



Leicester
City Council

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 2 OCTOBER 2019 at 5:30 pm

P R E S E N T:

Councillor Riyait (Chair)

Councillor Khote
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 Kitterick

20190128 12 Kingsley Street, Ground Floor

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57. APOLOGIES FOR ABSENCE

The meeting commenced at 5.40pm.

Apologies for absence were received from Councillors Aldred, Gee and Rae Bhatia.

58. 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 noted that in relation to planning application 20190277 44-46 Ruby Street, she had received information on the application, but she approached the meeting with an open mind.

The agenda for the meeting was taken out of order to allow people to arrive to the meeting who had been delayed.

59. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held on 21 August 2019 be confirmed as a correct record.

60. SCHEME OF DELEGATION 2019 CORRECTION

The Director of Planning, Development and Transportation submitted a report to correct an error in the scheme of Delegation 2019, as approved by the Planning and Development Control Committee in April 2019. The Committee Members were recommended to approve the correction of the wording of the adopted amended scheme of delegation as outlined in Appendix 2 of the report.

The Head of Planning, Development & Transportation presented the report. The Committee were informed when previously approved, the Scheme of Delegation had a minor omission of clarification where six or more objections were received to an application, that inclusion of wording *and the officer recommendation is for approval* be added to the Scheme of Delegation.

Members agreed the amendment to the wording of the Scheme of Delegation.

RESOLVED:

that the Scheme of Delegation be amended to included wording *and the officer recommendation is for approval* as outlined at Appendix 2 to the report.

61. 20198011A 49 STOUGHTON ROAD, LAND AT REAR OF

Ward: Knighton
Proposal: CONSTRUCTION OF ONE DETACHED HOUSE (3 BED)
(CLASS C3) WITH ACCESS FROM STOUGHTON ROAD AND
FORECOURT PARKING (AMENDED PLANS RECEIVED
27/06/2018)
Appellant: MR J RAI
Appeal decision: Dismissed

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

RESOLVED:

That the decision of the Planning Inspectorate be noted.

62. PLANNING APPLICATIONS AND CONTRAVENTIONS

RESOLVED:

that the report of the Director of Planning, Development and Transportation dated 2 October 2019, on applications, together with the supplemental report and information provided verbally by

officers, be received and action taken as below:

63. 20190128 12 KINGSLEY STREET, GROUND FLOOR

Ward: Castle
Proposal: RETROSPECTIVE CHANGE OF USE OF GROUND FLOOR FROM LIGHT INDUSTRIAL (CLASS B1) TO LIFE COACHING AND PHOTOGRAPHY STUDIO AND WORKSHOPS AND ACTIVITIES SPACE (SUI GENERIS)
Applicant: INTERHOME (PROPERTIES) LIMITED

The Planning Officer presented the report and drew Members' attention to the supplementary report, which outlined a further objection received from a previous objector to the application.

The applicant, Ms Sophie Barby addressed the Committee and spoke in support of the application.

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

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

In view of concerns expressed by Members of the Committee regarding potential noise issues for residents, the Chair moved that the application be approved with the conditions set out in the report and additional one-year limited period condition in consultation with the Chair and Vice-Chair. This was seconded by Councillor Whittle and upon being put to the vote the motion to approve was CARRIED.

RESOLVED:

that the application be given TEMPORARY APPROVAL for one year with the conditions set out in the report in consultation with the Chair and Vice-Chair.

CONDITIONS

1. The use shall not be carried on outside the hours of 07:30 to 18:00 Mondays to Saturdays (inclusive). (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)
2. 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 policies PS10 and PS11 of the City of Leicester Local Plan.)
3. No machinery shall be installed or operated nor shall any processes be undertaken which are detrimental to the amenity of the area by reason

of noise, vibration, smell, fumes or smoke. (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)

4. This consent shall relate solely to the submitted details received by the City Council as local planning authority on 21.01.19, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

ADDITIONAL CONDITION

1. One-year limited period condition in consultation with Chair and Vice-Chair

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 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.

64. 20190277 44-46 RUBY STREET

Ward: Fosse
Proposal: DEMOLITION OF STORAGE WAREHOUSE (CLASS B8) AND FLATS (2 x 1 BED) (CLASS C3); CONSTRUCTION OF SEVEN TERRACED DWELLINGS (7 x 2 BED) (CLASS C3) (AMENDED 05.08.19)
Applicant: SUNRISE INVESTMENTS

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 Thalukdar 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. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extension to the rear of the properties or outbuildings within the curtilage of the properties 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 lead to an unacceptable loss of amenity to occupiers of the application properties or of neighbouring properties; and in accordance with saved City of Leicester Local Plan policy PS10.)
3. The dwellings 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 dwellings 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 dwellings are adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06)
4. There shall be no construction or demolition work, other than unforeseen emergency work, undertaken outside of the hours of 07:30 to 18:00 Monday to Friday, 07:30 to 13:00 on Saturdays or at any time on Sundays or Bank Holidays, unless the methodology has been submitted to the City Council Noise and Pollution Control team. The methodology must be submitted at least 10 working days before such work commences and agreed, in writing, by the City Council Noise and Pollution Control Team.
The City Council Noise and Pollution Control Team shall be notified of any unforeseen emergency work 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 the amenity of occupiers of the flats, and in accordance with policy PS10 of the City of Leicester Local Plan.)
5. Before the commencement of the development a 1 metres² brick sample (showing brick type, bonding and mortar) and a sample of the materials to be used for the roof 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. (In the interests of good design and the visual amenity of the area 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.)

6. Before the commencement of the development plans at a scale of 1:10 or 1:20 for the joinery details for the windows and masonry details for the cills and lintels 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. (In the interests of good design and the visual amenity of the area 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.)

7. Before the development authorised by this permission is brought into use, 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) new shrub planting, including plant type, size, quantities and locations; (ii) other surface treatments; (iii) fencing and boundary treatments, (iv) the position and depth of service and/or drainage runs (v) a detailed plan of the biodiversity enhancements on the site.
The approved LEMP shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme (In the interests of amenity, and in accordance with City of Leicester Local Plan policy UD06 and Core Strategy policies CS03 and CS17).

8. No development shall take place until the site has been investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, has been submitted to and approved by the City Council as local planning authority. The approved remediation scheme shall be implemented and a completion report shall be submitted to and approved in writing by the City Council as local planning authority before any part of the development is occupied. Any parts of the site where contamination was previously unidentified and found during the development process shall be subject to remediation works carried out and approved in writing by the City Council as local planning authority prior to the occupation of the development. The report of the findings shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient

monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11". (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PS11 of the City of Leicester Local Plan. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

9. No dwelling shall be occupied until the redundant dropped kerb along Ruby Street has been reinstated in accordance with the Council's standards contained in the "6Cs Design Guide" (view from www.leicester.gov.uk/6cs-design-guide). (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 CS03).
10. Prior to the first occupation of each new unit, the occupiers of each of the dwellings shall be provided with a 'Residents Travel Pack' details of which shall be submitted to and agreed by the City Council as the local planning authority. The contents of the Travel Pack shall consist of: information promoting the use of sustainable personal journey planners, walking and cycle maps, bus maps, the latest bus timetables applicable to the proposed development, and bus fare discount information. (In the interest of promoting sustainable development, and in accordance with policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy).
11. Prior to the commencement of development details of a Sustainable Drainage System (SuDS) shall be submitted to and approved by the local planning authority. The dwellinghouses shall not be occupied until the system has been implemented 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. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
12. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 05.08.19. (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 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.

65. 20191181 20 DANESHILL ROAD

The application withdrawn from the agenda before the meeting.

66. CLOSE OF MEETING

The meeting closed at 6.34pm.