

**MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD
IN THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 28 MAY
2015**

IN ATTENDANCE:

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

Councillors: B A Boulter; F S Broadley; Mrs L M Broadley; D M Carter; R F
Eaton; B Fahey; D A Gamble; Mrs H E Loydall; R E R Morris; T Barr; B Dave;
T K Khong; G S Atwal

Officers in Attendance:, Ms E Bailey, Ms A Court, C Forrett, S Dukes, A
Thorpe Miss G Ghuman

Others in Attendance: Mr. Hicks, Ms. Grants

Min Ref	Narrative	Officer Resp
1.	<p><u>APOLOGIES FOR ABSENCE</u></p> <p>Apologies received from Councillors Mrs S Z Haq and J Kaufman.</p>	
2.	<p><u>DECLARATIONS OF SUBSTITUTIONS FOR COMMITTEE MEMBERS</u></p> <p>None.</p>	
3.	<p><u>DECLARATIONS OF INTEREST</u></p> <p>Councillor H E Loydall declared that Members for Wigston wards had an interest in Bell Street only insofar as the applicant is well known to all in Wigston and the obtaining Residents' Forum.</p>	
4.	<p><u>PETITIONS AND DEPUTATIONS</u></p> <p>None.</p>	
5.	<p><u>MINUTES OF PREVIOUS MEETING</u></p> <p>RESOLVED: That the minutes of the previous Committee meeting held on Thursday 2 April 2015 be taken as read, confirmed and signed.</p>	
6.	<p><u>TREE PRESERVATION ORDER TPO/0307 - LAND AT THE REAR</u></p>	

	<p><u>OF PROPERTIES 11-37 MARSTOWN AVENUE, WIGSTON</u></p> <p>The Committee gave consideration to agenda item 6 (pages 5-7).</p> <p>The Chair moved that the item be deferred to the next Committee meeting in June 2015 as the two ward councillors that were due to speak on behalf of the residents could not attend the meeting.</p> <p>A Member wanted confirmation that no action would be taken on that site during that time.</p> <p>RESOLVED That: the order is deferred until June 2015.</p>	
<p>7.</p>	<p><u>REPORT OF THE PLANNING CONTROL MANAGER</u></p> <p>1. 15/00037/FUL – 34 Bell Street Wigston, Leicestershire, LE18 1AD</p> <p>The Planning Officer summarised the contents of the report in agenda item 7 (pages 9-17) in respect of Bell Street.</p> <p>A Member raised a concern as to the potential of restricted access and the impact upon effective refuse collection.</p> <p>The Planning Control Manager advised Members that the collection of refuse would not present any extraordinary issue and that it would be taken to the curb-side or edge of driveway – whichever was the norm. It was reported that there would be an internal element of suitable refuse storage in the building. The Member moved that the collection of refuse should be completed at the curb-side and a note be issued to the applicant to that effect.</p> <p>A Member enquired as to whether the Council was in receipt of the amendments. The Planning Officer stated that no amendments had been received and that the applicant had been informed that the approval would be subject to the amendments made. The Planning Control Manager reaffirmed that that the application was for approval, subject to the required amendments and the reported conditions, so they do not get the permission if no revised plans are submitted.</p> <p>A Member enquired as to whether the shop retained at the front of the building was protected. The Planning Officer advised that planning permission would need to be sought in relation to this aspect.</p> <p>RESOLVED That: the application is permitted subject to the Officer's report.</p> <p>There was one abstention from Cllr Boulter.</p> <p>2. 1500098/VAC – Wigston Swimming Pool, Station Road, Wigston, Leicestershire, LE18 2DP and</p>	

**15/00139/FUL Guthlaxton College, Station Road,
Wigston, Leicestershire, LE18 2DS**

Mr. Hicks submitted that a cut and fill exercise has been implemented since the original application to fulfil the sustainable development principle. He acknowledged the report as to the 935mm increase in building height from the original proposal and noted the original demolished building was 1845mm higher with the inclusion of a flue.

He submitted that the buff-brick was an original design preference and conception since procurement in 2013 and noted that the old demolished building was of a similar buff-brick colour. Mr. Hicks submitted there was a good relationship with the Technical Manager at Guxlaxton College who has been supportive of the amendments.

The Planning Control Manager summarised the contents of the report for agenda item 7 (pages 18-25 and 44-48, respectively) and the agenda update (page 1) which was circulated at the meeting. These should be read together with these minutes as a composite document.

The Planning Control Manager stated that the height of the building would be approximately 93cm higher than previously agreed due to the cumulative effects of the cut and fill exercise. The size of the building is also reduced by 100 square metres. Both aspects would not have a significant impact on the character of the area. The pool remains the same size to make more efficient use of the building's internal layout. The amendment from brickwork to a grey colour metal cladding would not be too visible. The end and front elevations were of the same design principle with a window arrangement alteration to the end. A question was raised to the off-site impact of two trees located on-site and whether these should be removed. He noted the tree survey submitted was not clear in respect of this. He advised that the two trees were not subject to a TPO and not worthy of retention. He advised Members to defer the application if it was their intention to retain the two trees. He advised the recommendation be for approval.

The Member expressed particular concern as to the number of amendments being made at this stage in one application. It was also stated that planning permission and the conditions set thereto had already been given consideration and permitted. Questions were raised as to the reduction in the size of the building, the removal of the two trees and why consideration was not initially given to the latter. The Member expressed disapproval in respect of the metal cladding due to its departure from the building's original brick structure.

The Planning Control Manager opined that the amendments made inclusive of materials, less floor place and the cut and fill exercise were cost-related savings.

The Member stated that when originally considering this application the company chosen was the preferred developer and that costs were determined in the early stages. It was also stated the agreed

plan was chosen for residents and that the plan should remain.

The Chair enquired as to whether the original planning permission would be cancelled if the application before Members was refused. The Planning Control Manager advised that the current build on-site did not comply with the original planning permission given and is not authorised. The original planning permission would continue to stand. It was advised that if it was the Members' intention to refuse the application, enforcement action would need to be considered and that if Members had any concerns, deferment would be advisable.

The Member expressed discontent with the application. Information was requested as to who from the Authority agreed and permitted the cut and fill exercise. A request for an independent expert report into the use of cladding vis-a-vis brickwork was made.

The Member stated that the two trees in question were insignificant. It was asserted that an Arboriculturist's opinion would not contribute to a decision for retention and that the committee could not justify the same.

The Member requested clarification as to the substitution of the brickwork for metal and, or, timber cladding. The Member supported deferment. The Planning Control Manager stated that no detailed specification has been received on timber cladding. He advised that the concerns raised were in respect of the brown-colouring of the brickwork.

The Chair stated that Members required further information. It was requested that enquires be made in respect of the original planning permission.

The agenda item was moved and seconded for deferment.

RESOLVED That: the application is deferred.

All Members in favour of deferment save for one abstention.

**3. 15/00117/FUL – 203 Wigston Road, Oadby,
Leicestershire, LE2 5JF**

The Planning Control and Enforcement Officer summarised the contents of the report for agenda item 7 (pages 26-32) in respect of Wigston Road. The proposal was reported to include the erection of a two and a half storey rear extension with an increase in roof height and a second floor balcony to the rear. It was reported that there was no breach of the 45 degree code of practice or impact on the neighbours' amenity space. The Planning Officer confirmed that a letter of representation received stated that the neighbour has no objections or further comments.

A Member raised a concern in respect of the proposed balcony. It was advised that the amended plans in the latest revision implemented a change to the roof's structure. This was to incorporate mono-pitch gables to both sides and provide full height

screening so to avoid any adverse impact.

The agenda item was moved and seconded by Members for recommendation and the Officer commended for the revision to safeguard the neighbours' interests and rights of enjoyment.

A Member identified the need to consider the proposal's potential effect/s upon wildlife and the prospect of bats roosting in the roofspace. The Planning Control Manager advised Members that the recommendation as to a bat survey was a routine response given by Leicestershire County Council and that a dialogue was open with their Ecology Team in terms of how to manage any discoveries. Members were informed that undertaking a survey in every instance prior to any detection would be overly-burdensome and, therefore, excessive to householders. Members were advised that if it was their intention to follow the recommendation to survey, deferment would be sensible.

The Member agreed that it would be unreasonable to undertake a bat survey in the circumstances.

The agenda item was moved and seconded for approval.

RESOLVED That: the application is permitted.

4. 15/00126/FUL – 4A Selbury Drive, Oadby, Leicestershire, LE2 5NG

Members considered the agenda update that was circulated at the meeting.

The applicant's agent Ms. Grants informed Members that the applicant operated a Martial Arts Clubs on Mandervell Road in shared premises alongside a gymnasium which has since changed ownership. The applicant was seeking new and improved premises for the club. The agent stated that there was no heavy-goods vehicle access to the intended premises rendering it unsuitable for employment purposes. The agent explained that the new premises had been on the market for over one-year with few other interested parties. She opined that the premise is flexible for non-employment uses and so she complies with our policy. The Martial Arts Club was seeking approval with any change in the use of the premises for a temporary period to be reverted by to the Committee for consideration and she asked for the officers proposal to be overturned.

The Planning Control and Enforcement Officer summarised the contents of the report for agenda item 7. This alongside the agenda update should be read together with these minutes as a composite document.

The application was cited as a change of use of 4A Selbury Drive from B class use to D2 class use for martial arts premises with B1 use on the first floor. The main issues identified by the Planning Officer were the change of use and associated highway implications. It was stated that the site subsists as employment land on Oadby

Industrial Estate and its use governed by the Supplementary Employment Policy 3 of the Borough Council's Employment Sites Supplementary Planning Document. The Planning Officer referred Members to the criteria detailed in the report regarding non-B class uses and advised Members that the proposed change would not meet the set criteria which are outlined in the report.

There is no mention of actively looking for sites which is a requirement and further information submitted was a basic search and listed why those premises were not suitable. He stated that with regards to the comment made about the B Class use not being viable, the property has been marketed for sale and no reference that it has not been marketed for rent. The Planning Officer made reference in the report to the potential of limited vehicle parking spaces shared with the adjacent property. It was noted that 146 letters of support were received from members of the Martial Arts Club and that some named signatories had since come forward alleging they were not aware of being named as supporters and making representations. The Planning Officer advised Members that the proposal did not comply with the policy and given the industrial nature of the area that the recommendation to Members was for refusal.

A Member supported temporary approval for a period of two years pending further information for permanent permission to be granted and that if this was not granted it would leave the decision open to appeal as it would be inconsistent with what has been previously granted to other units within the same area.

The Planning Control Manager advised Members that any decision taken with conditions could have an appeal lodged. It was stated that previous applications for non-B class change in use/s for temporary permission have submitted sufficient evidence to warrant those decisions. It was advised that the evidence and reasons provided in the current application was materially different and a recommendation had been made on the facts.

A Member enquired as to the current occupancy of the Oadby Industrial Estate. The Planning Control Manager advised that any answer would be contingent on the condition of the units available and the industrial uses of those units. The Member stated that the temporary permission previously granted to the applicant on Mandervell Road had proven successful. A positive track-record promoting health and fitness through the granting of temporary permission in similar circumstances was cited.

The Chair noted that Safeguarding issues are for the applicant to take into consideration as opposed to the Committee.

The Planning Control Manager highlighted the importance of balancing the need to adhere to policy and retaining capacity for employment land on the estate and the benefits accrued by the proposal. It was reiterated that upon the evidence submitted there was insufficient justification for non-B class usage.

A Member asked whether temporary permission may be granted and it was confirmed that this option was available. The Member moved

	<p>that temporary permission be granted for 2 years.</p> <p>A Member stated that levels of employment on the estate had increased and that lack of vehicle parking space would not present an issue as the building adjacent to the premises was vacant.</p> <p>A Member stated that the matter of temporary permission was not before Members, however was advised by the Planning Control Manager that temporary permission may be granted subject to a condition stating the same.</p> <p>A Member stated that it was commendable to see a developer reference the entire area and that Officers were correct in their approach to attach significance to policy adherence. Notwithstanding this, the Member agreed that the matter was one in which common sense ought to prevail and supported the granting of temporary permission. It was stated that the item would return to the Committee for its consideration should there be any change of circumstances in the future.</p> <p>RESOLVED That: the application is permitted subject to insertion of a condition stating that the permission granted is temporary and for a period of two years.</p>	
8.	<p><u>LOCAL DEVELOPMENT ORDER FOR HOUSING DEVELOPMENT ON BROWNFIELD SITES WITHIN THE BOROUGH OF OADBY AND WIGSTON</u></p> <p>The Planning Policy and Regeneration Manager (PPR) summarised the contents of the Local Development Order (LDO) in agenda item 8 (pages 50-45) and the agenda update (pages 5-7) which was circulated at the meeting. These should be read together with these minutes as a composite document.</p> <p>The LDO was put before Members in respect of preparing an order for Housing Development on Brownfield Land in the Borough. He outlined the background and objective to the LDO. He also said that the Queen's speech had included the preparation of a new Housing Bill. One of the main elements of the Bill will relate to housing supply and is to introduce a statutory register for brownfield land, to help achieve the target of getting LDOs in place on 90% of suitable brownfield sites by 2020. He advised Members that the LDO had no further financial implications for the Council, and noted that due to the fact that the LDO removes the need for a planning application, no such application will be received. He stated that this will help with the 5 Year supply of housing the Council has committed to.</p> <p>A Member requested that the advantages and disadvantages be outlined for adopting the LDO to confirm and allay the Member's suspicions.</p> <p>The PPR Manager referred the Member to the advantages set forth in the report. He summarised that the LDO would encourage development to progress on the named sites in the Borough and provide a measure of certainty for potential developers. With regards to disadvantages he stated there would be loss of fees but confirmed</p>	

that the grant would compensate for some of those losses.

The Member questioned the extent of the advantage enjoyed by the Council in encouraging developers to come forward and the degree of control the Council would exercise in its capacity as a local authority in the execution of the LDO.

The PPR Manager advised Members that the Council would exercise the necessary controls insofar as the Council itself prepares the application as opposed to the developer. He stated that the preparation of the LDO would involve public consultation.

The Director of Services stated it was important to note that this was going out to consultation and during the consultation process a better understanding of the same can be obtained. Sustainable development is key and this is a proposal with regards to the same. The decision made will not be irreversible.

A Member expressed a concern regarding the manner in which the LDO had been brought before Members for their consideration and proposed that the matter be deferred until Members had received the appropriate training. The Member requested that the results obtained in the consultation phase be relayed back to Members in due course.

The PPR Manager informed Members that he was restricted in terms of providing any further information as the LDO was still in its infancy, stating that training would be of limited benefit and would delay the preparation and public consultation process.

A Member sought clarification as to the implications of the LDO in terms of who would determine planning permission. The PPR Manager advised that the LDO itself would provide the means to obtaining planning permission for which the Council will set-forth and prepare.

The Member moved for deferment and requested that Members be informed and, or, included in the upcoming consultation process. The PPR Manager stated that the inclusion of a training session for Members was a possibility.

The Member restated the need for further information to be provided and that a meeting be convened at a later date when Members were better informed.

The agenda item was moved and seconded for approval.

RESOLVED That: That the recommendation to proceed with the Local Development Order is permitted.

All Members were in favour save for one abstention from Councillor Boulter.

The meeting closed at 8.55 pm