



Leicester  
City Council

Minutes of the Meeting of the  
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 19 JUNE 2019 at 5:30 pm

P R E S E N T :

Councillor Riyait (Chair)  
Councillor Aldred (Vice Chair)

Councillor Gee  
Councillor Halford  
Councillor Joel

Councillor Khote  
Councillor Rae Bhatia  
Councillor Thalukdar

Councillor Valand  
Councillor Whittle

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 March

20182547: Portland Towers, Land Adjacent  
Portland Lodge

Councillor Rahman

20190460, 50 Rowsley Street

\* \* \* \* \*

**20. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**21. 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 Rae Bhatia declared that he had received an email in respect of application 20182547 Portland Towers, Land Adjacent Portland Lodge and that he had an open mind.

Councillor Joel declared that she had received an email in respect of

application 20182547 Portland Towers, Land Adjacent Portland Lodge and that she had an open mind.

Councillor Thalukdar declared that he had received an email in respect of application 20190460, 50 Rowsley Street and had an open mind.

Councillor Khote declared that she had received an email in respect of application 20182547 Portland Towers, Land Adjacent Portland Lodge and that she had an open mind.

Councillor Halford declared that she had received an email in respect of application 20182547 Portland Towers, Land Adjacent Portland Lodge and that she had an open mind.

Councillor Gee declared that he had received an email in respect of application 20182547 Portland Towers, Land Adjacent Portland Lodge and that he had an open mind.

Councillor Whittle declared that he had received an email in respect of application 20182547 Portland Towers, Land Adjacent Portland Lodge and that he had an open mind.

Councillor Aldred declared that she had received an email in respect of application 20182547 Portland Towers, Land Adjacent Portland Lodge and that she had an open mind.

Councillor Riyait declared that he had received an email in respect of application 20182547 Portland Towers, Land Adjacent Portland Lodge and that he had an open mind.

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

RESOLVED:

that the minutes of the meeting of the Planning and Development Control Committee held on 29 May 2019 be confirmed as a correct record.

## **23. PLANNING APPLICATIONS AND CONTRAVENTIONS**

RESOLVED:

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

## **24. 20182547 PORTLAND TOWERS, LAND ADJACENT PORTLAND LODGE**

Ward: Knighton

Proposal: CONSTRUCTION OF TWO-STOREY DETACHED DWELLING (1X 4BED); DETACHED GARAGE; ASSOCIATED

PARKING AND LANDSCAPING (CLASS C3)  
Applicant: MR SINGH

The Planning Officer presented the report and drew Members' attention to the supplementary report which detailed additional representations and further considerations.

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

Mr Humphries, Mr Farmer and Mr Godfrey addressed the Committee and spoke in objection to the application.

Councillor March then addressed the Committee and 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 approved subject to the conditions set out in the report, in accordance with the officer recommendation. This was seconded by Councillor Halford 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. Prior to commencement of development, the materials to be used on all external finishes shall be submitted to and approved in writing by the City Council as local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. Prior to the commencement of development, details of the proposed connection into the combined sewer and approval from Severn Trent Water shall be submitted to and approved in writing by the local planning authority. The property shall not be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy.)

4. Prior to the commencement of development a detailed plan of lighting to be installed within the site which shows 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 and approved in writing 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. The approved scheme shall be implemented and retained thereafter. No additional lighting should be installed without prior approval in writing from the City Council as local planning authority (In the interests of protecting wildlife habitats and in accordance with policy BE22 and policy CS17 Biodiversity of the Core Strategy)
  
5. Prior to commencement of development details of the type and location of 2 x number of bat bricks/tiles/box; 2 x bird bricks/boxes; 1 x hedgehog boxes to be incorporated within the elevations of the proposed building and/or grounds of the site have been submitted to and agreed in writing with the City Council as local planning authority. The locations should be determined by a licensed Ecologist who should also supervise their installation. The development shall be carried out in accordance with the agreed details and their use monitored for a period of two years following their installation and results submitted annually to the City Council as local planning authority with the agreed features retained thereafter (In the interest of biodiversity and in accordance with Policy CS17 Biodiversity of the Core Strategy).
  
6. No new development shall take place in relation to the proposal until the applicant has secured the implementation of an appropriate programme of archaeological work in respect of a topographical survey and a supervised watching brief of foundation and intrusive construction works (with provision for progression to excavation if required) to be undertaken by a competent and experienced organisation in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved by the City Council as the local planning authority. The scheme must include an assessment of significance, 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; and,
  - (5) provision to be made for archive deposition of the analysis and records of the site investigation.The development shall take place in accordance with the approved Written Scheme of Investigation.

(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. This is a pre-commencement condition)

7. 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 condition 6 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)
  
8. The approved mitigation scheme to minimise disturbance to bats, badgers and other wildlife as recommended in Section 6 of the Preliminary Ecological Assessment – Badgers RT-MME-130163-02 Rev B dated May 2019 and Section 6 Preliminary Ecological Assessment – Bats Report No: RT-MME-130163-03RevA dated April 2019 should be implemented prior to commencement of works and during construction. If evidence of bats or badgers are found during this process all works should cease immediately and any mitigation measures reviewed by the LPA. (To comply with the Wildlife and Countryside Act 1981, the Habitat & Species Regulations 2010 and CS17 of the Core Strategy)
  
9. Before any equipment, machinery or materials are brought on to the site for the purposes of the development, all existing trees, shrubs or hedges to be retained on the site shall be protected by fencing in accordance with the approved Tree Protection Plan and Arboricultural Method Statement. The protection measures shall be maintained until all equipment, machinery and any surplus materials have been removed from the site. Nothing shall be stored or placed in any protected area in accordance with this condition and no alteration to the ground level shall be made without the prior written approval of the City Council unless this is clearly indicated on the approved plans. (To minimise the risk of damage to trees and other vegetation in the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)
  
10. Prior to occupation all hard and soft landscape works shall be carried out in accordance with approved Plan MEL-394-001 Rev B Proposed Landscaping Portland Towers to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The after-care, maintenance and management of any hard and soft landscaped areas will be carried

out in accordance with the approved documents. For a period of in perpetuity, 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 (LEMP) (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03 Urban Design, CS17 Biodiversity).

11. 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 CS03.)
12. Works shall be strictly limited to the detail supplied within the Arboricultural Method statement for works and protection of retained trees, unless otherwise submitted to and approved by the City Council as local planning authority. (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.)
13. No part of the development shall be occupied until the Sustainable Drainage System (SuDS) for the site has been completed in accordance with the approved details. The Sustainable Drainage System shall be managed and maintained thereafter in accordance with the approved management and maintenance plan. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy.)
14. Should the development not commence within 12 months of the date of the last protected species survey (Badger survey 13th March 2019, Bat Survey 2nd May 2019)), 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 and any revised mitigation shall be submitted to and agreed in writing with the local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey should be repeated annually/bienially and any mitigation measures reviewed by the LPA until the development commences. (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)
15. Before the occupation of the proposed dwelling new windows facing Portland Lodge shall be fitted with sealed obscure glazing (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of Portland Lodge and in accordance with policy PS10 of the City of Leicester Local Plan).
16. This consent shall relate to the following plans and documents:

Proposed Plan, Elevations & Floor Plans - DSA-18057-PL-PRO-01-O received by the City Council as local planning authority on 11/01/2019;

STW Sewer Records & CCTV received by the City Council as local planning authority on 09/03/2019;

Arboricultural Impact Assessment (JCA ref: 14423a/ME Rev 1); Arboricultural Method Statement (JCA ref: 14423b/ME Rev 1); Landscape and Ecological Management Plan (RT-MME-129364-02 rev D); Preliminary Ecological Appraisal with Preliminary Vegetation Sampling (RT-MME-130163-01RevA); Badger Survey (RT-MME-130163-02-RevB) Preliminary Ground Level Bat Roost Assessment of Trees (RT-MME-130163-03RevA); Landscape & Ecological Management Plan (MEL-394-001 Rev B; Drainage Layout (FW1667-D-400); Drainage Details Sheet 1 of 2 (FW1667-D-401); Drainage Details Sheet 2 of 2 (FW1667-D-402); Drainage Maintenance Schedule (FW1667 DMS 001) and; Archaeological Desk Based Assessment (ULAS Report No.:2019-032v2) received by the City Council as local planning authority on 08/05/2019.(For the avoidance of doubt.)

#### NOTES FOR APPLICANT

1. With respect to condition 9 above, any fencing required should be welded mesh panels securely fixed to a scaffold frame work with uprights driven well into the ground and in this case should be in accordance with the approved details. The applicant is advised to visit <http://shop.bsigroup.com/en/ProductDetail/?pid=000000000030213642> to find out further information in respect of BS 5837:2012.
2. 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.  
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.

#### **25. 20190460 50 ROWSLEY STREET**

Ward: Stoneygate

Proposal: CHANGE OF USE FROM RETAIL (CLASS A1) AND HOUSE (CLASS C3) (1 X 5 BED) TO BASEMENT AND PART GROUND FLOOR RETAIL (CLASS A1) AND THREE SELF-CONTAINED FLATS (CLASS C3) (3 X 1 BED) ON PART OF GROUND FLOOR, FIRST AND SECOND FLOORS; FIRST

FLOOR SIDE EXTENSION; ALTERATIONS (AMENDED  
PLANS RECEIVED 03/06/2019)  
Applicant: MRS LOBO

The Planning Officer presented the report.

Ms Russell and Mrs Thakor addressed the Committee and spoke in objection to the application.

Councillor Rahman also addressed the Committee and spoke in objection to the application.

Members then considered the application 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 CS3.)
3. The secure and covered cycle parking and bin store shall be provided in accordance with the approved plans and retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).
4. This consent shall relate solely to the amended plans ref. no. DSA-18051-PL-AL-01-B received by the City Council as local planning authority on 03/06/2019. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions



taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019.

## **26. CLOSE OF MEETING**

The meeting closed at 6.58 pm.