



Leicester
City Council

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 13 MAY 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 Kitterick

The Leicester (consolidation) Traffic
Regulation Order 2006 (amendment)
(Putney Road and Welford Road) Order
2020 Objectors Report

Councillor Russell

20200115 41 Dulverton Road

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127. APOLOGIES FOR ABSENCE

The Chair welcomed everyone to the virtual Planning and Develop Control Committee Meeting and requested each Member of the Committee and Officers present to introduce themselves.

There were no apologies for absence.

128. 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 Thalukdar declared in relation to planning applications 20192435 and 20192436 7A Stanley Road that he had received emails in respect of these applications and approached the meeting with an open mind.

129. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held on 11 March 2020 be confirmed as a correct record.

130. COVID 19 TEMPORARY MEASURES: REMOTE MEETING PROCEDURE RULES AND AMENDED SCHEME OF DELEGATION TO OFFICERS

RESOLVED:

1. that the General Procedure Rules adopted by the Council be noted and the proposed additions to these and the revised Public Speaking Guide be agreed as set out in the report.
2. that notwithstanding the current scheme of delegation, with immediate effect and for a period of 6 months, all householder applications decisions be delegated to officers (excluding those personal applications submitted by members or officers).

131. ARRANGEMENTS FOR FORTHCOMING PLANNING AND DEVELOPMENT CONTROL COMMITTEE MEETINGS

RESOLVED:

that the dates for the next three Planning and Development Control Committee meetings, as agreed with the Chair under Council Committees Procedure Rule 39(a)(ii) be noted as follows:

- Wednesday 3 June 2020
- Wednesday 24 June 2020
- Wednesday 15 July 2020

132. THE LEICESTER (CONSOLIDATION) TRAFFIC REGULATION ORDER 2006 (AMENDMENT) (PUTNEY ROAD AND WELFORD ROAD) ORDER 2020 OBJECTORS REPORT

The Director of Planning, Development and Transportation submitted a report to enable the Committee to give its views to the Director to be taken into account when considering whether or not to make the proposed Traffic Regulation Order (TRO), which was to prohibit turning right from Welford Road into Putney Road.

The City Transport Director for Planning, Development and Transportation presented the report; providing an overview of the proposals, the reasons why

it was proposed, the objections received and the Highway Authority position and response regarding the objections.

Councillor Kitterick, as Ward Councillor addressed the Committee and expressed concerns of Putney Road being reopened which was felt to be a quiet road. In addition, it was expressed that opening Putney Road to through traffic would have an impact on the nature of the road network. Further concerns were regarding delays and congestions at nearby junctions especially during morning and evening peak times, which would impact on air quality. As well as the potential for more traffic being created at Welford Road and Victoria Park Road junction, which could lead to rat running through Clarendon Park and Knighton Fields as drivers sought alternatives routes.

Members considered the report and queried; section 5.4 of the report which referred to how traffic flows might be affected by vehicles parked on Islington Street. In regard to the modelling, it was queried as to how accurate was the modelling and clarification was requested that the modelling took into account the wider Putney Road scheme traffic/ proposals. A Member of the Committee suggested future considerations be taken into account as to how the modelling tools could be calibrated for today's society with people now finding different ways of working.

The City Transport Director clarified any points and responded to queries.

Members were supportive of the introduction of the TRO, but recommended that in making his decision, the Director should carefully review the traffic modelling analysis in terms of the predicted wider network impacts and satisfy himself that these have been taken into account.

RESOLVED:

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.

133. PLANNING APPLICATIONS AND CONTRAVENTIONS

The Chair announced that he would take the planning reports in a different order to that given in the agenda, due to the attendance of members of the public and Ward Councillors who had registered to speak and in the interests of people in the public virtual gallery.

RESOLVED:

That the report of the Director of Planning, Development and Transportation dated 13 May 2020, on applications, together with the supplemental report and information reported verbally by officers, be received and action taken as below:

134. 20200115 41 DULVERTON ROAD

Ward: Westcotes

Proposal: Retrospective application for change of use from HMO (3-6 Persons) (Class C4) to HMO for more than six persons (Sui Generis); Dormer to front, alterations.

Applicant: Kalra Property Services Ltd

The Planning Officer presented the report.

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

Mr Barrand addressed the Committee and spoke in objection to the application.

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

Members considered the application and Officers responded to the comments and questions raised. In the course of this, Members had concerns relating to noise mitigation, cycle storage and bin management.

The Chair moved that the application be approved with the conditions set out in the report and subject to the addition of three conditions relating to noise mitigation, cycle storage and bin management, the wording of these conditions to be agreed by the Head of Planning in consultation with the Chair and Vice-Chair of this Committee. 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 set out in the report (below) and subject to three additional conditions relating to the submission approval and implementation of a noise mitigation scheme within 6 months, cycle storage and bin management, the wording of these conditions to be agreed by the Head of Planning in consultation with the Chair and Vice-Chair of this Committee.

CONDITIONS

1. The proposed alterations shown on the approved plans shall be implemented within six months of the date of the decision unless approved otherwise in writing by the local planning authority. (In order to ensure the works are carried to a suitable timeframe)
2. This consent shall relate to the amended plans as amended by plan ref. no. 19001-P-003 REV G received by the City Council as local planning authority on 8th April 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 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.

135. 20192435 7A STANLEY ROAD

Ward: Stoneygate

Proposal: Change of use from care home (Class C2) to seven flats (5 x 1 bed, 2 x studio) (Class C3); Installation of boundary fence; Vehicular access (Amended plans received 23/4/2020)

Applicant: Mr L Patel

The Planning Officer presented the report and drew Members' attention to the supplementary report which referred to additional conditions, the renumbering of a condition and further considerations.

The Legal Advisor provided legal advice to clarify the position with prosecutions for the unauthorised works which had been carried out on the listed building.

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 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 first occupation of any flat, an insulation scheme to prevent the transmission of noise to, between the flats and adjoining property 7 Stanley Road shall be carried out in accordance with the written details which shall first have been submitted to and approved by the City Council as local planning authority. (In the interests of the future occupiers of the development and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan)

3. No flat shall be occupied until a Management Plan for all residents (to include the control of future maintenance of the building and the external amenity areas and details of the rental arrangements for the building) has been implemented in accordance with details first submitted to and approved in writing by the local planning authority. (In the interests of the amenity of neighbouring residents, the wellbeing of residents of this scheme and the protection of the heritage asset and in accordance with policy CS18 of the Leicester Core Strategy.)
4. No part of the development shall be occupied until secure and covered cycle parking has been provided and retained thereafter, in accordance with written show on drawing number KMC-1508-12 rev PP-2 received by the City Council as local planning authority on 27 March 2020. (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).
5. Prior to the first occupation of each unit, the occupiers of each of the dwellings shall be provided with the 'Residents Travel Pack' as submitted to the City Council as local planning authority on 11 March 2020. (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)
6. Before the occupation of any part of the development, all parking areas shall be surfaced and marked out in accordance with details shown on approved plan KMC-1508-10 rev PP2, and shall be retained for parking and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, and in accordance with saved policy AM12 of the City of Leicester Local Plan and Core Strategy policy CS3.)
7. No part of the development shall be occupied until the sight lines on each side of each vehicular access have been provided as shown on approved plan KMC-1508-10 rev PP2, 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 CS3.)
8. No part of the development shall be occupied until the Sustainable Drainage System (SuDS) involving the removal of the tarmac in the rear yard and installation of pea gravel for the site has been completed in accordance with the approved details and the development shall be retained as such. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy.)
9. All trees on the site subject to a Tree Preservation Order shall be protected from damage during building operations, in accordance with the written details which shall first have been submitted to and approved by the City Council as local planning authority. (In the

interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

10. Works required to construct the access to the parking area for the site shall be carried out with the use of hand tools only (In the interests of amenity of the protected trees, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
11. Prior to the commencement of the development, a full internal schedule of works shall be submitted to and approved in writing by the City Council as local planning authority. This shall include:
 - i) a room-by-room schedule confirming the extent of repair and alteration works to all walls, floors, ceilings and historic features
 - ii) floorplans confirming the location and method of installation of all new plumbing, pipework and electrical wiring
 - iii) detailed drawings of reinstated joinery
 - iv) details of the location and methodology of any fire protection and acoustic separation works
 - v) type of construction and method of installation of all new stud partition walls.The works shall be completed in accordance with the approved details prior to first occupation of any of the flats.
(To ensure the details of the internal works are satisfactory and in accordance with policy CS18 of the Leicester Core Strategy and paragraphs 194 and 200 of the National Planning Policy Framework 2019 To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition)
12. Prior to the commencement of development, further details confirming the extent of external repair / alteration works shall be submitted to and approved in writing by the City Council as local planning authority. This shall include:
 - i) Sample of new cast iron rainwater goods
 - ii) methodology of repair to reinstated masonry/mortar where rainwater goods are to be removed.The works shall be completed in accordance with the approved details prior to first occupation of any of the flats.
(To ensure that the details are satisfactory and in the interests of the protection of the listed building, in accordance with policy CS18 of the Leicester Core Strategy and paragraphs 194 and 200 of the National Planning Policy Framework 2019 To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition)
13. This consent shall relate solely to the amended plans ref. no. KMC-1508-1-11 rev PP2 received by the City Council as local planning authority on 23 April 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 (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.

2. You are advised that this planning permission cannot be implemented unless and until you have received the necessary corresponding Listed Building Consent.

(i) 20192436 7A STANLEY ROAD

Ward: Stoneygate

Proposal: Internal and external alterations to Grade II listed building to facilitate change of use from care home to 7 flats – listed building consent

Applicant: Mr L Patel

The Planning Officer presented the report and drew Members' attention to the supplementary report which referred to an amended description and amended conditions.

Members considered the application. There were no queries raised.

The Chair moved that, in accordance with the officer recommendation, the application be approved subject to the conditions in the report and amendments in the supplementary report. This was seconded by Councillor Gee 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 works to which this consent relates shall be begun within three years from the date of this consent. (To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.)

2. Prior to the commencement of the development, a full internal schedule of works shall be submitted to and approved in writing by the City Council as local planning authority. This shall include:

- i) a room-by-room schedule confirming the extent of repair and alteration works to all walls, floors, ceilings and historic features
- ii) floorplans confirming the location and method of installation of all new plumbing, pipework and electrical wiring
- iii) detailed drawings of reinstated joinery
- iv) details of the location and methodology of any fire protection and acoustic separation works
- v) type of construction and method of installation of all new stud partition walls.

The works shall be completed in accordance with the approved details prior to first occupation of any of the flats.

(To ensure the details of the internal works are satisfactory and in accordance with policy CS18 of the Leicester Core Strategy and paragraphs 194 and 200 of the National Planning Policy Framework 2019 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, further details confirming the extent of external repair / alteration works shall be submitted to and approved in writing by the City Council as local planning authority. This shall include:

- i) Sample of new cast iron rainwater goods
- ii) methodology of repair to reinstated masonry/mortar where rainwater goods are to be removed.

The works shall be completed in accordance with the approved details prior to first occupation of any of the flats.

(To ensure that the details are satisfactory and in the interests of the protection of the listed building, in accordance with policy CS18 of the Leicester Core Strategy and paragraphs 194 and 200 of the National Planning Policy Framework 2019 To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition)

4. This consent shall relate solely to the amended plans ref. no. KMC-1508 1-11 rev PP2 received by the City Council as local planning authority on 23 April 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 (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.

Councillor Thalukdar departed the meeting following deliberation of this item.

136. 20200047 61-63 BARDOLPH STREET

Ward: Belgrave

Proposal: Demolition of factory building (Class B1); Construction of five dwellinghouses (5x2 bed) (Class C3) (Amended plans received 04/03/2020)

Applicant: Mr Veejay Patel

The Planning Officer presented the report and drew Members' attention to the supplementary report which referred to an additional condition, a further representation and further considerations. The Planning Officer confirmed that although the report referred to Councillor Valand raising concerns he had not done so and had not expressed a view on 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 in the report and amendments in the supplementary report. This was seconded by Councillor Gee 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. Before the development is begun, 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. The development shall be carried out in accordance with the approved materials. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3. 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 by the 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, this is a PRE-COMMENCEMENT condition.)

4. 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).
5. Prior to the commencement of the development hereby approved 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. (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. This is a PRE-COMMENCEMENT condition).

6. The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment for 61-63 Bardolph Street, Leicester, LE4 6EH BY Blue Chip Projects dated 08/01/2020 rev.0)) and the mitigation measures it details in Section 5.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. (To reduce the risk of flooding to the proposed development and future occupants. To minimise the risk of damage in times of flooding, and in accordance with policy CS02 of the Core Strategy).

7. No construction or demolition work, other than unforeseen emergency work, shall be undertaken outside of the hours of 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday or at any time on Sundays or Bank Holidays, unless a methodology has been submitted to the City Council as local planning authority at least 10 days in advance and agreed. (In the interests of residential amenity and in accordance with Policy PS 10 of the City of Leicester Local Plan).
8. The dwellings and their 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)
9. No part of the houses shall be occupied until the footway crossing has been altered in accordance with guidance in the Leicester City Council and Leicestershire County Council document "6Cs Design Guide". (To achieve satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
10. 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.)

11. This consent shall relate solely to the amended plans nos. 2020/01/09/A pages 5, 6, 7, 8, 9 and 10 received by the City Council as local planning authority on 04/03/2020. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. 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
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.

137. CLOSE OF MEETING

The meeting closed at 8.16pm.