



Leicester
City Council

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 23 OCTOBER 2019 at 5:30 pm

P R E S E N T :

Councillor Riyait (Chair)

Councillor Gee
Councillor Halford
Councillor Joel
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 Joshi	20191267 7-9 CHARNWOOD WALK
Councillor Kitterick	20180801 96 JARROM STREET

Also present:

Councillor Russell

* * * * *

67. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Aldred (Vice-Chair of the Committee) and Councillor Rae Bhatia.

68. 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 in relation to planning application 20191267 7-9 Charnwood Walk that she had received mail in connection with this application, but she approached the meeting with an open mind.

69. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held on 2 October 2019 be confirmed as a correct record.

70. PLANNING APPLICATIONS AND CONTRAVENTIONS

RESOLVED:

that the report of the Director of Planning, Development and Transportation, dated 23 October 2019, on applications and information provided verbally by officers be received and action taken as below:

71. 20180801 96 JARROM STREET

Ward: Castle

Proposal: DEMOLITION OF EXISTING BUILDING;
CONSTRUCTION OF FIVE AND EIGHT STOREY MIXED USE
BUILDING COMPRISING OF 159 RESIDENTIAL STUDIO
FLATS (CLASS C3); GROUND FLOOR UNIT FOR
NURSERY/RETAIL/RESTAURANT (CLASS D1/A1/A3)
(AMENDED PLANS RECEIVED) (SUBJECT TO S111/S106
AGREEMENT)

Applicant: SMMS DEVELOPMENTS LTD

The Planning Officer presented the report.

Mr Staniforth, the applicant's agent, addressed the Committee and spoke in support of the application.

Councillor Kitterick then addressed the Committee, expressing concerns about some aspects of the application.

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

The Chair moved that the application be approved with the conditions set out in the report and the completion of a Section 111 Agreement to secure a Section 106 Agreement to secure developer contributions towards improvements to two of the city's parks. 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 and subject to completion of a Section 111 Agreement to secure a Section 106 Agreement:

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. (A) No demolition or development shall take place or commence until a programme of archaeological work and a Written Scheme of Investigation in respect of an archaeological evaluation has been submitted to and approved in writing by the City Council as the local planning authority. The scheme shall include an assessment of significance and research questions; and:
 - (1) the programme and methodology of site investigation and recording;
 - (2) the programme for post-investigation assessment;
 - (3) provision to be made for analysis of the site investigation and recording;
 - (4) provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - (5) provision to be made for archive deposition of the analysis and records of the site investigation;
 - (6) nomination of a competent person or persons or organisation to undertake the works set out within the Written Scheme of Investigation.(B) No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under (A) above.
(C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless agreed in writing with City Council as local planning authority.
(To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18. 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 full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use until the system has

been completed in accordance with the approved details. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include:

- (i) full design details,
- (ii) a timetable for its implementation, and
- (iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime.

(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).

4. No development shall take place, including demolition and the removal of trees, until the site has been inspected by a suitably qualified ecologist for the presence of protected species and a report demonstrating presence or absence has been submitted to the local planning authority. Should any protected species be found on the site, development shall not commence until a scheme of mitigation has been submitted to and approved in writing by the city council as local planning authority. Development, including demolition and removal of trees, shall thereafter be carried out in accordance with the approved mitigation. (In the interests of biodiversity and in accordance with policy CS17 of the Core Strategy. In order to ensure that no harm is caused during demolition, this is a PRE-COMMENCEMENT condition.).

5. No development shall be carried out 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).

6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the City Council as local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:
 - (i) the parking of vehicles of site operatives and visitors;
 - (ii) the loading and unloading of plant and materials;
 - (iii) the storage of plant and materials used in constructing the development;
 - (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (v) wheel washing facilities;
 - (vi) measures to control the emission of dust and dirt during construction;
 - (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.(To ensure the satisfactory development of the site, and in accordance with policies AM01 and UD06 of the City of Leicester Local Plan and 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. Prior to any development being carried out above ground level, details of the materials to be used for the external parts of the development shall be submitted to and approved in writing by the City Council as local planning authority. Details of the following materials shall be provided.
 - (i) Walling materials including bricks, cladding, reconstituted stone and render;
 - (ii) roofing materials;
 - (iii) window and door frames including sections through the windows/doors and their reveals;
 - (iv) louvres, balustrades and coping;
 - (v) a 1 square metre sample panel of brickwork showing the flat brickwork and the textured detail panel, mortar and pointing.Development shall be carried out in accordance with the approved details.

(In the interests of visual amenity, and in accordance with Core Strategy policy CS03).

8. No development above ground level shall take place until details of the following energy efficiency measures have been submitted to and approved in writing by the City Council as local planning authority. Development shall be carried out in accordance with the approved details. No part of the development shall be occupied until evidence demonstrating satisfactory operation of the approved photo voltaic scheme, and evidence of compliance with points (i) (iii) and (iv), has been submitted to and approved in writing by the City Council.
 - (i) Confirmation of basement provision for possible future district heating system connection;
 - (ii) roof-top photo voltaic panels;
 - (iii) construction details to achieve improvements in building efficiency equivalent to those contained within the Sustainability Statement revision C;
 - (iv) mechanical ventilation with heat recovery.(In the interests of securing energy efficiency in accordance with Policy CS02 of the Core Strategy).

9. No part of the development shall be occupied until cycle parking, including step-free access thereto, has been provided in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The cycle parking and access shall be retained thereafter and made available to occupants of the development for the storage of cycles. (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).

10. Before the development authorised by this permission is occupied, and notwithstanding the approved plans, a detailed landscaping scheme showing the treatment of all parts of the site, and including biodiversity enhancements, shall be implemented in accordance with details that have previously been submitted to and approved in writing by the City Council as local planning authority. This scheme shall include details of:
 - (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed;
 - (ii) new tree and shrub planting, including plant type, size, quantities and locations;
 - (iii) construction, planting and maintenance details of the brown roof;
 - (iv) construction, planting and maintenance of the roof terrace;
 - (v) screening to the north-west side of the roof terrace;
 - (vi) biodiversity enhancement including bird boxes and bat boxes;
 - (vii) means of planting, staking, and tying of trees, including tree guards;
 - (viii) other surface treatments;
 - (ix) fencing and boundary treatments including details of non-climb treatments to ground floor flats;
 - (x) any changes in levels;
 - (xi) the position and depth of service and/or drainage runs (which may affect tree roots).

The approved landscaping scheme shall be carried out prior to occupation for hard landscaping, wildlife boxes and for planting above ground level, and within one year of occupation of the development for soft landscaping at ground level. 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 biodiversity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17).

11. The flats and the associated parking and approach and communal areas 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 first occupation of any of the flats 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 CS06).
12. Prior to any above-ground development, details of an insulation scheme to prevent the transmission of noise into the flats within the development shall be submitted to and approved in writing by the City Council as local planning authority. The scheme shall include mechanical ventilation to the flats including purge ventilation achieving four air changes per hour, and shall not require that windows are fixed shut. The flats shall not be occupied until the approved scheme has been installed and is operational. The insulation and ventilation shall be retained thereafter. (In the interests of the amenities of occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan).
13. The development shall at all times be managed and operated in accordance with a Management Plan, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of any of the flats. The Management Plan shall set out details of:
 - (i) how servicing and deliveries will be managed;
 - (ii) the security of the development and its occupiers;
 - (iii) refuse bin storage and collection arrangements;
 - (iv) management of commercial unit to avoid harmful impact on residents;
 - (v) maintenance of the external areas of the site;
 - (vi) contact details for the managing agent, any changes to be advised to the local planning authority within four weeks of such change coming into effect.If it is proposed that the above management arrangements change, then an Amended Plan shall be submitted to the local planning authority for approval in writing no less than two months before the

date of the proposed change. The proposed change shall not occur until an Amended Plan has been approved, and the development shall thereafter be managed and operated in accordance with the amended Plan. (To ensure that the development is properly managed in the interests of the safety, security and amenity of its occupiers in accordance with the aims of Core Strategy policies CS03, CS06 and CS15 and policy PS10 of the City of Leicester local plan).

14. The commercial unit shall not be open to the public outside the hours of 0700 to 2100 daily. (In the interests of the amenities of nearby residents, and in accordance with policy PS10 of the City of Leicester Local Plan.)
15. Before the occupation of the development the parking spaces shown on the approved plans shall be provided and shall be retained for vehicle parking in connection with occupation of the development. (To secure adequate off-street parking provision, and in accordance with policy AM12 of the City of Leicester Local Plan).
16. Prior to occupation of the development the refuse bin stores shall be completed and made available for use by occupants of the development. The stores shall be retained thereafter for the approved use. (In order to ensure adequate facilities for the storage, segregation and collection of refuse and in accordance with policy H07 of the City of Leicester local plan).
17. No part of the development shall be occupied until a satisfactory dropped kerb and ramp has been provided in the footway adjacent the bin store.
(For the safety and convenience of refuse collection; and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
18. 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 satisfactorily reinstated. (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.)
19. Prior to the commercial unit being brought into any use that requires cooking on the premises, details of a suitable ventilation and extraction system, including maintenance arrangements, shall be submitted to and approved in writing by the local planning authority. The approved system shall be installed and operational prior to the use commencing, and shall be retained and maintained thereafter in accordance with the approved details. (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)

20. This consent shall relate solely to the following submitted plans received by the City Council as local planning authority.
- Site and ground floor plan P2-02 revision N received 2/10/2019
 - Upper floor plans 1st-4th floor P2-03 revision F received 30/09/2019
 - Upper floor plans 5th floor P2-04 revision F received 30/09/2019
 - Upper floor plans 6th floor P2-04-1 revision B received 30/09/2019
 - Upper floor plans 7th floor P2-04-2 revision B received 30/09/2019
 - Roof plan P2-04-3 revision B received 30/09/2019
 - Basement plan P2-04-4 revision A received 30/09/2019
 - Elevations front and side P2-05 revision G received 30/09/2019
 - Elevations rear and side P2-06 revision G received 30/09/2019
 - Boundary treatment P2-14 revision C received 2/10/2019.
- (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 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.
2. In respect of conditions 17 and 18, which require work within the Highway, the works will be considered satisfactory if they have been agreed with and approved in writing by the Local Highway Authority.
3. To meet condition 11: All those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of Category 2, M4(2). The Building Control Body for this scheme must be informed at the earliest opportunity that the units stated are to be to Category 2 M4(2) requirements. Any application to discharge this condition will only be considered if accompanied by a building regulations completion certificate/s as stated above.
4. No consent is granted or implied for any signage on the commercial unit, for which a separate application for advertisement consent may be necessary.

72. 20191181 20 DANESHILL ROAD

Ward: Westcotes

Proposal: CHANGE OF USE FROM HOUSE (CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (8 BEDROOMS) (SUI GENERIS) AND RETROSPECTIVE APPLICATION FOR

DEMOLITION OF OUTBUILDING; ALTERATIONS
Applicant: MR AMARDIP BRAR

The Planning Officer presented the report.

Mr Rowland, the applicant's agent, addressed the Committee and 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. This was seconded by Councillor Gee and upon being put to the vote the motion to refuse was CARRIED.

RESOLVED:

that the application be REFUSED for the reasons set out below:

REASONS FOR REFUSAL

1. The proposal is not acceptable as it will result in the loss of a dwellinghouse suitable for family accommodation for which there is an identified demand and will exacerbate the concentration of shared housing in an area already identified as having a harmful concentration of such uses. As such it will exacerbate the demographic imbalance, significantly harming the amenity of the existing residents in the area contrary to the Residential Amenity SPD (2008), saved policies PS10 and PS11 of the City of Leicester Local Plan (2006), Core Strategy (2014) policies CS03, CS06 and CS08 and paragraphs 59, 92, 122, 124, 127 and 130 of the National Planning Policy Framework (2019).
2. The proposal would harm the character and appearance of the Conservation Area by reason of increased waste storage/collection and noise/general disturbance, lack of management arrangements and sense of ownership of the application site, potential increased levels of burglary and crime, increased demand and pressure on some services and decreased demand in other services. The proposal is therefore contrary to Core Strategy (2014) policies CS03 and CS18 and paragraphs 122, 192, 193, 194 and 196 of the National Planning Policy Framework (2019).

NOTES FOR APPLICANT

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.

73. 20191267 7-9 CHARNWOOD WALK

Ward: North Evington

Proposal: CHANGE OF USE FROM SHOP (CLASS A1) TO RESTAURANT AND CAFE (CLASS A3) AND HOT FOOD TAKEAWAY (CLASS A5), INSTALLATION OF FLUE AT REAR; INTERNAL ALTERATIONS

Applicant: MR F DIAS

The Planning Officer presented the report.

Mr Dias, the applicant, addressed the Committee and spoke in support of the application.

Councillor Joshi then addressed the Committee, also speaking 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 approved with the conditions set out in the report. 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 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 authorised by this permission shall not commence until the ventilation system to control the emission of fumes and smell from the premises has been installed as shown on the approved plans and it shall be maintained and operated thereafter in accordance with the manufacturer's instructions. (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 part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the City Council as local planning authority. These arrangements shall be maintained thereafter. (In the

interests of the amenities of the surrounding area, and in accordance with policies H07 and PS10 of the City of Leicester Local Plan and Core Strategy policy CS3.)

4. Before the use is begun, a litter bin/s shall be provided on the forecourt to the property in accordance with details which shall first have been submitted to and approved by the City Council as local planning authority and shall be retained. (In the interests of general amenity, and in accordance with policy PS10 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).
5. The use shall not be carried on outside the hours of 07.30-23.00 daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
6. No equipment/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 and smoke. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
7. There shall be no live or amplified music or voice played which would be detrimental to the amenities of occupiers of nearby properties. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
8. This consent shall relate solely to the plans received by the City Council as local planning authority on 4/7/2019. (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.

74. 20198016A 220-248 ST SAVIOURS ROAD

Ward: North Evington
Proposal: REPLACEMENT DOORS AND WINDOWS AT FRONT; BOUNDARY GATES AND WALLS AT FRONT OF HOUSES (CLASS C3)
Appellant: MR FAHAD RANGILA
Appeal decision: Dismissed

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

RESOLVED:

that the decision of the Planning Inspectorate be noted.

75. CLOSE OF MEETING

The meeting closed at 7.08 pm