



Oadby and Wigston Borough Council

TO COUNCILLOR:

G S Atwal
T Barr
L A Bentley (Chair)
G A Boulter
Mrs L M Broadley (Vice-Chair)

F S Broadley
D M Carter
B Dave
R F Eaton
D A Gamble

Mrs S Z Haq
J Kaufman
Dr T K Khong
Mrs H E Loydall
R E R Morris

Dear Councillor et al,

I hereby summon you to attend a meeting of the **DEVELOPMENT CONTROL COMMITTEE** to be held at the Council Offices, Station Road, Wigston on **WEDNESDAY, 17 FEBRUARY 2016** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices
Wigston
15 February 2016

Mark Hall
Chief Executive

AGENDA UPDATE

PAGE NO'S

4. Minutes of the Previous Meeting held on 21 January 2016

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**MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE
COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 21 JANUARY 2016
COMMENCING AT 7.00 PM**

<u>IN ATTENDANCE:</u>		
Chair - Councillor L A Bentley Vice-Chair - Councillor Mrs L M Broadley		
COUNCILLORS (13):		
G A Boulter F S Broadley D M Carter R F Eaton D A Gamble	Mrs S Z Haq J Kaufman Mrs H E Loydall R E R Morris T Barr	B Dave G S Atwal B Fahey
OFFICERS IN ATTENDANCE (4):		
S J Ball	T Boswell S Dukes	D Gill
OTHERS IN ATTENDANCE (4):		
M Ahmed	A Omar P Woodthorpe	Philip Rowland

Min Ref.	Narrative	Officer Resp.
44.	<u>APOLOGIES FOR ABSENCE</u> An apology for absence was received from Councillor Dr T K Khong.	
45.	<u>APPOINTMENT OF SUBSTITUTES</u> Councillor B Fahey substituted for Councillor Dr T K Khong.	
46.	<u>DECLARATIONS OF INTEREST</u> Councillors Mrs L M Broadley and F S Broadley declared they had been contacted by the neighbour(s) at 203 and 209 Wigston Road, Oadby in respect of planning application number 15/000381/FU. They stated that they did not express a view upon the same and advised the neighbour(s) to contact the relevant Planning Officer. Both Members confirmed they attended the meeting with an open-mind. Councillor Mrs S Z Haq declared that she knew a member of the public in attendance in respect of an unknown planning application. She stated that she attended the meeting with an open-mind. Councillor J Kaufmann declared that he had spoken to a member of the public in attendance in respect of an unknown planning application. He stated that he attended the meeting with an open-mind.	
47.	<u>MINUTES OF THE PREVIOUS MEETING HELD ON 19 NOVEMBER 2015</u>	

	<p>The Interim Planning Control Manager stated that, in respect of planning application number 15/000381/FUL as refused by Members at the previous meeting of this Committee on 19 November 2015, the reasons minuted for refusal (at Minute Reference 42) did not acknowledge the fact that those reasons, in part, may be mitigated by way of an unilateral agreement pursuant to the Town and Country Planning Act 1990, section 106 in order to realise the implementation of the applicant-funded Traffic Regulation Order (TRO). The Interim Planning Control Manager sought to confirm if it was Members' intention to include the unilateral agreement as part of the reasons minuted for refusal should planning permission be granted upon any subsequent appeal.</p> <p>The Chair, Councillor L A Bentley, stated that although this Committee resolved to refuse planning permission for the reasons minuted, it was this Committee's intention to include the unilateral agreement as part of the reasons minuted for refusal should planning permission be granted upon any subsequent appeal.</p> <p>The Vice-Chair, Councillor Mrs L M Broadley, and Councillor D M Carter confirmed the same.</p> <p>RESOLVED THAT:</p> <p>Subject to the point of clarification aforementioned, the minutes of the previous meeting of the Committee held on 19 November 2015 be taken as read, confirmed and signed.</p>	
48.	<p><u>PETITIONS AND DEPUTATIONS</u></p> <p>None.</p>	
49.	<p><u>AGENDA UPDATE</u></p> <p>The Committee gave consideration to the supplementary agenda update (at pages 1 - 3) as circulated at the meeting, which should be read together with these minutes as a composite document.</p>	
50.	<p><u>REPORT OF THE PLANNING CONTROL MANAGER</u></p> <p>Councillor G A Boulter sought to clarify the unknown Officer in attendance.</p> <p>The Chair stated that the Officer in question was Mr David Gill from North West Leicestershire District Council substituting for the Monitoring Officer as the Committee's Legal Advisor.</p> <p>The Chair advised that the planning applications for consideration by the Committee would be considered in the subsequent order as below-mentioned.</p> <p>The Committee gave consideration to the report and appendices (at pages 11 - 56) as jointly-delivered by the Interim Planning Control Manager and Planning Officer, together with the supplementary agenda update (at pages 1 - 3) as circulated at the meeting, which should be read together with these minutes as a composite document.</p>	

1. Application No. 15/00488/FUL – 11 Southmeads Close (Land Adjacent), Oadby, Leicestershire, LE2 2LT

Mr Peter Woodthorpe, Chartered Surveyor at Reading Surveyors, spoke upon the application on behalf of Mr and Mrs Sergeant of 12 Southmeads Close, Oadby as an objector.

Mr Woodthorpe stated that the site in question was of a unique and sensitive nature, being heavily-wooded and located within the Oadby Arboretum area. He stated that previous applications to develop this site had been met with numerous objections, including the Oadby Civic Society. It was said that on this occasion, the timescale of informing local residents may have resulted in a number of local residents being unable to respond in time. He identified three elements of concern: namely:-

- (i) The potential damage to trees – With reference to the report (at pages 47 - 48) citing the concerns of the Council's Arboriculturist, he stated that concerns had been raised about the limited room for construction activities to take place without damage to a number of protected trees on the site. He further stated that the rear right-hand corner of the proposed development intruded into the canopy of a 30 year old specimen tree within garden at 12 Southmeads Close, noting that that damage to tree would be caused as a result of the proposed development;
- (ii) The impact of the development on the adjacent property – With reference to the report (at page 47) citing that 'the proposal could have some impact on amenity...' etc, he stated that the windows to the left-hand elevation all served the main living accommodation at 12 Southmeads Close. He added that these windows directly faced the proposed building with a two storey high-blank brick to be built immediately facing at a distance of 6.1 m. He invited Members to consider the impact of the same. With reference to paragraph 4.4.8 of the Council's Residential Development Supplementary Planning Documents (SPD), he submitted that the application was a special case and the development ought to be considered "overbearing and too dominant on the neighbouring property"; and
- (iii) The poor quality of the design – He submitted that if the Members were minded to grant planning permission, the Committee would be failing to uphold its own planning standards by allowing a house of a substandard design to be built on a uniquely attractive site. He stated that the original design(s) was of high quality, sat in context with its surroundings, minimised the impact on the adjoining property and would have made a positive contribution to the street scene. He stated that the current proposal could not fulfil the same criteria by any objective assessment. With reference to the report (at pages 45 - 46) citing Core Strategy (CS) Policies 1 and 15 and the Landscape Character Assessment (LCA) Policy, he stated the report failed to conclude whether or not the design met the criteria. He further made references to paragraphs 56 and 58 of The National Planning Policy Framework (NPPF).

Mr Woodthorpe described the Committee as the "ultimate gatekeeper" of planning policy and appealed to Members to exercise its responsibility in this respect to refuse the current application or defer its decision to allow

	<p>more time for the applicant to make improvements to the design.</p> <p>The Planning Officer summarised the planning application's site and location, proposals, relevant planning history, consultations, representations and planning considerations identifying the relevant planning policies as detailed in the report (at pages 41 - 49). He summarised the report's conclusion (at page 49), stating that the application was recommended for approval subject to the conditions as outlined in the report (at pages 50 - 56).</p> <p>With reference to the original application's elevations as detailed on the presentation, Councillor D A Gamble opined that the original sharp-edged design concept better complemented, and was more characteristic of, the street-scene in comparison with the revised scheme which sought to atypically incorporate an arched-window.</p> <p>Councillor B Fahey raised a concern in respect of the proposed development's relatively short distance (1.5 m) in respect of the site boundary with 12 Southmeads Close.</p> <p>The Planning Officer advised that there was sufficient spacing between the adjoining properties and that siting of the proposed developments footprint could not be adjusted due to the designated root-protection areas surrounding the trees in question.</p> <p>Councillor Mrs H E Loydall sought clarification as to the proposal's description (at page 42) as whether it was a new planning application which ought to amend the plans therein.</p> <p>The Planning Officer confirmed that this application sought to amend the plans in this application (15/00488/FUL).</p> <p>The Member sought the Planning Officer's considered opinion upon Mr Woodthorpe's assertion that if the Members were minded to grant planning permission, the Committee would be "failing to uphold its own planning standards".</p> <p>The Planning Officer advised that the Residential Development SPD only applied the 45-degree code to the front and rear windows of any proposed development and that any reference to the Council's policy precluding applications from being "overbearing and too dominant on the neighbouring property" was an exercise of planning judgement as opposed to policy degree.</p> <p>With reference to the site-plan as detailed on the presentation, the Member sought further clarification as to siting of the proposed building and its relative size to plot size ratio.</p> <p>The Planning Officer confirmed that the proposed footprint of the building was sited in the top-left section of the plot occupying 7% of the overall plot size.</p> <p>With reference to the site-plan as marked on the presentation, the Member enquired as to whether trees T1, T2, T4, T7 and T18 were protected by a Tree Preservation Order (TPO) and enquired as to their height and maturity</p>	
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<p>insofar as to ascertain any possible future impact on 12 Southmeads Close which may lead to the trees' removal.</p> <p>The Planning Officer confirmed that the aforementioned trees were so protected (TPO/0116/TREE). He noted that of T3 (as marked) was not similarly protected. He further advised that the overall height and life-span of the trees in question were presently unknown but ostensibly appeared to be mature and in good health.</p> <p>With reference to planning conditions 6 and 7 in the report (at pages 51) citing "measures to avoid damage to the trees to be retained" etc, the Member requested that, if Members were minded to approve planning permission, secure harris fencing be used and a site inspection be undertaken to confirm the same and enquired as to ongoing protection was provided to the trees in question.</p> <p>The Chair confirmed that ongoing protection was afforded to the trees in question by virtue of the TPO.</p> <p>The Vice-Chair disapproved of the application's revised vis-a-vis original design. She further sought clarification as to the Arboriculturist's comments upon the inherency and adequacy of the protection afforded to the root system(s) of the trees in question.</p> <p>The Planning Officer advised that the TPO protected the entire Root Protection Areas (RPA's) of the trees in question. He stated that the Arboriculturist considered that the siting of the proposed building's footprint, and the relative erection of protective fencing, was acceptable insofar as to avoid any detrimental root damage (at page 48).</p> <p>Councillor R E R Morris enquired as to why T3 was not TPO-protected, citing that obscured views by any proposed dwelling alone was not sufficient justification.</p> <p>The Planning Office advised that T3 was not considered worthy of protection by means of a TPO due to its reduced public-amenity value insofar as to its relative insignificance in the street scene (i.e. in the rear of 12 Southmeads Close) with the positioning of other silver birch trees further obscuring its line of sight.</p> <p>The Member sought clarification as to whether the T3 designated patio-area was included in the footprint of the proposed building and further enquired as to T3's visibility from rear and side-neighbouring properties.</p> <p>The Planning Officer confirmed that this was the case with the addition of 1 m (as amended by revision C). He advised that there was no visibility from the rear-neighbouring properties and some possible visibility from 11 Southmeads Close.</p> <p>Councillor R E R Morris moved for a provisional TPO to be adopted in respect of T3.</p> <p>Councillor Mrs H E Loydall seconded Councillor R E R Morris' motion.</p> <p>Councillor Mrs S Z Haq enquired as to whether any planning proscriptive</p>	
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guidance existed in respect of determining adequate distance between adjoining properties.

The Planning Officer advised that no such proscriptive guidance existed and that the matter fell to be considered under the impact of the proposal on the character and appearance of the street scene to which it was now deemed acceptable (as revised).

The Legal Advisor advised Members that the making of provisional TPO's was, as the present time, the exclusive prerogative of Planning Officers under delegated authority and that this Committee could not usurp that prerogative. He added that if Officers were minded to make a provisional TPO, it would not preclude the development. With reference to the site-plan as marked on the presentation, he stated that the grey-shaded area represented the RPA's and that, provided there was no substantial damage sustained to the peripheries of the root systems, the trees in question would not suffer. Members were further advised that, given the siting of T3 on an adjacent property, any roots extending under the site's boundary would constitute a tort of trespass. He therefore recommended that Members be minded not to move for a provisional TPO and allow Officers to exercise their due discretion.

Councillor G A Boulter stated that this Committee was equally empowered to restrain the powers previously delegated to Planning Officers.

With reference to recent case-law upon the matter, the Legal Advisor warned Members that a Committee could not reserve a delegated power once it had been delegated. He strongly advised that if Members were minded to move for the making of a provisional TPO without robust justification for doing so, that application ought to be deferred so to seek further legal advice given its profound legal implications.

The Chair ruled that the making of a provisional TPO fell outside the remit of this application.

The Member stated that he could not find any material planning conditions upon which to refuse planning permission.

Councillor G A Boulter moved the application for approval of planning permission.

Councillor D A Gamble moved the application for refusal of planning permission on the grounds that it adversely impacted on the character and appearance of the street scene.

Councillor Mrs H E Loydall sought the considered opinion from Planning Officers upon Councillor G A Gamble's reasons for refusal of planning permission.

The Planning Officer opined that the concept of design was an inherently subjective one, reporting that the NPPF states that planning policies and decisions should neither seek to stifle nor discourage appropriate "innovation, originality and initiative" whilst respecting "local distinctiveness". He stated that there were a number of extant properties in the area of varied-design yet advised that impact on the character and appearance of

the street scene was a valid reason for refusal if Members were minded to refuse planning permission. The Interim Planning Control Manager added that Chapter 7 of the NPPF stated that permission should be refused for development of a “poor design” and advised Members to expressly identify what rendered the application’s design “poor” if minded to refuse planning permission.

The Member sought the considered opinion of the Legal Advisor as to whether the proposed arched-window was reason enough to refuse planning permission.

The Legal Advisor advised that the arched-window was not reason enough and, in absence of any other material planning considerations for refusal, recommended that Members be minded to approve planning permission. He added that if Members were minded to refuse upon design considerations alone, that a financial implication in respect of both the applicant’s and the Council’s own costs would be borne by this Council upon any subsequent and successful appeal to the Planning Inspectorate.

Councillor Mrs H E Loydall seconded the motion for the approval of planning permission.

Councillor J Kaufman seconded the motion for refusal of planning permission.

The Legal Advisor advised that the Councillor J Kaufman’s seconding of Councillor D A Gamble’s amended motion for refusal of planning permission was excluded insofar as the substantive motion had already been moved and seconded, by Councillors G A Boulter and Mrs H E Loydall respectively, and, as such, was to now be put before Members for resolution (in accordance with Rule 14 of Part 4 of the Constitution).

RESOLVED THAT:

The application be **PERMITTED** planning permission subject to the conditions as outlined in the report (at pages 50 - 56).

Votes For	10
Votes Against	5
Abstentions	0

2. Application No. 15/00397/FUL – 69 The Broadway, Oadby, Leicestershire, LE2 2HG

Mr Philip Rowland, Head of Development Control at Landmark Planning Ltd, spoke upon the application on behalf of the applicant.

Mr Rowland, to his understanding, outlined the material planning considerations of the application. In respect of the principle of the development, he stated that the application was a revised scheme in respect of a similar proposal permitted at a previous meeting of this Committee on 16 October 2014 (application no. 14/00308/FUL). It was said that the key differences between this application and the previous application was a minor re-siting of the proposed garage and the removal of

a boundary hedgerow that was shown on the approved drawings.

- (i) Re-siting of the garage – He stated that previously approved plans showed the proposed garage too close to the existing dwelling to enable it to function properly as a garage. Its minor re-siting was said to have neither a greater impact in terms of its visual appearance to the street-scene nor on the neighbouring property in terms of residential amenity than the previously approved scheme; and
- (ii) Removal of the boundary hedgerow – With reference to the October 2014 report in respect of the previous application (at page 24), citing Planning Officers' advice that the removal of the boundary hedgerow "may not be an overriding factor in the determination of the application" etc, he stated there was not a condition requiring the boundary hedgerow to be retained once the development had been completed vis-a-vis the erection of appropriate fencing during construction. He opined that as the site was not within a Conservation Area, the boundary hedgerow could have been removed once the development had been completed.

He stated that the applicant was fully aware of the importance of the character of the area and the need to retain indigenous trees and important indigenous hedgerows. The conifer hedgerow that was removed was said to not be native to this country and had little wildlife or visual amenity value compared to a native hedgerow such as a Beech or Hawthorne.

He submitted that the hedgerow's proximity to the proposed building and the possibility of the roots undermining the foundations provided a practical reason why it could not have been retained satisfactorily. It was added that the neighbouring dwellings foundations were also close to the line of the hedgerow and that its retention, in the long term, could have had an adverse impact on the foundations of the neighbouring property.

Mr Rowland opined that in these circumstances, as the proposal was not in conflict with the Council's policies in the Development Plan or Residential Development SPD, or materially different to the previously approved application, that there was no material planning reasons to refuse the application.

Mr Aniz Omar spoke upon the application as an objector.

With reference to the October 2014 supplementary report in respect of planning conditions attached to the previous application (at page 1), citing the "retention of the boundary hedgerow" between 69 and 71 The Broadway, it was alleged that the application went against conditional permission by removing the same. He said that the applicant had made comparatively minor amendments and sought to benefit from a breach of planning conditions made in bad faith, adding that Members should be minded not to grant permission without the reinstatement of boundary hedgerow. To otherwise grant permission was said to potentially set a precedent for future applicants. With reference to the approximate 1m height-difference between the neighbouring properties, the swimming pool and its glass canopy, he raised a concern in respect of the potential light and noise pollution.

Mr Omar directed Members to consider the following planning policies,

namely:-

- (i) CS Policy 15, citing that one “must protect and enhance the distinctive landscape and historic character of the Borough” etc;
- (ii) LCA Policy, recommendation O(ii)/3, which was said to identify the need to retain plot size, building size to plot size ratio and open space in order to prevent dilution of the overall character of relatively large scale buildings in spacious plots; and
- (iii) Residential Development SPD, section 7, citing that the proposed 45 m side-wall boundary would “be detrimental to the amenity of neighbouring residential properties.”

Mr Omar appealed to Members to refuse planning permission for the reasons aforementioned.

Mr Maksood Ahmed spoke upon the application as an objector.

With reference to the supplementary report in respect of planning conditions attached to the previous application (as above), Mr Ahmed alleged that the applicant went against conditional permission by removing the boundary hedgerow. He said that he objected to the scale and development of the proposed plans, describing them as visually intrusive and detrimental to the character and appearance of the open-space.

He said he was concerned about the position, size, height and close proximity to 71 The Broadway and the over-bearing nature of the proposed 45 m long, 3.5 m high side-wall. He opined that the proposed development failed to acknowledge the ecological/environmental value of private gardens, adding that the open-space made an important contribution to the character and appearance of the area and that it was important to follow the cohesive garden sites with the neighbouring properties as opposed to any over-dense development.

He stated that the proposed development would encroach upon the rights of light and air for the surrounding properties, creating noise, loss of light/overshadowing and loss of privacy due to scope for over-looking into the swimming pool from the neighbouring property’s rear bedrooms and landing area. He said that land-level differences between 69 and 71 The Broadway meant that the proposed development would have added detrimental effects.

Mr Ahmed appealed to Members to refuse planning permission for the reasons aforementioned, opining that the applicant actions were unethical and mocked the planning system.

The Interim Planning Control Manager summarised the planning application’s site and location, proposals, relevant planning history, consultations, representations and planning considerations identifying the relevant planning policies as detailed in the report (at pages 12 - 18). He summarised the report’s conclusion (at page 18), stating that the application was recommended for approval subject to the conditions as outlined in the report (at pages 19 - 21).

Councillor Mrs H E Loydall stated that she was in agreement with the objectors insofar she believed that the applicant had acted in bad faith in

removing the boundary hedgerow which, had it been retained as purposely conditioned, would have softened the application and made it more acceptable to the occupants at 71 The Broadway. The Member stated that she could not find any material planning conditions upon which to refuse planning permission.

Councillor Mrs H E Loydall moved the application for approval of planning permission.

Councillor D A Gamble sought a point of clarification as to whether the applicant was entitled to remove the boundary hedgerow upon the completion of the development if Members were minded to approve planning permission.

The Interim Planning Control Manager confirmed the applicant's entitlement to do so.

Councillor Mrs S Z Haq agreed with Councillor Mrs H E Loydall, adding that although nothing could be done to remedy the action taken by the applicant in respect of the boundary hedgerow, it did make a mockery of the planning system and this Committee.

Councillor G A Boulter stated that, if Members were minded to approve planning permission, a planning condition ought to be inserted in terms of boundary-treatment in respect of the proposed side-wall and requested clarification upon the same.

The Interim Planning Control Manager advised that although the insertion of a boundary-treatment condition was possible, Members ought to be mindful in prescribing a continuous (replacement) hedgerow. He recommended that Members be minded to either, for example, condition the use of multiple brick-types or tiles in order to break-up the extensive wall-mass and, or, the planting of some vegetation on the site's frontage.

Councillor G A Boulter moved that, if Members were minded to approve planning permission, a condition be inserted requesting requiring the applicant to apply any such method to moderate the visual expanse of brick-work (viz. brick dealing) to the proposed side-wall and that delegated authority granted to Planning Officers in respect of all other residual matters obtaining to boundary-treatment, accordingly.

Councillor G A Boulter seconded the motion for the approval of planning permission, subject to the above condition and delegation.

Councillor Mrs H E Loydall agreed with the addition of the aforementioned condition and delegation.

The Vice-Chair agreed with Councillors G A Boulter and Mrs H E Loydall.

RESOLVED THAT:

- (i) The application be **PERMITTED** planning permission subject to:
 - (a) The conditions as outlined in the report (at pages 50 - 56); and
 - (b) A condition requiring the applicant to apply any such method to

moderate the visual expanse of brick-work to the side-wall; and

- (ii) That delegated authority be granted to Planning Officers in respect of all other residual matters obtaining to boundary-treatment, accordingly.

Votes For 12

Votes Against 0

Abstentions 3

3. Application No. 15/00436/FUL – 205 Wigston Road, Oadby, Leicestershire, LE2 5JF

Mr Philip Rowland, Head of Development Control at Landmark Planning Ltd, spoke upon the application on behalf of the applicant.

Mr Rowland stated the applicant had work closely with Planning Officers to address any concerns that had been raised and amended the application accordingly. He, to his understanding, outlined the material planning considerations of the application, namely:-

- (i) Impact of the proposal on the character and appearance of the street-scene –He stated that as the existing dwelling was a bungalow located 20m back from the highway and set between two houses, its visual impact would be unlikely to be detrimental on the character and appearance of the street-scene. He said that the only element of the proposed works to the dwelling's frontage would be the proposed dormers on the side elevations to which Planning Officers were said to have agreed that these would not have an adverse impact.
- (ii) Impact on residential amenity – It was said that the balconies and windows in the original application had been removed from the plans to avert any potential to overlook neighbouring gardens. It was said that on the basis of these agreed changes, Planning Officers accepted that the proposed development would not have a detrimental impact on the residential amenities of the occupiers of 209 Wigston Road (209).

In respect of concerns raised by Planning Officers with regard to the impact of the built development at 203 Wigston Road (203), it was said that in applying the 45-degree code, it was acknowledged 205 Wigston Road (205) to was in breach of this code. However, as the breach occurred at a distance of 9 m along a 45-degree line and the adopted Residential Development SPD applied over a distance of 8 m, it was said that neither the existing dwelling nor the proposed extensions conflicted with the adopted advice.

In respect of further concerns raised by Planning Officers with regard to the depth of the dormer extension at first floor level, it was said that the applicant had looked at reducing the dormer element from 11 m to 8 m. However, due to complications to the internal layout, it was said that this section of the proposal has been reduced to 9 m. He therefore questioned the basis upon which Planning Officers were able to defend any subsequent appeal against refusal of planning permission for a 1 m element of the dormer window. He opined that this did not have an adverse impact in terms of loss of light and over-dominance given that the extension was one-and-a-half

storeys and that the dormer was over 13 m away from the 203's nearest window.

Mr Rowland submitted that there were no material planning reasons to refuse the planning application and appealed to Members to permit planning permission.

The Planning Officer summarised the planning application's site and location, proposals, consultations, representations and planning considerations identifying the relevant planning policies as detailed in the report (at pages 32 - 37) and supplementary agenda update (at pages 1 - 3). He summarised the report's conclusion (at page 37), stating that the application was recommended for refusal.

The Vice-Chair stated that the extant property in question was visually appealing. She stated that, in her opinion, that applicant had not met the requisite conditions in respect of reducing the size of the dormer window and, as such, it would continue to have a substantial impact upon 203. The Member further stated that land-level differences between the property and neighbouring properties would render the proposed development overly-dominating. She further raised concerns in respect of the angle/line used for 45-degree code assessment and sought further clarification.

With reference to the site-plan as detailed on the presentation, the Planning Officer advised that the applicant's plans were incorrect insofar as the 45-degree line was taken from the middle of the property as opposed to the nearest habitual window. It was reported that the correct line was taken from the latter as confirmed from a previous assessment undertaken at 203 relating to earlier and approved application.

The Vice-Chair moved the application for refusal of planning permission.

Councillor F S Broadley seconded the motion for the refusal of planning permission.

Councillor Mrs H E Loydall agreed with the visual appeal the extant property's frontage held in the street-scene and opined that the proposed plans would not remain in-keeping with the same. She stated that it was an overbearing development proposal that would have a significant impact on the occupants at 203. The Member said that she supported the motion for refusal of planning permission.

UNANIMOUSLY RESOLVED THAT:

The application be **REFUSED** planning permission for the reasons contained in the supplementary agenda update (at pages 2 - 3).

Councillors D A Gamble and Mrs S Z Haq left the Chamber at 8:45 pm.

4. Application No. 15/00406/FUL – 10 Long Street, Wigston, Leicestershire, LE18 2BP

The Interim Planning Control Manager summarised the planning application's site and location, proposals, consultations, representations and planning considerations identifying the relevant planning policies as detailed

in the report (at pages 22 - 27) and supplementary agenda update (at pages 1). He summarised the report's conclusion (at page 27), stating that the application was recommended for approval subject to the conditions as outlined in the report (at pages 28 – 31) and an acceptable unilateral agreement pursuant to the Town and Country Planning Act 1990, section 106 as outlined in the supplementary agenda update (at page 1).

The Vice-Chair stated that the proposed development would need to be marketed as “non-parking dwellings” so to mitigate the peripheral concerns surrounding the limited available on-street parking provision within the immediate vicinity. She welcomed the proposed scheme of renovation and the added provision of low-cost housing to the Borough.

The Vice-Chair moved the application for approval of planning permission.

The Chair enquired as to whether a “car-free” planning condition was achievable.

The Interim Planning Control Manager stated that such a planning condition would be unenforceable against prospective buyers. He advised that although it would be prudent to assume that some prospective buyers would be car-owners, the relatively small and low-value nature of the proposed dwelling suggested that the opportunity for car ownership would be minimal. He advised that the area was amply-served by public transport facilities and was in close proximity to Wigston town centre.

Councillor J Kaufman warned that a car-free economy was becoming increasingly impossible within the Oadby and Wigston due to the ever-decreasing provision of public transport facilities connecting the Borough. He said it was disappointing that a condition directing the applicant to market the proposed development as “non-parking dwellings” could not be realised and sought further clarification from Officers.

The Legal Advisor advised that although Members' sentiments were laudable, the proposed condition would ultimately be unenforceable against end-subjects and could otherwise be considered as a necessary “business expense” if the developer were to be prosecuted. He recommended that Members be minded not to condition to this effect.

Councillor G A Boulter stated that there was extremely limited on-street parking capacity along the upper-end of Central Avenue and that any suggested capacity to the lower-end of Central/Holmden Avenue could not be considered as serving the “immediate area” insofar as being an approximate 15-minute walk away from the proposed development. He requested either a Local Legal Charge (LCC) be entered on the LLC Register and, or, a note to the applicant be issued in order to regulate any parking-matters. The Member further requested that a planning condition be inserted requiring the general activity in the refuse/cycle storage areas, are the lighting servicing the same, be moderated and switched-off , respectively, during the late/early hours to minimise any disturbance to Kingswood Court residents. He welcomed the prospect of the long-vacant building being brought back into use.

The Interim Planning Control Manager sought to clarify that the majority of the proposed dwellings would, to his understanding, be allocated to the

rental market. He advised that the refuse/cycle storage areas were to be roof-enclosures with their internal lighting arrangements expected to operate on a door-operated (or alike) mechanism within minimal anticipated impact. Subject to the Legal Advisor's comments, he further advised Members that the intended use of LCC's would not be lawful and rather that the net effect of any increased competition for car parking spaces on Central Avenue would be the graduated relocation of vehicles further along the length of road(s) in question. The Interim Planning Control Manager emphasised that the NPPF's remit was less concerned with issues of local competition for on-street parking provision vis-a-vis road safety issues.

The Legal Advisor advised that the correct use of LCC Register was statutorily mandated and, as such, would not constitute lawful means to regulate parking in terms of unnecessarily blighting proprietorship records.

Councillor G A Boulter warned of Leicestershire County Council's plans to charge for on-street residential parking in the preceded two-years.

Councillor Mrs H E Loydall stated that although there was limited on-street parking provision within immediate area, the acknowledgment of such could be said to be self-serving in that prospective occupants were to be mindful of this when making an informed decision. The Member requested that a note to the applicant also be added to promote the expectation that the proposed development's high-quality finish is to be maintained both internally and externally, citing historical concerns in respect of poor quality workmanship in similar-styled low-cost, low-value dwellings.

The Vice-Chair agreed with the addition of the aforementioned note to applicant.

The Chair seconded the motion for the approval of planning permission with the addition to the note to applicant.

RESOLVED THAT:

The application be **PERMITTED** planning permission subject to and including:

- (i) The conditions as outlined in the report (at pages 28 - 31);
- (ii) An acceptable unilateral agreement pursuant to the Town and Country Planning Act 1990, section 106 as outlined in the supplementary agenda update (at page 1); and
- (iii) A note to the applicant to promote the expectation that the development's high-quality finish is to be maintained both internally and externally.

Votes For	12
Votes Against	0
Abstentions	1

THE MEETING CLOSED AT 9.23 PM



CHAIR

WEDNESDAY, 17 FEBRUARY 2016