 122, 124, 126, 127,128 and 130.
4. The proposed development would by reason of its design and layout result in a poor standard of living environment for future occupants due to the internal layout and positioning and size of fenestration of some units and the placing of fins to principal room windows and the lack of sufficient external amenity space. This is exacerbated by the number and density of the units and the layout and scale of the development. The proposal is therefore contrary to Policy H07 and PS10 of the City of Leicester Local Plan and Policy CS03 of the Core Strategy.
5. The proposed development would by reason of its location and excessive height have an adverse effect on the Local Heritage Asset 80 Wharf Street South. The proposal is therefore contrary to Policy CS18 of the Core Strategy and paragraphs 185,187,189,197 and 198 of the National Planning Policy Framework.

NOTES FOR APPLICANT

1. 1. The City Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application advice was given during the application process. Notwithstanding that advice the City Council has determined this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. As the proposal was clearly unacceptable and could not be reasonably amended it was considered that further discussions would be unnecessary and costly for all parties.

193. 20182003 131 ANSTEY LANE

Ward: Abbey
Proposal: CONSTRUCTION OF DROPPED KERB AND
DRIVEWAY AT FRONT OF DWELLING (CLASS C3)
Applicant: MR ROGERIO DESA

The Planning Officer presented the report.

Councillor Riyait as Ward Councillor spoke in support of the application.

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

The Chair moved that the application be refused for the reasons set out in the report and in accordance with the officer recommendation. This was seconded by the Vice Chair and upon being put to the vote, the motion to refuse was CARRIED.

RESOLVED:

that the application be REFUSED due to the reason set out below:

REASONS FOR REFUSAL

1. The proposed dropped kerb, by reason of its siting would result in the loss of a tree to the detriment of visual and general amenity contrary to the paragraphs 127 and 130 of the National Planning Policy Framework (2019), City of Leicester Local Plan Policy UD06 and Core Strategy Policy CS03.

194. 20170553 377 UPPINGHAM ROAD

Ward: Thurncourt
Proposal: DEMOLITION OF DWELLING; CONSTRUCTION OF
FIVE DWELLINGS (2 X 5-BED, 3 X 2-BED) (CLASS C3)
(AMENDED PLANS REC 01/03/19 & 9/4/19)
Applicant: ABC ENTERPRISE

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 and in accordance with the officer 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 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 development shall only be carried out using the materials specified in the approved plans (2017/03/68/B). (In the interests of residential amenity and in accordance with policy CS03 of the Core Strategy.)
3. No development shall take place on the site until works to the ditch running along the back of the development site at the base of the embankment is clear of debris and to convey the overland flows from the site generated by periods of rainfall. The debris clearance shall be completed in accordance with the approved scheme, which shall have been first agreed in writing with the City Council as local planning authority, in consultation with the Environment Agency. (In order to reduce the risk of flooding on the site and in accordance with Policy BE20 of the City of Leicester Local Plan this is a PRE-COMMENCEMENT condition).
4. No development shall take place until details of drainage works for the disposal of both surface water and foul sewerage, (incorporating Sustainable Urban Drainage System principles) has been submitted to and agreed in writing with the City Council as local planning authority. The agreed works shall be fully completed before the first occupation of any of the dwellings. (To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with policy BE18 of the City of Leicester Local Plan this is a PRE-COMMENCEMENT condition.)
5. All street works for adoption shall be constructed in accordance with the Council's standards. (To achieve a satisfactory form of development, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
6. The 2 metre by 2 metre sight lines on the each side of the vehicular access shall be provided at the time of development and shall be retained. (In the interests of the safety of pedestrians and other road users, and in accordance with policies AM01 and AM12 of the City of Leicester Local Plan.)
7. The access drive shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary prior to first occupation of

any dwellings hereby approved. (For the safety and convenience of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan.)

8. No dwelling shall be occupied until the parking and garages as approved have been provided and are available for use. Thereafter the parking and garage facilities shall not be obstructed in any way that would prevent such use. (To ensure adequate off street parking is provided and retained, and in accordance with Policy AM12 of the City of Leicester Local Plan.)
9. No part of the development shall be occupied until footway crossing(s) have been provided at each vehicular access in accordance with the Council's standards contained in the Council Standards. (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.)
10. No part of the development shall be occupied until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated in accordance with the Council's standards. (For the safety and convenience of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
11. 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 in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
12. Prior to the first occupation of any of the dwellings, the boundary treatment shown on the approved plans shall be implemented in accordance with these details, and retained in perpetuity on the site. (In order to protect the privacy and residential amenity of the surrounding residential properties, and in accordance with Policy PS10 of the City of Leicester Local Plan.)
13. Prior to commencement of the development a 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 agreed in writing with the local planning authority and any identified mitigation measures carried out before the development is begun. Thereafter the survey shall 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 & Species Regulations 2010 and CS 17 of the Core Strategy this is a PRE-COMMENCEMENT condition).
14. All trees subject to a Tree Preservation Order and T1, 2, 4, 5, 6, W9, T11, T12, T13, 14, 15, H19 and T24 shall be protected from damage

during building operations, in accordance with details submitted in the arboriculture report (RJ Tree Services Ltd May 2018) and BS 5837. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

15. Before the development is begun, all existing trees, shrubs or hedges to be retained on the site shall be protected by fences erected not within the root protection area in accordance with details which shall first have been submitted to and approved by the City Council as local planning authority. No materials whatsoever shall be stored, rubbish dumped, fires lit or buildings erected within these fences; no changes in ground level shall be made within the spread of any tree, shrub or hedge without the previous written approval of the local planning authority. No trees shall be used as anchorages, nor shall any items whatsoever be affixed to any retained tree. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and 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).
16. Before the development is begun, a scheme shall be submitted to and approved by the City Council as local planning authority indicating details of temporary site entrances, temporary storage areas for soil and other materials, and the placing of plant and site huts to be adopted during building operations and shall be implemented. (To ensure the satisfactory development of the site, and in accordance with policy UD06 of the City of Leicester Local Plan and 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)
17. Before any clearance is begun (which shall be outside the bird nesting season) all vegetation intended for clearance shall be clearly identified on site in accordance with details to be submitted to and approved by the City Council as local planning authority and carried out in accordance with the approved details. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
18. Any proposed hard standing within close proximity to TPO trees and their RPA should be constructed using a no dig system, and retained as such in perpetuity on the site. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
19. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to three dwellings to the

rear of the site as specified in (Part 1, Classes A, E and F) of Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (Given the nature of the site, the form of development is such that work of these types may be visually unacceptable or lead to an unacceptable loss of amenity to occupiers of neighbouring properties; and in accordance with policy PS10 of the City of Leicester Local Plan).

20. Before any clearance is begun all trees to be pruned shall be clearly identified on site in accordance with details to be submitted, approved and all work shall be carried out in accordance with BS 5837 and the approved details. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
21. The dwelling and its associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwelling a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwelling is adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS6)
22. Finished floor levels within the proposed development shall be set no lower than existing flood levels and flood proofing/resilience techniques shall be incorporated in accordance with 'Improving the Flood Performance of New Buildings' (Department of Communities and Local Government, 2007). (To minimise the risk of damage in times of flooding, and in accordance with policy BE20 of the City of Leicester Local Plan and Core Strategy policy CS02).
23. Prior to the commencement of development details of a Sustainable Drainage System (SuDS) shall be submitted to and approved by the local planning authority. No houses shall be occupied until the system has been provided in accordance with the approved details. It shall be retained and maintained thereafter. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy, this is a PRE-COMMENCEMENT condition).
24. No construction or demolition work, other than unforeseen emergency work, shall be undertaken outside of the hours of 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday or at any time on Sundays or Bank Holidays, unless the methodology has first been submitted to and approved the Council.
The methodology must be submitted at least 10 working days before such proposed work commences. Should any unforeseen emergency work need to be undertaken the Council shall be notified as soon as is practical after the necessity of such work has been decided by the

developer or by anyone undertaking the works on the developer's behalf. (In the interests of residential amenity and in accordance with policies PS10 of the City of Leicester Local Plan.)

25. This consent shall relate solely to the amended plans ref. no. 2019/03/63 received by the City Council as local planning authority received on 1/3/19 and the block plan dated 9/4/19, 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 condition 3, it will be necessary to ensure that the drainage channel to the rear of the site, flowing into Bushby Brook is clear of debris. Details of the works submitted to the City Council for approval should include a monitoring scheme to show how works could be undertaken in the future should the problem persist.
2. With regard to condition 4 above, the levels of run off from the site should be limited to existing rates to prevent any increase in standing water.
3. 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
4. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).

The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

195. 20182635 120 BERNERS STREET

This application was deferred and not considered at this meeting.

196. 20182786 72-74 OSMASTON ROAD

Ward: Stoneygate

Proposal: FIRST FLOOR REAR EXTENSION TO PLACE OF

WORSHIP (CLASS D1); ALTERATIONS (AMENDED PLANS
RECEIVED 20/03/2019)
Applicant: MR DIWAN

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 and 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 set out below:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
3. With the exception to the observation of prayer times the premises shall not be used outside the hours of 0730-2300 daily. (In the interests of the amenity of nearby occupiers and in accordance with policy PS10 of the City of Leicester Local Plan.)
4. This consent shall relate solely to the amended plans ref. no. TA-PA04 and TA-PA05 received by the City Council as local planning authority on 20/03/2019. (For the avoidance of doubt.)

197. 10 FRIAR LANE, FERNANDEZ GRILLHOUSE APPEAL - COUNCIL POSITION

The Director of Planning, Development and Transportation submitted a report to establish the Council's position to respond to an appeal against the conditions attached to planning permission 20181049. It was noted that the Committee was recommended to authorise officers to respond to the appeal as follows:

- 1) Not to defend the removal of condition 1 which limited the consent for the flue until 11 April 2019; and
- 2) Defend planning conditions 2,4 and 5.

The Planning Officer presented the report and drew Members' attention to the supplementary report which had details of further representations and considerations.

Councillor Kitterick as Ward Councillor addressed the Committee and in relation to the first recommendation, he urged Members to ask officers to resist the removal of condition 1. Councillor Kitterick reported that residents were experiencing considerable nuisance from noise and odour from the flue and that if the Council agreed to the removal of condition 1 and a permanent permission for the flue was granted on appeal as a result, the residents' objections to the flue would not be supported.

Members considered the report and officers responded to the comments and queries raised. Members expressed concerns that the flue was not being maintained effectively and that it was not working properly. Concerns were also expressed relating to the leakage of grease from the flue and odour. Members also commented that the appellant should be responsible for demonstrating that the flue was working, rather than the onus be put on residents to report concerns to the Planning Service or Noise and Pollution Control.

The Chair in his summary, said that the Committee were not convinced that the flue was being properly maintained and working properly. The Chair moved that the Committee recommend that officers defend the retention of planning conditions 2,4 and 5 and also resist the removal of condition 1 because of the continuing problem of noise, odour and grease. In relation to condition 1, that officers be recommended to ask the Planning Inspectorate to grant a maximum limited period of three months during which time the onus would be on the appellant to demonstrate that the flue was working properly and being properly maintained. This was seconded by Councillor Thalukdar and upon being put to the vote, the motion was CARRIED.

RESOLVED:

that it be agreed that officers be authorised to defend the Appeal as follows:

- 1) that officers defend conditions 2,4 and 5; and
- 2) that officers resist the removal of condition 1 because of the continuing problem of noise, odour and grease and ask the Planning Inspector to grant a maximum limited period of three months during which time the onus would be on the appellant to demonstrate that the flue is working properly and is being properly maintained.

198. 20188032A 235 GREEN LANE ROAD

Ward: North Evington

Proposal: UNAUTHORISED CONSTRUCTION OF PORCH, CANOPY AND PILLARS TO FRONT OF HOUSE

Appellant: Mrs Asmita Gadhia
Appeal Decision: Dismissed

The Planning Officer presented the report which was considered by Members.

RESOLVED:

that the decision of the Planning Inspectorate be noted.

199. CLOSE OF MEETING

The meeting closed at 8.04 pm.