

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE  
COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 13 APRIL 2017  
COMMENCING AT 7.00 PM**

**PRESENT**

Councillor Mrs L M Broadley (Vice Chair, in the Chair)  
Councillor Mrs H E Loydall (Vice Chair, Acting)

**COUNCILLORS**

G A Boulter  
F S Broadley  
D M Carter  
R E Fahey  
Mrs S Z Haq  
J Kaufman

**OFFICERS IN ATTENDANCE**

S J Ball (Senior Democratic Services Officer / Legal Officer)  
T Boswell (Senior Planning Control Officer)  
D Gill (Legal Advisor)  
R Redford (Planning Control Team Leader)  
S Robshaw (Planning Control Enforcement Officer)

**OTHERS IN ATTENDANCE**

M H Charlesworth (Speaker, Consultee)

**52. APOLOGIES FOR ABSENCE**

An apology for absence was received from the Chair, Councillor L A Bentley, and Councillors B Dave, D A Gamble, Dr T K Khong and R E R Morris.

**53. APPOINTMENT OF SUBSTITUTES**

**RESOLVED THAT:**

**Councillor Mrs H E Loydall assume the Vice Chair for the duration of the meeting only.**

**54. DECLARATIONS OF INTEREST**

None.

**55. MINUTES OF THE PREVIOUS MEETING HELD ON 16 MARCH 2017**

In respect of application no. 16/00552/FUL (87 Welford Road, Wigston, Leicestershire LE18 3SP) at minute reference 49 (at page 9) it was requested that 'Councillor R E Fahey' be corrected to 'Councillor F S Broadley'.

**RESOLVED THAT:**

**The minutes of the previous meeting of the Committee held on 16 March 2017 be taken as read, confirmed and signed (as amended).**

**56. PETITIONS AND DEPUTATIONS**

None.

**57. PLANNING ENFORCEMENT ACTIVITY REPORT 2016/17**

The Committee gave consideration to the report (at pages 11 - 12) as delivered and summarised by the Planning Control Enforcement Officer which should be read together with these minutes as a composite document.

Councillor Kaufman enquired as to the longevity of the oldest case on-hand (at para. 3.5).

The Planning Control Enforcement Officer advised that the case in question was already two years old upon his appointment to the Council and that, in the following two years, a number of steps had been taken to persuade the relevant parties to comply before an Enforcement Notice could be duly served. The consideration of the commencement of prosecution proceeding was said to apply to this case.

It was moved by Councillor G A Boulter, seconded by Councillor D M Carter and

**UNANIMOUSLY RESOLVED THAT:**

- (i) The meetings of the Development Control Sub-Committee (Enforcement) be herewith suspended for a further period of one-year (i.e. 12 months); and**
- (ii) The next Planning Enforcement Activity Report be written up to cover the period to 31 March 2018, be approximately in line with the end of the municipal year and repeated annually thereafter.**

**58. REPORT OF THE PLANNING CONTROL TEAM LEADER**

**1. Application No. 16/00395/FUL - Former Premier Drum Site, Blaby Road, Wigston, Leicestershire, LE18 4DF**

Mr Michael H Charlesworth spoken upon the application as a consultee.

Mr Charlesworth stated he lived adjacent to the application site since 1994 and, since the ceasing of commercial operations at the site since 2007, it had rapidly fallen into decline and was in desperate need of regeneration. He acknowledged the issues in respect of traffic generation however opined that the cumulative effect would be negligible. He said that the proposed installation of an air quality monitoring station added no material benefit in reducing the levels of pollutants recorded closeby. He said that the Leicester Mercury's coverage on the application was inaccurate, that no discernible protest(s) had been voiced by local residents and, rather, economic growth and development was needed and welcomed in Wigston and South Wigston.

The Committee gave consideration to the application (at pages 13 - 25) and the supplementary agenda update (at pages 1 - 2) as jointly-delivered and summarised by the Planning Control Team Leader and the Senior Planning Control Officer which should be read together with these minutes as a composite document.

It was moved by the Vice Chair (the Proposer) and seconded by the Chair (the Seconder) that the application be granted planning permission.

The Proposer and Seconder wished it to be minuted that the moving and seconding of the

application in accordance with the Officers' recommendation was formally required to move the application to the debate and by doing so did not fetter their discretion to vote for the motion or against the motion or to abstain from voting.

A debate thereon was had by Members whereby it was generally acknowledged that the regeneration of the application site would be an enhancement and betterment to the local area and would bring a substantial number of benefits to the residents of the Borough, including job creation and a broader range of consumer choice.

A number of concerns were reiterated by Members in respect of increased traffic generation along routes to and from the application site and there being insufficient turning areas for articulated heavy goods vehicles (HGV's) to manoeuvre safely into, out of and at the rear of the site. It was suggested that a sum be requested under an agreement pursuant to section 106 of the Town and Country Planning Act 1990 ("s106 Agreement") or voluntarily tendered by the developer to contribute to a re-configuration of the road network and, or, installation of various traffic management and attenuation measures that were thought necessary to mitigate the impact(s) thereof so to better optimise traffic flow within the locality and pedestrian and cyclist access, including the relocation of bus stops/lay-bys along the affected routes.

It was advocated by a majority of Members that a s106 Agreement for the installation of an air quality monitoring station was not an unreasonable request and that, given the excess levels of pollutants recorded closeby the site, the station would provide Environmental Health Officers (EHO's) the tools to monitor any further impact created by the proposed development and an evidence-base for future action to be taken, including the possible designation of an Air Quality Management Area (AQMA).

It was put by Members that the light externally emitted by the proposed buildings on the application site, including from illuminated signage and totems, ought to be carefully managed to limit any nuisance caused to the railway line adjacent and neighbouring residential and commercial properties. A maintenance schedule was also suggested by Members to ensure the ongoing and proper upkeep of the visual aesthetics of the application site. Assurances were further sought by Members that adequate parking capacity to accommodate both employees and customers was accommodated by the proposed application suitable for a retail environment.

The Senior Planning Control Officer advised the Committee that a fundamental re-configuration of the road network, most notably the relocation of bus stops/lay-bys, would pose substantial engineering, technical and financial difficulties to be feasibly realised, as confirmed by/with the Highways Authority at Leicestershire County Council, but that the installation of various traffic management and attenuation measures in the immediate and wider locality would sufficiently address Members' concerns in respect of increased traffic generation, congestion and access. He confirmed that there were sufficient turning areas for a number of articulated HGV's to manoeuvre safely into, out of and at the rear of the site. He confirmed that there was such adequate parking capacity suitable for the proposed retail environment.

The Legal Advisor strongly advised the Committee that if Members were minded to resolve any considerable sums requested under a s106 Agreement - in respect of a re-configuration of the road network, and the implications thereof, and the installation of an air quality monitoring station - these sums may become the subject of a successful appeal and, or, judicial review brought by the applicant on the basis of failing to meet the legal requirements of necessity, reasonableness and the Community Infrastructure Levy Regulations 2010 ("the 2010 CIL Regulations") as the issues raised and the objectives sought to resolve the same in requesting these sums, however laudable, could not be

directly attributable to the application itself.

It was moved by the Vice Chair and seconded by Councillor Mrs S Z Haq and

**RESOLVED THAT:**

The motion be amended to include that a sum of £25,000.00 be requested under an agreement pursuant to section 106 of the Town and Country Planning Act 1990 ("s106 Agreement") for the installation of an air quality monitoring station.

<b>Votes For</b>	5
<b>Votes Against</b>	3
<b>Abstentions</b>	0

It was moved by the Chair and seconded by the Vice Chair and

**UNANIMOUSLY RESOLVED THAT:**

The motion be amended to include additional planning conditions, to be appropriately worded by Planning Control Officers, for the approval of:

- (i) the proposed application's external lighting arrangements, including but not limited to, the duration and intensity of light sources; and
- (ii) a maintenance schedule for the application site.

The motion (as amended) that the application be granted planning permission was put to the vote and

**UNANIMOUSLY RESOLVED THAT:**

**The application be GRANTED planning permission in accordance with the submitted documents and plans and subject to the prescribed conditions (as amended).**

**THE MEETING CLOSED AT 8.44 PM**



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**Chair**  
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**Thursday, 20 July 2017**  
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