



Leicester  
City Council

Minutes of the Meeting of the  
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 29 JANUARY 2020 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 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 Dawood	20171160 Malabar Road, Kocha House
Councillor Porter	The Leicester (consolidation) Traffic Regulation Order 2006 (Amendment) Aylestone Phase 1 and Islington TRO, Leicester

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**95. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Halford and Khote.

**96. 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 Whittle declared in relation to planning application 20191135 6 Southland Road in that he represented the Ward in which it was located, but noted that he approached the meeting with an open mind.

**97. MINUTES OF THE PREVIOUS MEETING**

**RESOLVED:**

That the minutes of the meeting of the Planning and Development Control Committee held on 11 December 2019 be confirmed as a correct record.

**98. PLANNING APPLICATIONS AND CONTRAVENTIONS**

**RESOLVED:**

That the report of the Director of Planning, Development and Transportation dated 29 January 2020, on applications, together with the supplemental report and information reported verbally by officers, be received and action taken as below:

**99. 20171160 MALABAR ROAD, KOCHA HOUSE**

Ward: Wycliffe

Proposal: Demolition of existing building; construction of four and five storey building to create 10 shops on the ground floor (Class A1) and 27 flats on the first to fourth floors (16 x 1bed, 11 x 2bed) (Class C3) (amended plans 28/10/2019, 17 & 28/1/2020) (S106 Agreement)

Applicant: MR PATEL

The Planning Officer presented the report and drew Members' attention to the supplementary report which referred to an amendment to the affordable housing sections and an amendment to the conditions - that condition 11 and note 5 regarding a Traffic Regulation Order (TRO) were no longer needed and should be removed.

The applicant's agent addressed the Committee and spoke in support of the application.

Councillor Dawood addressed the Committee and spoke in objection to the application.

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

The Chair moved that the application be approved subject to the conditions in the report, a Section 106 Agreement and the amendments set out in the supplementary report in accordance with the officer recommendation. This was seconded by Councillor Gee and upon being put to the vote, the motion was CARRIED.

**RESOLVED:**

that the application be APPROVED subject to a Section 106 Agreement and 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 the commencement of development the site shall be investigated for the presence of land contamination. 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, shall be submitted to and approved in writing 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 that are 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 saved policy PS11 of the City of Leicester Local Plan.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
3. No retail unit or flat shall be occupied until evidence has been submitted to and approved in writing by the City Council as local planning authority demonstrating all the measures in the Sustainable Energy Statement (dated the 28th of April 2018) have been installed. They shall remain in place thereafter. (In the interests of securing energy efficiency in accordance with policy CS02 of the Core Strategy.)
4. No retail unit or flat shall be occupied until evidence has been submitted to and approved in writing by the City Council as local planning authority demonstrating all the measures in the noise insulation and ventilation scheme approved as part of this application (Sanctuary Acoustics, April 2017) have been implemented. They shall be retained thereafter. (To protect residents from unacceptable levels

of noise and in accordance with policies PS10 & PS11 of the City of Leicester Local Plan.)

5. Prior to the commencement of above ground development details of 3 x bat bricks/tiles/boxes; 3 x bird bricks/boxes and 3 x invertebrate boxes to be incorporated within or on the elevations of the proposed building shall be submitted to and approved in writing by the City Council as local planning authority. The locations shall be determined by an ecologist who shall also supervise their installation. Prior to the occupation of any flat or retail unit they shall be installed in accordance with the approved details. They shall be retained for the lifetime of the development. (In the interest of biodiversity and in accordance with policy CS17 of the Core Strategy.)
6. No retail unit or flat shall be occupied until a brown or green roof has been installed on the roof of the fifth floor in accordance with details first submitted to and approved in writing by the City Council as local planning authority. It shall be retained for the lifetime of the development. (In the interest of biodiversity and to reduce the rate of surface water run off in accordance with policies CS02 and CS17 of the Core Strategy.)
7. No flat shall be occupied until the rooftop garden on the fifth floor has been laid out in accordance with details first submitted to and approved in writing by the City Council as local planning authority. It shall be retained thereafter. (To provide residents with acceptable levels of amenity and in accordance with policy PS10 of the City of Leicester Local Plan.)
8. No retail unit or flat shall be occupied until bin storage has been provided in accordance with the approved plans. It shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policy CS03 of the Core Strategy.)
9. No retail unit or flat shall be occupied until secure and covered cycle parking has been provided in accordance with details first submitted to and approved in writing by the City Council as local planning authority. It shall be 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.)
10. Prior to the commencement of above ground development details of all street works, including alterations to footway crossings, shall be submitted to and approved in writing by the City Council as local planning authority. Prior to the occupation of any retail unit or flat all streetworks must be implemented in full accordance with the approved details. (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.)

11. No retail unit or flat shall be occupied until a Travel Plan for the scheme has been submitted to and approved in writing by the City Council as local planning authority and shall be carried out in accordance with a timetable to be contained within the Travel Plan, unless otherwise agreed in writing by the City Council as local planning authority. The Plan shall: (a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries; (b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as single occupancy vehicle users, so that all users have awareness of sustainable travel options; (c) identify marketing, promotion and reward schemes to promote sustainable travel and look at a parking management scheme to discourage off-site parking; (d) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use. The plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with policies AM01, AM02, AM11 and AM12 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).
12. Within one month of the first occupation of any flat, the occupiers of each of the flats shall be provided with a 'New Residents Travel Pack'. The contents of this shall be submitted to and approved in writing, in advance, by the City Council as local planning authority and shall include walking, cycling and bus maps, latest relevant bus timetable information and bus travel and cycle discount vouchers. (In the interest of sustainable development and in accordance with policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy).
13. Prior to the commencement of development a Construction Method Statement shall be submitted to, and approved in writing by the City Council as local planning authority. The approved Statement shall be adhered to throughout the 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, UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT

condition.)

14. The flats and their associated 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 any of the flats a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to and approved in writing by the City Council as local planning authority certifying compliance with the above standard. (To ensure the flats are adaptable enough to match a lifetime's changing needs in accordance with Core Strategy policy CS06.)
15. 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 City Council as local planning authority. No flat or retail unit shall be occupied until the system has been implemented. 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 approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
16. Prior to the commencement of development details of drainage, and especially foul drainage, shall be submitted to and approved in writing by the City Council as local planning authority. No retail unit or flat shall 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.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
17. Prior to the commencement of above ground construction, the materials to be used for all external surfaces shall be submitted to and approved in writing by the City Council as local planning authority. Development shall be carried out in accordance with the details approved. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
18. This consent shall relate solely to the submitted and amended plans ref. no. DSA-16146-PL-PRO-03-H, 04-G, 05-G, 06, 07-A received by the local planning authority on 28th of October 2019, the 17th and 28th of January 2020 unless otherwise submitted to and approved by the

local planning authority. (For the avoidance of doubt.)

#### NOTES FOR APPLICANT

1. Please note this permission is subject to a S106 Agreement that has secured developer contributions to green space, affordable housing and local education provision.
2. To meet condition 15 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.
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](mailto:highwaysdc@leicester.gov.uk) As the existing building abuts the highway boundary, any barriers, scaffolding, hoarding, footway closure etc. required for the construction works to be undertaken will require a licence. This should be applied for by emailing [Licensing@leicester.gov.uk](mailto:Licensing@leicester.gov.uk)
4. With regards to the Travel Pack related condition, the contents of the pack are intended to raise the awareness and promote sustainable travel, in particular for trips covering local amenities. The applicant should seek advice from Bal Minhas (Leicester City Council's Travel Plan Officer via telephone 0116 4542849).
5. 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 application process and pre-application. The decision to grant planning permission with appropriate conditions and a S106 legal agreement, 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.

**100. 20191135 6 SOUTHLAND ROAD**

Ward: Knighton

Proposal: RAISED RIDGE HEIGHT TO CREATE A TWO STOREY PROPERTY; TWO AND SINGLE STOREY EXTENSION AT SIDE AND REAR OF HOUSE; ALTERATIONS (CLASS C3) (AMENDED PLANS RECEIVED 14/01/2020)  
Applicant: MR OUBED MOOSA

The Planning Officer presented the report.

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

The Chair moved that the application be approved in accordance with the officers' recommendation. This was seconded by Councillor Aldred and upon being put to the vote, the motion 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. Before the commencement of above ground works, the materials to be used on all external elevations and roofs shall be submitted to and approved by the City Council as local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.).
3. Before the occupation of the proposed extension new windows facing 4 Southland Road 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 4 Southland Road and in accordance with policy PS10 of the City of Leicester Local Plan).
4. Before the occupation of the proposed extension the screen to both side of the balcony shall be obscure glazing and retained as such. (In the interests of the amenity of occupiers of neighbours and in accordance with policy PS10 of the City of Leicester Local Plan).
5. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 14th January 2020. (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.

#### **101. 20192162 68 QUEENS ROAD**

Ward: Castle

Proposal: Change of use from retail premises (Class A1) to hot food takeaway (Class A5); installation of ventilation flue at rear (Amended Plans 06.01.2020)

Applicant: Mr R Khan

The Planning Officer presented the report and drew Members' attention to the supplementary report which provided further information about the site history.

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

The Chair moved that the application be approved in accordance with the officers' recommendation. This was seconded by Councillor Thalukdar and upon being put to the vote, the motion 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 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.)
3. Before the use has commenced and notwithstanding the submitted plans, the ventilation system and flue shall have been installed in accordance with details approved by the local planning authority. It shall be maintained and operated in accordance with the manufacturer's specifications. (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. No noise or vibration from the flue shall be perceptible within any adjacent property. (In the interests of the amenities of neighbouring occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)
5. This consent shall relate to the submitted plans as amended by plan ref. no. UBD531-BR-01C received by the City Council as local planning authority on 6th January 2020. (For the avoidance of doubt.)

#### **102. MORLAND AVENUE AREA - PROPOSED 20MPH SPEED LIMIT - OBJECTION TO SCHEME IMPLEMENTATION**

The Director of Planning, Development and Transportation submitted a report that enabled the Committee to give its views to the Director to be taken into account when considering whether or not to overrule the objections to the scheme.

The Assistant Engineer/ Technician (Planning, Development and Transportation) presented the report which explained the proposed Morland Avenue Area 20mph scheme, and a subsequent objection to the scheme from one resident.

In response to the objection received, officers wrote to the objectors with the aim of addressing any concerns, however the resident wished to continue with the objection.

Members considered the report and commented that they supported the scheme.

AGREED:

That the views of the Planning and Development Control Committee be forwarded to the Director of Planning, Development and Transportation to take into account when considering whether or not to overrule the objections to the scheme.

#### **103. THE LEICESTER (CONSOLIDATION) TRAFFIC REGULATION ORDER 2006 (AMENDMENT) AYLESTONE PHASE 1 AND ISLINGTON STREET TRO, LEICESTER**

The Director of Planning, Development and Transportation submitted a report to enable the Committee to give their views on this scheme, which was to address dangerous and inconsiderate parking at the junctions of roads in parts of Aylestone ward and part of Saffron ward.

The Transport Development Officer (Programme Planning, Development and Transportation) presented the report.

Councillor Porter, as Ward Councillor addressed the Committee and spoke in support of the scheme but requested that Harold Street be excluded from this

current scheme due to reported existing parking issues on Harold Street. He further requested that officers looked into a potential residents parking scheme for Harold Street.

Members considered the report and queried consultation processes for residents parking, the timelines for implementing Double Yellow Lines (DYL) and also data regarding any accidents/ issues due to non DYL's.

Members supported the general scheme but requested that the Director give further consideration to Harold Street and consults with the local Ward Councillors and residents.

AGREED:

That the views of the Planning and Development Control Committee be forwarded to the Director of Planning, Development and Transportation to take into account when considering whether or not to make the proposed traffic regulation order.

#### **104. CLOSE OF MEETING**

The meeting closed at 6.56pm.