

**MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL
COMMITTEE HELD AT THE COUNCIL OFFICES, WIGSTON ON
THURSDAY 29 MAY 2014, COMMENCING AT 7.00 P.M.**

IN ATTENDANCE:

Councillor L A Bentley – Chair
Councillor Mrs L M Broadley – Vice Chair

Councillors: G A Boulter, D M Carter, M H Charlesworth, B Dave, Mrs J M Gore, Mrs S Z Haq, Mrs R C Kanabar, J Kaufman, Mrs L Kaufman, Mrs H E Loydall, R E R Morris, Mrs S B Morris

Officers in Attendance: K Garcha, A Court C Forrett, S Jinks, and G Richardson

Min Ref	Narrative	Officer Resp
1.	<u>APOLOGIES FOR ABSENCE</u> An apology for absence was received from Councillors F S Broadley, R F Eaton and D A Gamble	GR
2.	<u>DECLARATIONS OF SUBSTITUTIONS</u> None.	
3.	<u>DECLARATIONS OF INTEREST</u> Councillors Kanabar and Bentley noted that both respectively knew one of the residents present at the meeting, but confirmed that they had not discussed the applications with those residents and that they came to the meeting with an open mind. Councillor Boulter noted that he knew one of the applicants, but confirmed that he attended the meeting with an open mind.	
4.	<u>PETITIONS AND DEPUTATIONS</u> None.	GR
5.	<u>MINUTES</u> RESOLVED: That the minutes of the previous meeting of the Committee held on 24 April 2014, be taken as read, confirmed and signed. The Chair noted that there was an alteration to the published	GR

	<p>minutes of the Development Control Committee on 25 March 2014 owing to a typographical error in those minutes. In Agenda Item 6 (Report of the Development Control Manager), application number 14/00021/TPO, it had been noted that the officer recommendation was for refusal when instead the officer recommendation had been for approval.</p>	
<p>6.</p>	<p><u>REPORT OF THE DEVELOPMENT CONTROL MANAGER</u></p> <p>1. 14/00015/FUL – Partial demolition, extensions, alterations and refurbishment of former hosiery factory to provide 26No. self contained flats with associated landscaping, boundary treatment, refuse store and cycle shelter (Rev G) (Belvoir House, 30 Paddock Street, Wigston, Leicestershire LE18 2AN)</p> <p>Sanjay Mistry of SKM Architects spoke on behalf of the applicant. He explained the applicant had worked with Officers to overcome any issues or concerns relating to the application. He took note of the objections in relation to resident parking and advised that they had worked on other similar residential schemes which had proven to be success. He now felt that parking concerns had been sufficiently addressed.</p> <p>The Planning Control Manager outlined the application for permission to demolish the rear part of the existing building and erect a new building with 26 self contained flats. The site is located within a Conservation Area and the frontage to the building is designated as being of townscape value, therefore the proposal would retain the frontage to the property.</p> <p>He noted that there were three main issues to be considered; the first was the impact of the proposal on the Conservation Area. He noted that the design had evolved through consultation with the Council’s Conservation Officer and the revised proposal now addressed many of the concerns.</p> <p>The second issue was the impact on residential properties in the locality. As this was an existing building that was simply being reconfigured and there was a public road separating the proposal site from neighbouring properties, it was felt that there was no harm to amenity.</p> <p>The final issue was highways concerns, in particular the provision of parking. The Planning Control Manager noted that the proposal only provided three parking spaces; however, the National Policy Planning Framework has a presumption in favour of sustainable development. Given the location of the site, the Planning Control Manager noted that the site must be considered by its very nature as sustainable. In addition, the</p>	

Highways Authority had not objected so it was not felt that a refusal on this ground could be sustained.

The Planning Control Manager noted that a Section 106 agreement was already in place and therefore the application was recommended for approval.

Members were pleased that the proposal included the retention of the frontage to the existing building and, in particular, that it would bring a dilapidated and disused building of significance back into use.

Members raised concerns about the proposed refuse stores, in particular their location and how they would be emptied. The Planning Control Manager noted that the refuse stores were at the back of the premises and therefore the bins would be required to be wheeled to the front of the property such that the Council's refuse team could service the property from the frontage on Paddock Street. This was likely to be carried out by the Council's Refuse and Recycling team.

Members felt that this potentially posed a health and safety risk; however, the Planning Control Manager pointed out that the Council's Environmental Development and Operational Services area had not responded to consultation and therefore he could not comment further on this.

Members questioned the relevance of the Council car park being located adjacent to the proposal site, as they were aware of parking restrictions that existed on that car park and were not aware of the Council issuing permits for resident use. The Planning Control Manager noted that it was a public car park with restrictions and time limits. He was also unsure as to whether the Council issued permits, but asked Members to consider that the fundamental issue was that the site was located within a town centre sustainable location and that, as such, lack of parking was not a justifiable reason for refusal.

Members were still concerned that parking would be a serious issue, as not all residents were likely to be keen on taking up bus passes and other travel pack options. They asked whether the travel packs could be imposed upon the residents of the flats and the Planning Control Manager noted that although there could be a forced initial uptake, the residents of the flats could not be forced not to own or use a vehicle of their own. He was sympathetic to Members comments, but reiterated that parking was not a realistic ground for refusal.

Members asked whether the three parking spaces on site would be allocated to any particular flats and the Planning

Control Manager noted that no information had been provided on the allocation of the spaces. One Member asked whether it would be possible to facilitate underground parking below street level and it was noted that as this was not within the application, which must be considered on its own merits. In any event, it was understood that this was not a practical option.

Members were concerned as to how the applicant would market the properties particularly in terms of the availability of parking. They felt that the properties should be marketed without parking at all, with the spaces to be retained for use by emergency vehicles only, and requested that if they were minded to permit the application they would like a note to applicant which stipulated that they should market the properties as having no available parking.

Some Members noted that they would likely lose at appeal if they refused this application on the basis of lack of parking. A Member added that the property was currently authorised for use as a factory with no planning conditions, so Members should be grateful that they have the power to impose some conditions, rather than none at all.

After some debate, a motion to permit including a note to applicant regarding parking, in particular the lack of parking which should be made clear to potential purchasers, the non-allocation of the three parking spaces and the fact that the Council owned car parks were not available for residents parking, was moved and seconded.

Councillor Bentley abstained from the vote.

RESOLVED: That, for the reasons set out in the report, to Permit the application subject to the conditions contained within the report and subject to an additional note to applicant regarding parking, in particular the lack of parking which should be made clear to potential purchasers, the non-allocation of the three parking spaces and the fact that the Council owned car parks were not available for residents parking.

2. 14/00100/FUL – Demolition of existing leisure centre and erection of new leisure centre and associated parking (Rev A) (Wigston Swimming Pool, Station Road, Wigston, Leicestershire LE18 2DP)

The Area Planning Officer outlined the application for the proposed demolition and rebuild of the existing leisure centre

with associated facilities. The development would move the leisure centre further from Station Road to the South and would retain the existing access, creating additional parking spaces.

She outlined the reasons that it was considered that the rebuild would have a positive impact on the character of the area, particularly as it was considered that the rebuild would be compatible with the surrounding area.

The proposed hours of use were considered to be reasonable and such that no undue harm would be caused to neighbours. The plant equipment would be located 60m away from the nearest property and the Council's Environmental Health team had not raised any objections in terms of noise nuisance. In addition, no letters of representation had been received from residents.

The County Council arboriculturalist had considered that there would be a small encroachment of the car parking spaces to the root system of the trees fronting Station Road, but this was considered to be insufficient. The application was therefore recommended for approval.

Members asked about the potential damage that could be caused to tree roots and it was confirmed that a proposed condition would require details of works within the root protection area to be submitted in advance of any such works being carried out. The Area Planning Officer also reiterated the comments of the County Council arboriculturalist.

The provision of charging points in the car park for electric vehicles and the provision of parent and child parking spaces were discussed and it was confirmed that these would be considered as part of the rebuild project, which was outside of the scope of the Committee.

Members noted that although the applicant had proposed specific opening hours as set out in the application, there was in fact no planning restriction on opening hours. Members asked whether it would be possible to restrict the opening hours and the Planning Control Manager noted that this could be restricted by a planning condition; however, he asked them to consider whether this was necessary and reasonable given the historic use of the site in that the former leisure centre did not have a restriction on opening hours. A Member suggested that the opening hours should be restricted to 6.00am until 12.00am (midnight), which could be adjusted at a later date if required by a subsequent application. This motion was moved and seconded accordingly.

Members discussed the description of the new build and the Planning Control Manager clarified that although the existing facility is defined as a “swimming pool”. This is simply its postal description based on historic use; however, the existing building and the proposed new build would house facilities consistent with it actually being a leisure centre.

Members asked that the County Council be approached about upgrading the dilapidated railings which run along the boundary between the site and Station Road.

RESOLVED: That, for the reasons set out in the report, to Permit the application subject to the conditions contained within the report and subject to an additional condition that opening hours for the facility be restricted to opening between the hours of 6.00am and 12.00am (midnight).

3. 14/00102 – Erection of a front and side extension to existing leisure centre to accommodate a 25 metre swimming pool with external alterations and access alterations to Washbrook Lane (Revision B – E) (Parklands Leisure Centre, Washbrook Lane, Oadby, Leicestershire LE2 5JJ)

A resident, Tessa Smith, made representations about the application. She noted that although she had no objections in principle, she was concerned about the risk of noise nuisance, which had previously been an issue at this site.

She noted that a licensing hearing several years prior had imposed certain measures and conditions intended to limit the noise omissions from the leisure centre, in particular in relation to the use of the Cedar Suite. These measures had alleviated many of the residents concerns. However, she understood that the noise limiting equipment had been removed by the new owners and she urged Members to ensure that the same measures were once again put into place to pre-empt any noise nuisance.

The Area Planning Officer outlined the application which proposed extensions to the east and north of the existing building to accommodate a swimming pool and associated access and facilities. She outlined the construction materials that would be used and the structural alterations required to be carried out the building. She confirmed that the extension would be single storey to remain consistent with the existing building.

She explained that alterations were also proposed to Washbrook Lane to improve the site entrance and although there was a small shortfall in the number of parking spaces required, the County Council Highways Department had not raised any objections to this as they could not demonstrate an increase in traffic to the site. She noted that the plant equipment would be located some 125 metres from the nearest residential property. There would be a restriction on opening hours and overall it was considered that the proposal would not result in harm to amenity of neighbouring properties.

She added that 30 trees were to be removed as part of the proposal as they either directly conflicted with the proposal or were so close as to make construction impossible. None of the trees warranted retention.

The application was therefore recommended for approval.

Members raised several concerns as to the speaker's comments in relation to the suggestion that the noise limiting equipment had been removed in breach of the licence conditions. The Planning Control Manager confirmed that this would be addressed in conjunction with the Council's Licensing team after the Committee.

A Member asked whether a footpath could be incorporated into the development which allowed more direct access from Wigston Road to Parklands Leisure Centre and the Area Planning Officer confirmed that although this was not part of the present application, it could be considered outside of the scope of the Committee.

Members asked that if they were minded to permit a note to applicant be included with regards to a programme of replanting. The Area Planning Officer also confirmed that none of the trees to be removed were between the leisure centre and residential properties.

The Area Planning Officer confirmed that, despite some existing spaces being lost by virtue of the extension of the leisure centre, the car park would be reconfigured and some new spaces created such that there would still be an increase to 188 parking spaces. She reiterated that this was deemed to be adequate by the Highways Department.

Councillor H E Loydall left the room during the debate and therefore could not vote.

RESOLVED: That, for the reasons set out in the report, to Permit the application subject to the conditions contained within

the report.

4. 14/00156/FUL – Retention of single storey and rear extension and extended canopy to front (11 Sandy Rise, Wigston, Leicestershire LE18 3QB)

The Planning Control Manager outlined the report and noted that it was compliant and that it doesn't affect the amenity of neighbouring properties, therefore it was recommended for approval.

A Member noted that she had asked for this application to be presented to Committee as she had received several telephone calls from residents claiming not to have been notified about the proposal; however, she acknowledged that no formal objections had been raised by residents since the paperwork had been sent out.

Councillor Charlesworth abstained from the vote.

RESOLVED: That, for the reasons set out in the report, to Permit the application subject to the conditions contained within the report.

5. 14/00158/COU – Change of use from dwelling house (use class C3) to residential care home (use class C2) (Rev A) (8 Wyndham Close, Oadby, Leicestershire LE2 4HR)

Ms Elaine Vickerman spoke in objection to the application on behalf of her mother, Ms Sheila Vickerman.

Her main objection related to the issue of access, as she noted that opposite the site there are two driveways which are regularly blocked when people park opposite. She also noted concerns as to the extra vehicles and congestion that would be created by a business in this residential area and suggested that there was a covenant on the land which prevented its use for business purposes.

The Area Planning Officer outlined the application for the change of use from a residential dwelling to a care home intended for 5 elderly persons. She discussed the requirements of the Council's Local Plan 14, in relation to conversions of residential dwellings into care homes. In particular she

discussed the accessibility of the site, the risk of harm to the amenity of the surrounding area and the need for adequate private garden space and parking areas.

She further noted that the County Council Highways Department had raised no objections in terms of parking spaces or the threat of on street parking and that the proposal did not require the removal of any trees on site. Accordingly, it was considered that the site was not sufficiently adverse as to refuse permission and therefore the application was recommended for approval.

Members were concerned about the speaker's suggestion that there was a covenant on the land preventing the site from being used for business purposes. The Area Planning Officer noted that any covenant on the land was a private property right and that it would not be overridden by the grant of planning permission. Therefore if Members were minded to permit the application then this would not prevent the covenant on the land from being enforced.

The Head of Corporate Resources clarified that the covenant would override any planning permission that was granted by Members. She added that if the applicant acted upon the planning permission, but in breach of the covenant, then it would be for the neighbour whose property received the benefit of that covenant to bring a civil action for breach of it.

Members also expressed concern that the Council's Local Plan Housing Proposal 14 required residential care homes to be located close to public amenities such as shops and transport links; however, in this case Officers had deemed that this was not a substantial planning reason for refusal of the application. The Area Planning Officer noted that the proposal site was within a residential area and as such there were already residential dwellings served by the same amenities and transport links. She noted that the main reason for this requirement in the Local Plan was sustainability and it was her opinion that this location was sustainable.

Members expressed further concerns in relation to the issue of parking opposite driveways and blocking access. They sympathised with the comments of the speaker in this regard a Member asked whether it would be possible to condition that those using the site were prevented from parking on the road. The Area Planning Officer confirmed that this was not a lawful planning condition, but that it could be included as a note to applicant. A motion to permit the application with a strongly worded note to applicant about preventing on street parking by users of the site was moved and seconded accordingly.

	<p>A Member asked whether the Committee could take away the permitted development rights of this site to prevent any further extension. The Head of Corporate Resources advised that each application would need to be considered on its own merits. She added that if the applicant wished to add more residents then it was likely that the property would be required to be extended in which case a further application for planning permission would be required.</p> <p>A Member expressed that she did not feel that 6 parking spaces were sufficient, however, the Area Planning Officer reiterated that in fact only 4 parking spaces were required based on the guidance provided by the County Council Highways Department and therefore this exceeded the requirements.</p> <p>The Area Planning Officer confirmed that there were two rooms for staff and that the information submitted with the application suggested that there would be two staff on site at any one time. She confirmed that permission was not required where up to 6 individuals were living in a single property at the same time; however, as this application proposed the housing of 7 individuals at any one time then planning permission was required.</p> <p>The Planning Control Manager clarified the position on whether the use required planning permission referring to case law interpretations, the number of residents and care staff. In this case the intensity of the use meant that permission would be required.</p> <p>RESOLVED: That, for the reasons set out in the report, to Permit the application subject to the conditions contained within the report and a strongly worded note to applicant about preventing on street parking by users of the site.</p>	
7.	<p><u>TREE PRESERVATION ORDER TPO/0150 – LAND AT BEAUCHAMP COLLEGE, RIDGE WAY, OADBY</u></p> <p>The Planning Control Manager outlined the report and noted that this Tree Preservation Order was created as an emergency Order in response to a planning application by the land owner to do some works to the site which included the removal of several trees. Members had since considered the application and resolved to refuse it, citing the loss of the protected trees as being one of the reasons for doing so. It was therefore recommended that this Tree Preservation Order be confirmed.</p> <p>RESOLVED: That the Borough Council of Oadby and Wigston</p>	

	(Land at Beauchamp College, Ridge Way, Oadby) Tree Preservation Order 2014, which was made provisionally on 30 January 2014, be confirmed.	
8.	<p><u>TREE PRESERVATION ORDER TPO/0281 – LAND AT SOUTH WIGSTON HIGH SCHOOL, ST THOMAS ROAD, SOUTH WIGSTON</u></p> <p>The Planning Control Manager outlined the report and noted that this Tree Preservation Order was created as an emergency Order in response to a planning application by the land owner to do some works to the site which could have affected at least one of the trees on the frontage to the site.</p> <p>Permission had subsequently been approved for the site which included the removal of one of the protected trees. A second tree had also been removed owing to it being dangerous. It was therefore recommended that the Order be confirmed subject to modification, namely the removal of the tree affected by the planning permission and the omission of a second tree which had been removed as it was dangerous.</p> <p>RESOLVED: That the Borough Council of Oadby and Wigston (Land at South Wigston High School, St Thomas Road, Wigston) Tree Preservation Order 2014, which was made provisionally on 13 February 2014, be confirmed subject to modification, namely the removal of trees T13 and T15 from the Order.</p>	
9.	<p><u>TREE PRESERVATION ORDER TPO/0149 – LAND AT 14 KNIGHTON GRANGE ROAD, OADBY</u></p> <p>The Planning Control Manager outlined the report and noted that this Tree Preservation Order was created in response to a Conservation Area notification, as it was considered that the tree was worthy of protection. It was still considered that the tree was worthy of protection and it was therefore recommended that this Tree Preservation Order be confirmed.</p> <p>RESOLVED: That the Borough Council of Oadby and Wigston (14 Knighton Grange Road, Oadby) Tree Preservation Order 2014, which was made provisionally on 16 January 2014, be confirmed.</p>	

The Meeting Closed at 9.15 p.m.