



Leicester  
City Council

Minutes of the Meeting of the  
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 11 MARCH 2020 at 5:30 pm

P R E S E N T :

Councillor Riyait (Chair)  
Councillor Aldred (Vice-Chair)

Councillor Rae Bhatia  
Councillor Thalukdar

Councillor Valand  
Councillor Whittle

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**118. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Gee, Halford and Joel.

**119. 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 Aldred declared in relation to planning application 20191894 464-474 Uppingham Road that the application site was in the Ward she represented, but she approached the meeting with an open mind.

Councillor Riyait declared in relation to planning application 20192171 1 Exploration Drive that he sat on a school governing body with an objector to the application. However, he had not discussed the application with the objector and approached the meeting with an open mind.

**120. MINUTES OF THE PREVIOUS MEETING**

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held on 18 February 2020 be confirmed as a correct record.

## **121. PLANNING APPLICATIONS AND CONTRAVENTIONS**

### **RESOLVED:**

that the report and supplementary report of the Director of Planning, Development and Transportation, dated 11 March 2020, on applications and information provided verbally by officers be received and action taken as below.

## **122. 20191894 464- 474 UPPINGHAM ROAD, LAND AT REAR**

Ward: Thurncourt

Proposal: Construction of eight dwellings (6 x 4 bed and 2 x 5 bed) (Class C3) (amended plans received 18/02/2020)

Applicant: Mr Mohammed Patel

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

Mr Halloran, 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, in accordance with the officer recommendation, the application be approved subject to the conditions set out in the report and supplementary report. This was seconded by Councillor Aldred 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. Prior to the construction of Plots B and 1-6, the materials to be used on all external elevations and roofs shall be submitted to and approved in writing by the City Council as local planning authority. The 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).
3. Prior to the construction of Plots B and 1-6, details of drainage shall be submitted to and approved in writing by the City Council as local planning authority. No property 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).

4. Prior to the construction of Plots B and 1-6, 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 property 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).
5. Prior to the construction of Plots B and 1-6, details of all street works, including alterations to the footway crossing, shall be submitted to and approved in writing by the City Council as local planning authority. Prior to the occupation of the development all streetworks must be implemented in full accordance with the approved details and retained thereafter. (To achieve a satisfactory form of development, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03)
6. Prior to the construction of Plots B and 1-6, 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 by the City Council as local planning authority. This scheme shall include details of: (i) new tree and shrub planting, including plant type, size, quantities and locations; (ii) means of planting, staking, and tying of trees, including tree guards; (iii) other surface treatments; (iv) fencing and boundary treatments, including details of the entrance gates; (v) any changes in levels; (vi) the position and depth of service and/or drainage runs (which may affect tree roots); (vii) details of planting design and maintenance of rain garden; (viii) details of 6 x bird nest boxes to be erected under the guidance and supervision of a qualified ecologist; (ix) details of 6 x bat bricks to be erected under the guidance and supervision of a qualified ecologist and; (x) any other recommendations outlined in the approved Preliminary Ecological Appraisal (05/12/2019). The approved LEMP shall be carried out within one year of completion of the development. For a period of not less than ten 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

(To ensure that the finished development contributes positively to the character and appearance of the area and that appropriate provision for biodiversity in accordance with the submitted ecology report is made within the site, and in accordance with saved Policy UD06 of the Local Plan (2006) and Policies CS03 and CS17 of the Leicester Core Strategy (2014)).

7. Before any equipment, machinery or materials are brought on to the site for the construction of Plots B and 1-6, T1 Oak (as shown on the approved plans) shall be protected by fencing in accordance with British Standard BS 5837:2012 and in full accordance with the approved Tree Survey (dated: 10th December 2019). The location of the protective fencing shall not be within the root protection area of all retained trees. The fencing 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 area fenced 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.
8. No part of the development shall be occupied until the 2 metre by 2 metre sight lines on each side of each vehicular access have been provided, and they shall be retained thereafter. (In the interests of the safety of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
9. No part of the development shall be occupied until the following works have been carried out in accordance with details shown on the approved plans: (a) surfacing and marking out of all parking areas; (b) provision of turning space. The parking and turning space shall not be used for any other purpose. (In the interests in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
10. Before the occupation of the development the garages and parking spaces shown on the approved plans shall be provided and shall be retained for vehicle parking. (To secure adequate off-street parking provision, and in accordance with policy AM12 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS15.)
11. 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 UD06 and PS10 of the City of Leicester Local Plan and

Core Strategy policy CS03.)

12. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to any dwelling house of types specified in Part 1, Classes A of Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (Given the nature of the site, this type of development would lead to an unacceptable loss of private rear gardens for future occupiers; and in accordance with policy PS10 of the City of Leicester Local Plan, Policy CS3 of the Core Strategy and the Residential Amenity SPD.)
13. The dwellings 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)
14. This consent shall relate solely to the submitted plans Plots A & B Floor Plans & Elevations received by the City Council as local planning authority on 03/12/2019; Tree Survey & Constraints Plan received by the City Council as local planning authority on 10/12/2019; Preliminary Ecological Appraisal received by the City Council as local planning authority on 12/12/2019 and amended plans ref. no. 1249.UR.19.002 Rev H (Proposed Ground Floor Site Plan); 1249.UR.19.003 Rev H (Proposed First Floor Site Plan); 1249.UR.19.002 Rev K (Proposed Ground Floor Site Plan); 1249.UR.19.004 Rev H (Proposed Second Floor Site Plan); 1249.UR.19.010 Rev D (Plots 1 and 2); 1249.UR.19.011 Rev D (Plots 3 and 4) and; 1249.UR.19.012 Rev D (Plots 5 and 6) received by the City Council as local planning authority on 18/02/2020. (For the avoidance of doubt.)

#### NOTES FOR APPLICANT

1. With regard to condition 5, works within the highway will be involved. Prior to the commencement of such works, the applicant and/or developer will need to contact the City Council (telephone (0116) 454 1000) for written approval of construction and contractor details.
2. In respect of condition 6 above, the biodiversity enhancements are identified within the approved Preliminary Ecological Appraisal (05/12/2019).

3. The effect of condition 12 of this planning permission is that all future alterations and extensions to the dwelling within the curtilage of the dwelling, will require planning permission from the City Council as the local planning authority. (Permitted development rights for this dwelling have been restricted).
4. To meet condition 13, 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.
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 process and 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.

### **123. 20192171 1 EXPLORATION DRIVE**

Ward: Abbey

Proposal: Change of use of part of car park to car wash; construction of single storey detached building; construction of canopy; installation of security camera; installation of floodlights; alterations (Sui Generis)

Applicant: Waves Valeting Services Ltd

The Planning Officer presented the report and drew Members' attention to the supplementary report, which updated the Committee on further advice received from the Council's Noise Team about the noise report.

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

In considering the hours of operation of the car wash, the Committee noted that the applicant had indicated that these would be 8.30 am – 17.30 pm Monday to Saturday and 10.00 am – 16.00 pm on Sundays. To protect the amenity of residents in the vicinity of the car wash, it was suggested that, if the planning application was approved, these proposals could be reinforced by a condition.

The Chair moved that the application be approved subject to the conditions set out in the report, in accordance with the officer recommendation, plus an additional condition restricting the hours of operation of the car wash to between the hours of 07.30 am and 18.00 pm. This was seconded by

Councillor Aldred 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 shall not be carried on outside the hours of 07.30 to 18.00 daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
3. Provision shall be made before the development is brought into use for surface water drainage from the car park to pass through a petrol/oil interceptor and shall be retained as such, details of which shall be agreed in writing with the City Council as local planning authority. (To minimise the risk of pollution of drains and watercourses and in accordance with Policy CS02 of Core Strategy)
4. Any above-ground chemical tanks shall be bunded, in accordance with details to be agreed in writing with the City Council as local planning authority, before they are brought into use. (To prevent pollution in accordance with Policy CS02 of the Core Strategy)
5. 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 or pollution (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 and PS11 of the City of Leicester Local Plan.)
6. This consent shall relate solely to the submitted plans ref. no. LE4 5NU - PL-003, LE4 5NU - PL-004, LE4 5NU - PL-005a, LE4 5NU - PL-006 and LE4 5NU - PL-006a received by the City Council as local planning authority on 12/11/2019. (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.

## **124. 20192172 ASDA 1 EXPLORATION DRIVE**

Ward: Abbey

Proposal: Installation of seven non-illuminated fascia signs to car wash; Installation of four freestanding signs (Sui Generis)

Applicant: Waves Valeting Services Ltd

The Planning Officer presented the report, which Members considered.

The Chair moved that, in accordance with the officer recommendation, the application be approved subject to the conditions set out in the report. 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 set out below:

### **CONDITIONS**

1. This consent shall relate solely to the submitted plans ref. no. LE4 5NU - PL-005 received by the City Council as local planning authority on 12/11/2019. (For the avoidance of doubt.

## **125. VOTE OF THANKS**

The Chair advised Members that this was the last meeting that Clare Sinnott, one of the Planning Lawyers, would be attending, as she was leaving the authority.

On behalf of the Committee, he extended thanks to Ms Sinnott for her work on behalf of the Committee and best wishes for the future. This was endorsed by the other Members and officers present.

## **126. CLOSE OF MEETING**

The meeting closed at 6.30 pm