

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE
COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 25 OCTOBER 2018
COMMENCING AT 7.00 PM**

PRESENT

Councillor L A Bentley	(Chair)
Councillor D M Carter	(Vice-Chair, Acting)

COUNCILLORS

G A Boulter
J Kaufman
Mrs L Kaufman
Dr T K Khong
Mrs H E Loydall
R E R Morris

OFFICERS IN ATTENDANCE

S J Ball	(Senior Democratic Services Officer / Legal Officer)
T Boswell	(Senior Planning Control Officer)
Mrs A E Court	(Chief Executive)
R Redford	(Planning Control Team Leader)
A Thorpe	(Head of Planning, Development and Regeneration)

OTHERS IN ATTENDANCE

R Chan	(Applicant/Agent, Public Speaker)
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27. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillors Mrs L M Broadley, F S Broadley, B Dave, G A Gamble and R H Thakor.

It was moved by Councillor G A Boulter, seconded by the Chair and

UNANIMOUSLY RESOLVED THAT:

Councillor D M Carter assume the Vice-Chair for the duration of the meeting only.

28. DECLARATIONS OF INTEREST

The Chair declared a non-pecuniary interest in respect of planning application number 18/00258/FUL insofar as he has shown a sustained interest over the years in realising the construction of a footbridge over Ervins Lock in Wigston.

The Vice-Chair declared a non-pecuniary interest in respect of planning application number 18/00405/COU insofar as he had been lobbied by interested parties and considered himself to have pre-disposition towards the same.

29. MINUTES OF THE PREVIOUS MEETING HELD ON 30 AUGUST 2018

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The minutes of the previous meeting of the Committee held on 30 August 2018 be taken as read, confirmed and signed.

30. PETITIONS AND DEPUTATIONS

None.

31. REVIEW OF SCALE OF FEES & CHARGES (2019/20)

The Committee gave consideration to the report and appendix (as set out at pages 6 - 12) which asked it to recommend the proposed Scale of Fees and Charges for 2019/20 to the Policy, Finance and Development Committee for approval.

The Committee was advised that, subject to the prescription of fees as set externally from the Council, the proposed Scale operated on a full cost-recovery basis.

It was moved by Councillor Mrs H E Loydall, seconded by the Chair and

UNANIMOUSLY RESOLVED THAT:

That the proposed Scale of Fees and Charges for 2019/20 (as set out in Appendix 1) be recommended to the Policy, Finance and Development Committee for approval.

32. REPORT OF THE PLANNING CONTROL TEAM LEADER

In accordance with Rule 7.3 of Part 4 of the Constitution, the Chair moved for the order of business to be altered and taken in the order as reflected in the minutes.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The order of business be altered accordingly.

32a. APPLICATION NO. 18/00405/COU - 17-19 THE PARADE, OADBY, LEICESTERSHIRE, LE2 5BB

Mr R Chan spoke upon the application on behalf of the applicant. A copy of the agent's representations is filed together with this minute at **Appendix 1**.

The Vice-Chair spoke upon the application. A copy of the Vice-Chair's representations is filed together with this minute at **Appendix 2**.

Having declared a non-pecuniary interest, the Vice-Chair left the Chamber and took no part in the debate on the item of business and voting thereon.

The Committee gave consideration to the report (as set out at pages 39 - 49) which asked it to determine a planning application for a change of use from a shop (A1) to a laundrette (sui-generis) and use of a first floor for service washes.

A debate thereon was had whereby Members agreed that, on balance, the regenerative impact of the proposed change of use would positively contribute to the town centre's

vitality and viability insofar as it was hoped to facilitate, amongst other things, a service that would promote net additional visits to The Parade, encourage more in-town centre living and avoid the prospect of a dead frontage. It was also acknowledged that the commercial viability of the applicant's proposed use was not a material planning consideration to which the Committee could have due regard.

In reaching its decision, it was reported that no residential properties were located in close proximity of the unit, it had not been proposed that a dry-cleaning operation was to be carried out and that the service-wash element of the business was to primarily operate via the unit's rear entrance. As such, no justifiable need was apparent, or capable of being enforced, to either limit further the laundrette's opening hours, to regulate any noxious emissions or to control the unit's access and egress respectively by condition(s): in any case, if related concerns did materialise in the future, it was said that these could be dealt with by statutory nuisance or other regulatory enforcement measures. The Committee was also advised that, if it was minded to permit planning permission, this could not be granted in personam.

To mitigate other concerns as raised by Members, it was further agreed that, by way of condition, the ground floor of the unit was to incorporate an appropriate window display or applique to the frontage glazing in order to screen the visible appearance of laundry machinery within the unit and, by way of a note, it be recommended that the applicant ensured that the building's structure was adequate to support the static and dynamic loads arising from the installation and use of laundry machinery.

It was moved by the Chair, seconded by Councillor J Kaufman and

UNANIMOUSLY RESOLVED THAT:

- (i) **The application be GRANTED planning permission in accordance with the submitted documents and plans and subject to the prescribed conditions (as amended);**
- (ii) **A planning condition be added requiring that prior to first occupation of the ground floor of the premises, details of an appropriate window display or applique to the frontage glazing shall be submitted to and approved in writing and thereafter be maintained throughout the use of the premises as a launderette; and**
- (iii) **A note to the applicant be added recommending that before occupying the building as hereby permitted, the applicant ensures that its structure is adequate to support the static and dynamic loads (weight and vibration) that will arise from the installation and use of laundry machinery.**

The Vice-Chair returned to the Chamber.

32b. APPLICATION NO. 18/00260/FUL - LAND SOUTH, NEWTON LANE, WIGSTON, LEICESTERSHIRE

The application was **WITHDRAWN** from consideration at this meeting.

32c. APPLICATION NO. 18/00258/FUL - ERVINS LOCK, LOCK KEEPER CLOSE, WIGSTON, LEICESTERSHIRE

The Chair spoke upon the application. He stated that whilst he acknowledged the reservations made by the Canal and River Trust (CaRT) in relation to the proposed brick pillar supports, irrespective of the end specification of the footbridge, a simple yet cost-effective means of crossing the waterway was of the upmost priority in order to allow

access to one of the longest recreation corridors in the Borough.

Having declared a non-pecuniary interest, the Chair left the Chamber and took no part in the debate on the item of business and voting thereon.

The Committee gave consideration to the report (as set out at pages 14 - 23) which asked it to determine a planning application for the construction of a steel footbridge spanning Ervin's Lock (Grand Union Canal) to provide access from the northern residential area to the canal towpath.

The Committee also gave consideration to a letter received from the CaRT dated 24 October 2018, a copy of which is filed together with this minute at **Appendix 1**.

A debate thereon was had whereby Members unanimously agreed that, given the weight to the design of the proposed footbridge which acknowledged its canal-side location, and in considering the clear and demonstrable public benefits arising from the proposal by way of better public access across the canal and improved usage and appreciation of the heritage asset, planning permission ought to be granted.

In respect of end specification, Members agreed that, on balance, the proposed footbridge, specifically incorporating the brick pillar supports, was of a far more superior design and build insofar as it was more consistent with traditional canal bridge design, it would be in keeping with the character of the Conservation Area in being surfaced in natural materials and would provide for better longevity.

In reaching its decision, the Committee was advised that whilst some change in ground levels were necessary to accommodate the towpath, and although this was within the root protection area of the adjacent hedgerow, it is not considered that the works would affect the principal root structure of the hedge, in addition to there being comfortable provision to cut the hedgerow back in such manner to ensure growth and affording the necessary towpath width within the CaRT's requirements.

It was moved by the Chair, seconded by Councillor J Kaufman and

UNANIMOUSLY RESOLVED THAT:

The application be GRANTED planning permission in accordance with the submitted documents and plans and subject to the prescribed conditions, and to the design specification incorporating the brick pillar supports.

The Chair returned to the Chamber.

THE MEETING CLOSED AT 8.03 PM



Chair

Thursday, 22 November 2018

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Appendix 1

Application No. 18/00405/COU

17-19 The Parade, Oadby, Leicestershire, LE2 5BB

Applicant/Agent's Representations - Mr R Chan

As you will know, Tony Boswell the Case Officer, considered the Applicant's application for change of use and he recommended that on balance the application for change of use was acceptable.

In coming to his recommendation, he considered, what Councillor Carter now calls the "Pros and Cons" of the application.

In coming to his recommendation, the Case Officer, considered 3 very important factors, which were:

- (a)** That the change of use would not have a detrimental impact upon the Vitality and Viability of Oadby District Centre or upon neighbouring first floor issues.
- (b)** That access and parking arrangements would not have a detrimental impact on neighbouring retailers.
- (c)** That the opening hours were acceptable.

In recommending the change of use he concluded "on balance the application was acceptable".

We now submit on behalf of the Applicant, that there are 10 factors which underpinned the Case Officer's recommendation for change of use:

- (i)** There is clear evidence that the Applicant's business, Clarendon is a respected and professional business.
- (ii)** That the Applicant has a thriving business.
- (iii)** That a laundrette in the area will create future employment, which can only be a valuable benefit to the local community.
- (iv)** That the Laundrette will bring diversity to the Parade.
- (v)** That the Laundrette will fill a vacant unit, which has been empty for a year.
- (vi)** That the Laundrette will bring added benefits to other businesses on the parade. Those using the Laundrette will no doubt take advantage of other units whilst waiting for their washing. A cup of coffee from Chestnut's I understand is a delight.
- (vii)** The Laundrette will provide a valuable service to the local community and commercial businesses.
- (viii)** That the appearance of the Laundrette will be aesthetically pleasing and in-keeping with other units and in some cases will be far more pleasing on the eye. It will have glazing frontage.
- (ix)** Having the Unit occupied will enhance the look and feel of the area. It will in the words of Mary Porter a government retail expert, "Breathe economic and community life back in the High Street and Town Centres, bustling with people, services and jobs".
- (x)** All in all, we say that the change of use should be granted as it is plain that its benefits far outweigh its disadvantages.

Application No. 18/00405/COU
17-19 The Parade, Oadby, Leicestershire, LE2 5BB

Ward Councillor's Representations - Cllr D M Carter

Thank you for this opportunity to speak on this application. As may be seen from the officer report, I requested that this application to be brought to this committee in order to consider its merits and its potential impact.

The justification for the proposal appears to be that it will:

- Increase the footfall in this area of the town and, therefore, benefit other businesses in the direct vicinity; and
- Enhance the look and feel of the area.

I believe that there is an alternative view that this development will have a negative impact on the area.

The application has three elements:

- Self-service laundrette;
- Drop off service; and
- Commercial laundry providing service washes for those who do not attend the premises.

From discussion with the case officer and the comments of the Town Centre manager, the contention is made that the self-service laundry will attract customers who will visit other local businesses in the direct vicinity whilst they are waiting for their wash to be completed.

From personal observation, I do not believe that there is a demand for a self-service laundrette in the area. Until recently there was a self-service laundrette within a couple of hundred yards of this location which has closed down through lack of demand. The applicant has failed to provide any evidence of demand for a self-service facility and indeed they state that customers 'generally come in 1-2 times a week to drop off their laundry and then collect later in the week.'

Rather than self -service, I think that the vast majority of the business of the ground floor facility will be 'drop-off and go', rather than a destination. This has the potential to exacerbate parking problems in the immediate area. The proposed location is directly opposite the junction of The Parade and Chestnut Avenue where there is already an issue with vehicles parking on the corner, opposite Lloyds Bank, and on the pavements.

From the officer's report it is clear that the Town Centre Manager and current customers of Clarendon Laundry are supportive of this proposal. However, it is worth noting who are objecting to it. Whilst the adjacent Chestnuts Coffee shop are named in the report, the 333 signatories to letter of objection include the proprietors of the following businesses who are all in the immediate vicinity of the proposed development:

- Sweet Tooth;
- Oadby Barbers;
- Mustard Gift shop; and
- The Post Office.

Does the application have the support of the Oadby Town Centre Association, who represent the local independent traders?

In the original refusal it states that 'the very prominent location of the proposed ground floor laundrette would have a harmful effect on the primary frontage of The Parade as a whole'. What has significantly changed? The ground floor has two large glazed frontages starting 19" from the ground, which provide a 'shop window' to the premises within. A café, furniture shop or food store will seek to provide an attractive display to draw customers in and hence enhance the street scene. Compare that to the sight of rows of industrial machinery which will not visually enhance the area.

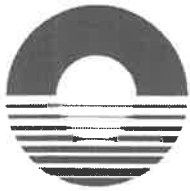
Concern was expressed in the earlier refusal regarding how the proposed commercial laundry could be serviced, other than via the ground floor frontage to the street, thus disrupting the free flow of pedestrian and vehicle traffic in the proximity and aggravating the threat to retail vitality and viability. It is worth noting that access to the service yard behind the proposed commercial laundry is via the small service yard on the opposite side of the pedestrian walkway between the shops. Once in the service yard, there is parking for approximately 13 cars however, six spaces are reserved for bank employees and customers whilst the remaining spaces are unallocated and expected to serve six businesses. On a recent site visit, the current spaces were fully occupied. I understand that the landlord has no intention to allocate any further spaces for dedicated use.

I note from the report that one of the previous reasons for refusal of this application was an outstanding, but as yet un-executed planning permission for the construction of new homes immediately above the proposed first floor laundry which would be hampered by the noise and disturbance from the proposed commercial laundry. How has this objection been addressed?

In conclusion, I do not believe that this proposal has demonstrated that it will bring significant regenerative benefits as per Town Centre Area Action Plan Policy 3 as quoted on p.42.

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Appendix 1



**Canal &
River Trust**

Making life better by water

FAO. Tracey Carey
Oadby & Wigston Borough Council
Council Offices
Station Road
Wigston
Leicestershire
LE18 2DR

Your Ref 18/00258/FUL

Our Ref CRTR-PLAN-2018-25783

Wednesday 24th October 2018

Dear Mrs Carey,

Proposal: Construction of a steel footbridge spanning Ervin's Lock (Grand Union Canal) to provide access from the northern residential area to the canal towpath

Location: Ervins Lock, Lock Keeper Close, Wigston

Waterway: Leicester Line (Grand Union Canal)

Thank you for your email of 2nd October advising us that the Council wish to determine the application at committee on 25th October on the design as originally submitted.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The Trust provided our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) to the design originally submitted in our letter of 6th July 2018. The Trust's opinion upon the original design with brick supporting piers is based upon our experience with bridges across our national network and remains unchanged for the following reasons:

- Our Heritage and Urban Design professionals maintain that the brick structure results in a visually dominating design that detracts from the character and appearance of the lock within the Conservation Area, particularly as viewed on the approach along the towpath from the west.
- That the brick pillars will create an area of towpath south of the bridge that is hidden from natural surveillance, thus creating potential for fear of crime by future users.
- The brick pillars provide space for graffiti.
- The brick pillars create areas beneath the ramps where litter could accumulate, people could shelter, and which would be difficult to maintain due to their inaccessible nature.

The Trust has been concerned about the design of the proposal and the space available for the structure in relation to our assets and the hedgerow boundary from the outset. The information submitted in the form of basic cross-sections is not considered to accurately represent the complex changes in levels that occur currently and are proposed to facilitate the provision of the diverted towpath. As a result it is not considered that the information available is sufficient to assess:

- The full impact of the proposal upon the hedgerow root protection area.

Canal & River Trust

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- The ability to provide a diverted towpath of a minimum of 1.5m width without the loss of all or part of the hedge adjacent to the southern ramp or the need for a retaining structure/s that are not included as part of this application.

We note that the proposal is on the committee agenda for Thursday 25th October and have accordingly read the report to Members.

The consultation response of the LCC Heritage Team appears to indicate that their opinion of the scheme is that it will cause less than substantial harm, but that this is outweighed by the public benefits. No reference to policy either national or local is given, and they “*remain concerned that the new bridge and associated ramps, are unlikely to preserve or enhance the Grand Union Conservation Area*”. Here the Trust, with reference to paragraphs 196 and 197 of the revised NPPF are in agreement with the LCC Heritage Team.

In assessing the Planning Considerations the report refers in paragraph 4 to “*taking account of the canal vernacular*”. The proposed bridge with its metal parapet and long straight ramps should not be compared to canal vernacular, because it is a modern structure which as a result of its dimensional requirements and the space available is not capable of achieving a pastiche of a traditional brick canal bridge. The proposal should therefore be treated as a modern insertion into this heritage setting and should be designed to maximise views into and within the Conservation Area to best preserve the appreciation of the lock as a heritage asset. The Trust’s substantive response of the 6th July referred to these matters and the revised design using metal piers was considered (with conditions) in our response of 25th September to be acceptable as a modern insertion into the Conservation Area.

The Trust are pleased that conditions 2, 3 and 4 are proposed to protect the Trust’s assets. The Trust request that a note be added to those proposed to state: You are advised that the proposal is located on land within the ownership of the Canal & River Trust and that prior to any works occurring on site written consent for those works should be obtained from the Trust. Please contact Steve Robinson in the Estates Team, Steve.Robinson@canalrivertrust.org.uk in the first instance.

Landowner Comments

We appreciate that this is not a planning matter, however we wish to be clear to the Council as Applicant that we have set out our preferences and the reasons why the metal piers are in the opinion of the Trust more suitable. We have expressed our concerns above in relation to the design proposed and advise that this will be a considerable factor in our decision as to whether to enter into an Options Agreement for the construction of a bridge at Ervin’s Lock. We also note that the report does not mention that the Trust are the landowner in this case.

In paragraph 2 of Site and Location, the towpath is referred to as a “public footpath”. Most towpaths are not public rights of way. Instead, the majority of our towpaths are ‘permissive paths’ as we allow members of the public to use them. Occasionally we need to close towpaths to carry out maintenance work. We would therefore recommend that this reference is checked upon the definitive map. If the towpath has been designated as a public footpath then the LCC Footpaths team should be consulted about the implications of the temporary closure that may be necessary to construct the bridge safely.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Hazel Smith MRTPI
Planner

Hazel.Smith@canalrivertrust.org.uk
01636 675790

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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