

**MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN
THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 27 AUGUST 2015**

IN ATTENDANCE:

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

Councillors: G A Boulter, D M Carter, R F Eaton, D A Gamble, J Kaufman,
Mrs H E Loydall, B Dave, A R Bond and B Fahey

Officers in attendance: S Dukes, T Boswell, Miss G Ghuman

Min Ref	Narrative	Officer Resp
24.	<p><u>APOLOGIES FOR ABSENCE</u></p> <p>Apologies received from Councillors G S Atwal, T Barr, T K Khong, F S Broadley, R E R Morris and Mrs S Z Haq.</p>	
25.	<p><u>DECLARATIONS OF SUBSTITUTIONS FOR COMMITTEE MEMBERS</u></p> <p>Cllrs A Bond and B Fahey substituting for Cllrs T Barr and T K Khong.</p>	
26.	<p><u>DECLARATIONS OF INTEREST</u></p> <p>None.</p>	
27.	<p><u>PETITIONS AND DEPUTATIONS</u></p> <p>None.</p>	
28.	<p><u>MINUTES OF PREVIOUS MEETING</u></p> <p>That the minutes of the previous meetings; held on 16 June 2015 and 25 June 2015 be taken as read, confirmed and signed.</p>	
29.	<p><u>REPORT OF THE PLANNING CONTROL MANAGER</u></p> <p>The Planning Control and Enforcement Officer summarised the contents of the report for Agenda item 6 (pages 19-31). This should be read together with these minutes as a composite document.</p> <p>Members were advised that this had previously been submitted to the committee but now had been resubmitted with three</p>	

amendments (outlined within the report at page 21). He stated that consultations had been undertaken with various departments, including the Highways department at Leicestershire County Council, Environmental Health and Planning Policy. He made reference to the fact that the Highways department had suggested a condition be imposed, requiring the submission of a Traffic Regulation Order (TRO) and consultation regarding the same begin prior to the commencement of the development.

The Planning Control and Enforcement Officer stated that the impact on the street scene re the positioning of the dwelling and that the difference in the change to the proposed opening hours also; from 7:00 to 23:00 hours was acceptable. He asked members to note the recent appeal to the application on Moat Street when reaching a decision concerning the opening hours in particular

He advised Members that the applicants are willing to enter into a unilateral undertaking which will provide monies to carry out the TRO which would be required prior to the commencement of the development.

A Member stated that this application would need to meet the sequential test that is contained within the core strategy, to which she was advised that the principle behind the development could not be considered at this stage as permission has already been granted for it.

The Member then asked whether the opening and delivery hours could be limited to certain timeframes to offer residents some rest bite; i.e. 7:00 – 23:00 hours Monday to Friday and 09:00 – 23:00 hours on Sundays and Bank Holidays. Members were advised that this condition could be imposed however they were reminded that since the last Committee meeting a successful appeal re a store on Moat Street meant that they are able to open 07:00-23:00 hours 7 days a week despite similar proximity to other residential properties.

The Member asked whether a condition could be imposed stating a filter to be in place on the shop front windows so that it will diminish the glare from windows onto residents' properties. The Senior Planner affirmed this.

A Member asked for a reminder as to what the Environmental Health statement was in the previous report to which the Planning and Enforcement Officer advised that in light of the noise reports submitted, a condition imposing the restriction of deliveries between to 07:00 – 18:00 hours and Bank Holidays 10:00 – 18:00 hours.

The application was moved to be refused by Cllr Boulter and was seconded by Cllr H E Loydall.

A Member stated that another application which had a lot of opposition within the Oadby Uplands Ward has now become the hub of the community and moved the proposal with an additional 2 conditions; one being the need for a filter on the windows to diminish the glare from them and a TRO to be implemented before building the dwelling.

The Senior Planner advised members that if the TRO was to be implemented before building, then the planning process would be

frustrated insofar as the inability to implement the planning permission until such time the TRO is in place. On the other hand, he advised, that if the key that sets off the process is the occupation of the building as a retail store, then the TRO can be in place (on the proviso of no objections) and not only that we can be the bank and fund it too as the monies will have been paid by the business. On the question of the sequential test, he stated that the policy 2 does mention that Borough Council will identify other shopping needs notwithstanding the sequential test. Having effectively solved this in the past that cannot be a viable argument. However if a refusal was contemplated clear and viable reasons would need to be given.

A Member asked that the unilateral undertaking regarding the TRO should not have any ambiguous wording that was open to interpretation or flexibility.

DEFEATED That:

The application be refused by 3 votes for and 8 votes against.

RESOLVED That:

- (1) Authority be delegated to the Senior Planner to grant conditional planning permission, subject to the conditions outlined within the report, and subject to:
 - a) Timely receipt of a unilateral planning obligation in acceptable terms not later than 27 September 2015 (or another date as agreed in writing by the Local Planning Authority) to secure the payment of £10,000 to be held as a bond for the implementation of a Traffic Regulation Order within two calendar years of the opening of the proposed store.
 - b) A condition be inserted pertaining to a filter on the glass window fronts of the proposed store to deflect the glare from the lighting inside the store.

The meeting closed at 7.58 pm