

**MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE COUNCIL OFFICES, WIGSTON ON THURSDAY 13 NOVEMBER 2014, COMMENCING AT 7.00 P.M.**

**IN ATTENDANCE:**

L A Bentley – Chair  
R Eaton – Vice Chair

Councillors: G A Boulter, F Broadley, D Carter, M Charlesworth, D Gamble, J Gore, S Z Haq, J Kaufman, L Kaufman, R Morris and S Morris

Officers in Attendance: T Carey, A Court, I Dobson, S Dukes, C Forrett and J Guazzaroni

Others in Attendance: Mr Mistry/Mr Smith (Petitioners), Mr C Robinson, Mr P Hubbard, Mr C Wright, Cllr J Boyce (Speakers)

Min Ref	Narrative	Officer Resp
40.	<p><b><u>APOLOGIES FOR ABSENCE</u></b></p> <p>Prior to receiving the apologies Councillor Robert Eaton was elected vice-chairman in the absence of Councillor Linda Broadley.</p> <p>Apologies received from Councillors L Broadley, B Dave, H Loydall</p>	
41.	<p><b><u>DECLARATIONS OF SUBSTITUTIONS</u></b></p> <p>None.</p>	
42.	<p><b><u>DECLARATIONS OF INTEREST</u></b></p> <p>Councillor G Boulter declared that he was a Consultee on application number 14/00407/TPO and that he would speak before leaving the room for the debate and voting.</p> <p>Councillor L Kaufman declared on behalf of herself and J Kaufman that their son is employed by Tesco in respect of application number 14/00405/FUL.</p> <p>Councillor S Morris declared that she is a governor at a school where the head teacher is employed by Guthlaxton College but remained open minded on application number 14/00407/TPO</p>	

	<p>Councillor R Morris declared that he had been contacted by residents about application number 14/00405/FUL but had referred them to Cllr J Boyce as a South Wigston ward councillor that does not sit on the committee.</p> <p>Councillor J Gore declared that her husband is the Chairman of Governors at Guthlaxton College but remained open minded on application number 14/00407/TPO.</p>	
<b>43.</b>	<p><b><u>PETITIONS AND DEPUTATIONS</u></b></p> <p>Two petitions objecting to planning application 14/00405/FUL &amp; 14/00402/FUL received by the Committee.</p> <p>Mr Mistry addressed the committee in relation to the petition objecting to application 14/00405/FUL made by Tesco Stores. He suggested that the granting of the application would impact upon the viability of the high street (Blaby Road) and specifically upon 3 shops located in the vicinity, where the planned activity would be in direct competition with those existing shops. He went on to say that an additional 80 signatures had been collected since the original submission of the petition.</p>	ID
<b>44.</b>	<p><b><u>MINUTES</u></b></p> <p><b>RESOLVED:</b> That the minutes of the previous meeting of the Committee held on 16 October 2014, be taken as read, confirmed and signed.</p>	
<b>45.</b>	<p><b><u>REPORT OF THE DEVELOPMENT CONTROL MANAGER</u></b></p> <p>The Committee considered the agenda update which was circulated at the meeting.</p> <p><b>1. 14/00354/OUT Land To Rear Of 29&amp;31 Kew Drive, Wigston, Leicestershire, LE18 1HH. Outline application for a detached bungalow and associated garages with access and layout included.</b></p> <p>Mr Colin Robinson addressed the Committee informing Members that the proposed eco-friendly bungalow was being built for his own retirement and would provide adequate parking and improved lighting for the plot.</p> <p>The Planning Officer informed Members that the proposal is considered to be in keeping with the character and appearance of the wider area and given that the plot sizes of 29 &amp; 31 Kew Drive are anomalies within the area, it would not set a</p>	

precedent for similar developments as it could not be replicated.

A Member sought assurance that the granting of the proposal would not set a precedent, which was confirmed by the Planning Control Manager.

**RESOLVED:** That the application be permitted as set out in the report.

- 2. 14/00396/FUL 71 Repton Road, Wigston, Leicestershire, LE18 1GD. Erection of two storey side and rear extensions and new pitched roof over existing single storey extension to rear (Application Revision B).**

**RESOLVED:** That the application be deferred to allow for the rescheduling of a site visit which was unable to take place on the day of the meeting.

- 3. 14/00402/FUL 31 Mercia Drive, Oadby, Leicester, LE2 5GB. Erection of a two storey side extension and single storey rear extension (Application Revision A).**

Mr Hubbard addressed the Committee in objection to the application informing Members that local residents were concerned about the size of the extension on a small plot which he suggested would dominate the vicinity. He went on to say that the extension would overlook two bungalows and restrict light and lead to increased noise. Finally, he raised concerns about the potential use of the bungalow for disadvantaged children which he felt could impact negatively upon the area.

The Planning Officer informed Members that the agenda update reflected amendments that had been received in respect of this application since the publication of the main agenda reports pack and satisfied Planning Officers concerns. He went on to say that objections to the application relate to the size, use, parking provision, design, increased noise and restriction of light caused by the development. Finally, he informed Members that the application is not considered to impact detrimentally on amenity and it is recommended for approval.

Some Members voiced concern about the objections relating to the use of the building and emphasised that they must consider the planning merits of the application.

A Member sought assurance that the parking provision was adequate, which the Planning Officer confirmed.

**RESOLVED:** That the application be permitted as set out in the report and agenda update.

**4. 14/00405/FUL Tesco Stores Ltd, Blaby Road, Wigston, Leicestershire, LE18 4SG. Installation of a pod (to provide dry cleaning services, key cutting, shoe repairs, jewellery and watch repairs, engraving etc) and alterations to pick up point.**

Councillor John Boyce addressed the Committee on behalf of residents in objection to the application. He suggested that the application could be rejected on the basis that the viability of Blaby Road is protected as a high priority in the South Wigston Masterplan document. He went on to suggest that this Policy could be used to defend a decision to reject the application in the event of an appeal. He reminded Members that the initial granting of the application for Tesco was on the basis that it would complement existing trade on Blaby Road and it should be noted that the proposed development represents direct competition which would impact negatively upon existing traders.

Mr Wright addressed the Committee on behalf of South Wigston Traders Association stating that the survival and regeneration of Blaby Road is essential for both residents and traders in the area and that the proposed development is a direct threat to the viability of the area.

The Planning Control Manager informed the committee that the application was for the erection of a small pod under the cover of the existing canopy within the car park. He went on to say that the lawful use of the premises and its curtilage is a class A1 (Retail) and emphasised that the primary consideration is the visual impact of the structure of the pod. He went on to emphasise that competition grounds are not a material planning consideration and that the South Wigston Masterplan document referred to by Councillor John Boyce is not an adopted document and could not reliably be used to reject the application. Finally, he suggested that the structure had no significant impact upon the Streetscene and is recommended for approval.

Members debated this matter at length and were greatly concerned about the direct competition to Blaby Road by the businesses within the proposed pod. The Committee was concerned that the existing site had been granted to complement the existing traders on Blaby Road and that this application represented a threat to some of the existing businesses.

Some Members supported the use of the South Wigston Masterplan as a reason for refusal. The Committee as a whole was divided upon the matter with some Members committing to refusing the application.

A discussion took place around the principle of a new permission taking effect when a section 73/73a application is granted and the effect on existing conditions. Members requested training on this matter.

A motion to refuse the application due to the pod being out of keeping with the rest of the premises was defeated upon being put to the vote.

The Substantive motion to permit the application was carried upon being put to the vote.

**RESOLVED:** That the application be permitted as set out in the report.

**5. 14/00407/TPO Guthlaxton College, Station Road, Wigston, Leicestershire, LE18 2DS Felling of 6 tree as set out in the report (Land at Station Road, Wigston) Tree Preservation Order 2014 (Application Revision A)**

Councillor G Boulter addressed the Committee informing Members that he was disappointed with the recommendation of the report. He went on to say that Guthlaxton College is noted for it's trees and more should be done to allow them to remain, particularly given that some of the trees have not even reached their prime. He suggested that the trees proposed to be felled are not dangerous and do not require such action. He urged the Committee to refuse the application.

Councillor G Boulter left the room at 20:25.

The Planning Officer informed the Committee that trees within

the application were on the frontage of the site, had been assessed by an arboriculturalist and officers and that the application was recommended for approval.

Members questioned the necessity of the proposed works and a discussion took place around the weight that could be attached to tree surveys commissioned by applicants in support of their application.

A Member requested that the trees be considered individually so that careful consideration could be given to each case on its own merits. Concern was raised that Members do not have the expertise to make that assessment. A Member suggested that a decision could be based on the priority rating stated on the tree report.

The Chairman suggested that it would be useful to attend to site with an arboriculturalist so that Members could benefit from their expertise directly. He warned Members that the application could be appealed for non-determination in this case.

The Monitoring Officer reminded Members of the importance of attending site visits when considering and determining applications.

**RESOLVED:** That the application be deferred to allow for a site visit to take place.

**6. 14/00424/VAC McDonalds Restaurants Ltd, Wakes Road, Wigston, Leicestershire, LE18 1 PD. Section 73 application to remove condition 1 of planning application 12/00089/VAC stating 'The premises shall not be open outside the hours of 05:00 to 01:00 hours' to allow 24 hour opening.**

Councillor Bill Boulter entered the room at 20:54 to rejoin the meeting.

The Planning Officer stated that the application related to a permanent change of hours following a successful temporary period of 12 months.

**RESOLVED:** That the application be permitted as set out in the report.

**The Meeting Closed at 8:57p.m.**