

**MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE
COUNCIL OFFICES, STATION ROAD, WIGSTON ON WEDNESDAY, 17 FEBRUARY 2016
COMMENCING AT 7.00 PM**

<u>IN ATTENDANCE:</u>		
Chair - Councillor L A Bentley Vice-Chair - Councillor Mrs L M Broadley		
COUNCILLORS (11):		
G S Atwal T Barr G A Boulter F S Broadley	D M Carter B Dave D A Gamble Mrs S Z Haq	J Kaufman Mrs H E Loydall R E R Morris
OFFICERS IN ATTENDANCE (4):		
S J Ball	T Boswell S Robshaw	D Gill
OTHERS IN ATTENDANCE(1):		
Ms L Hryniw		

Min Ref.	Narrative	Officer Resp.
51.	<p><u>APOLOGIES FOR ABSENCE</u></p> <p>An apology for absence was received from Councillors R F Eaton and Dr T Khong.</p>	
52.	<p><u>APPOINTMENT OF SUBSTITUTES</u></p> <p>None.</p>	
53.	<p><u>DECLARATIONS OF INTEREST</u></p> <p>In respect of planning application number 15/00398/COU:</p> <p>(i) Councillor D A Gamble declared a pecuniary interest insofar as he presently rented a car parking space on the secure section of the site at 17 Mandervell Road, Oadby. The Member stated that he would leave the Chamber during consideration of the same by the Committee;</p> <p>(ii) Councillor J Kaufman declared a non-pecuniary interest insofar as being the Chair of the Health and Wellbeing Board of this Council; and</p> <p>(iii) All Members acknowledged a non-pecuniary interest insofar as the Leisure Development Officer of this Council was known to Members, whose representations are cited in the report (at pages 11 - 12) and in a letter dated 16 February 2016 from Marrons Shakespeares LLP addressed to the Planning Department (as circulated at the meeting).</p> <p>All Members attended the meeting without prejudice and with an open mind.</p>	

54.	<p><u>MINUTES OF THE PREVIOUS MEETING HELD ON 21 JANUARY 2016</u></p> <p>RESOLVED THAT:</p> <p>The minutes of the previous meeting of the Committee held on 21 January 2016, as received in the supplementary agenda update (at pages 1 - 15) be taken as read, confirmed and signed.</p>	
55.	<p><u>PETITIONS AND DEPUTATIONS</u></p> <p>None.</p>	
56.	<p><u>CURRENT JUSTIFICATION FOR DEVELOPMENT CONTROL SUB-COMMITTEE (ENFORCEMENT)</u></p> <p>The Committee gave consideration to the report (at pages 1 - 2) as delivered by the Corporate Enforcement Officer which should be read together with these minutes as a composite document.</p> <p>The Corporate Enforcement Officer reported that at a meeting of the Development Control Sub-Committee (Enforcement) on the 11 January 2016, the Chair had expressed a concern as to whether the Sub-Committee continued to serve a useful function in duly discharging its original terms of reference, most notably in managing the backlog of enforcement cases and ensuring that ward Members were adequately furnished with enforcement-related information. Upon review, it was decided that this was not the case and therefore recommended that meetings of the Sub-Committee be suspended for, and subsequently reviewed after, a period of one-year.</p> <p>The Corporate Enforcement Officer reported that since the Sub-Committee's inception, the backlog of enforcement cases had significantly reduced from approximately 200 down to 100 cases. He advised that enforcement cases were ordinarily closed by means of delegated report – in respect of which, and at the present time, the Sub-Committee was merely performing a “rubber-stamping” exercise - and that more complex cases, or those entertaining a particular public interest, were to be reserved for resolution before this Committee. He stated that closed enforcement cases were to be reported to this Committee on a six-monthly basis so that the wider aspect of Member participation and scrutiny was maintained.</p> <p>Councillor Mrs H E Loydall requested that the substantive recommendation as set out at paragraph 2 of the report (at page 1) be amended to reflect the one-year suspension period and, subject to that amendment, moved the recommendation.</p> <p>Councillor D A Gamble seconded the recommendation (as amended).</p> <p>Councillor G A Boulter enquired as to whether the Constitution of the Council required amending.</p> <p>The Chair advised that all the necessary constitutional and governance requirements would be reviewed and implemented, accordingly.</p> <p>UNANIMOUSLY RESOLVED THAT:</p>	

	Meetings of the Development Control Sub-Committee (Enforcement) be herewith suspended for a period of one-year.	
57.	<p><u>REPORT OF THE PLANNING CONTROL MANAGER</u></p> <p>Councillor D A Gamble left the Chamber at 7:11 pm.</p> <p>The Committee gave consideration to the report and appendices (at pages 3 - 17) as delivered by the Interim Planning Control Manager which should be read together with these minutes as a composite document.</p> <p>1. Application No. 15/00398/COU – 17 Mandervell Road, Oadby, Leicestershire, LE2 5LQ</p> <p>Ms Louise Hryniw, Solicitor at Marrons Shakespeares LLP, spoke upon the application on behalf of the applicant.</p> <p>Ms Hryniw stated that the applicant ran the Oadby and Leicester Gymnastics Club (“the Club”) which offered gymnastics activities and disciplines for all ages and abilities. She stated that the Club currently operated from Beauchamp College, Oadby and was at capacity with approximately 300 members and a waiting list of 200 children/young people. In respect of the representations received, citing responses from this Council’s Leisure Development Officer (at pages 11- 12), British Gymnastics (at pages 10 -11) and a further letter dated 15 February received from the Deputy Head Teacher at Brocks Hill Primary School, Oadby “whole heartedly” supporting the application, she said that the levels of support for the same would provide a community use valuable to residents and would extend after-school opportunities available to children.</p> <p>Ms Hryniw said that the Applicant had spent several years looking for a property that would be suitable for the gymnastics facility (viz. high ceilings, large open plan room) and that numerous other properties had not fulfilled the same requirements. The location was said to be ideal given its close proximity to Beauchamp College, allowing existing members to continue to use the facility whilst giving the Club a larger permanent base to grow its membership.</p> <p>With reference to a letter dated 16 February 2016 from Marrons Shakespeares LLP and addressed to the Planning Department, Ms Hryniw surmised that the applicant had:</p> <ul style="list-style-type: none"> (i) viewed numerous properties over a period of years, all of which have been unsuitable for the proposed gymnastics use; (ii) instructed that it would not be viable for the landlord to refurbish the property for modern employment use; (iii) instructed that the site had been marketed by a commercial agent for class B use since December 2014 without any firm interest; and (iv) anticipated that the gymnastics facility will operate entirely satisfactorily within the industrial estate. <p>With reference to the report’s conclusion, citing Officers’ recognition of ‘permission [being] subject to a condition limiting the permission to the applicants use only...’ (at page 16), Ms Hryniw stated that the class B use could be suspended temporarily to allow the gymnastics facility to run,</p>	

subject to a reversion of business use should the Club cease to operate. In summary, given material considerations that existed in favour of granting planning permission, in the form of the health promotion benefits, and the community benefit the gymnastics facility would deliver, she commended the application for approval in the form of a permission subject to a personal condition reverting to a class B use at the point the Club vacated the premises.

The Committee gave consideration to the two letters aforementioned dated 15 February and 16 February respectively, as circulated at the meeting.

Councillor Mrs H E Loydall raised a concern as to the references made in the report (at pages 11 - 12) and in the letter dated 16 February citing the representations made by this Council's Leisure Development Officer in that capacity. She further enquired as to whether a conflict of interest arose and, or, consequently, if a declaration of interest should be made.

The Legal Advisor stated that all Members present had a non-pecuniary interest insofar as the Officer in question was known to Members. He advised that as the Officer was not a statutory consultee, Members were to duly consider the representations in their ordinary and proper context on material planning grounds.

The Interim Planning Control Manager summarised the planning application's site and location, proposals, consultations, representations and planning considerations identifying the relevant planning policies as detailed in the report (at pages 3 - 16). He summarised the report's conclusion (at page 16), stating that the application was recommended for clear refusal on policy grounds.

The Interim Planning Control Manager further advised that if Members were minded to approve, that planning permission be subject to a condition limiting the permission to the applicants use only and, subject to reversion to a business use upon their ceasing to use all or any part of the premises. He stated that an express planning purpose required identifying to do so and that Members should balance the application's ad/disadvantages in respect of both safeguarding the use of employment land vis-a-vis the benefits of health and wellbeing promotion.

Councillor J Kaufman enquired as to whether he ought to recuse himself from the meeting insofar as being the Chair of this Council's Health and Wellbeing Board.

The Legal Advisor stated that the Member was entitled to remain at the meeting if he was of an open mind. He reiterated that considerations were on planning grounds.

With reference to the criterion outlined in the report (at pages 13 - 14), Councillor D M Carter described the current application as a positive "community venture" entertaining several merits including the promotion of health and wellbeing and the building's intended refurbishment. He further stated that the applicant had provided ample evidence of alternative site searches and, in his opinion, commended the premises 'suitability. With reference to the Officer's comment in the report (at page 9), citing 'that the building is currently in use for storage and warehousing...', he stated the

apparent use was not consistent with employment purposes and that evidence submitted by the applicant confirmed that the landlord of the premises had been actively marketing the same. The Member opined that it was irreconcilable for Members to refuse planning permission given similarly resolved applications in the nearby vicinity granting a temporary change of use in the past.

Councillor Mrs H E Loydall stated that the application should be properly dealt with on balance and enquired as to whether the premises could practically accommodate a class D2 use.

The Interim Planning Control Manager advised that the building's high-ceilings were considered suitable for a gymnastics use.

The Member stated that the letter dated 16 February resolved a number of planning concerns. She opined that, upon the consideration of the merits of the application, Members ought to be minded to approve planning permission subject to personal use in order to, amongst other things, to bring the building back into use.

Councillor Mrs H E Loydall moved that planning permission be approved subject to a condition limiting the permission to the applicants use only and, subject to reversion to a business use upon the ceasing of use all or any part of the premises.

Councillor G A Boulter enquired as to the application's car parking capacity and the additional volume of site traffic that could be accommodated concurrently with existing industrial uses.

The Interim Planning Control Manager reported that the application provided approximately 50 car parking spaces under a class D2 use. It was said that there was a low probability of a concentrated volume of traffic to/from the site and that the intended opening times of the Club did not enter into competition with other existing industrial uses of the site.

The Chair seconded the motion as moved by Councillor Mrs H E Loydall.

Councillor B Dave agreed with Councillor Mrs H E Loydall insofar as the application was to be considered on balance and that permission, subject to a condition limiting the permission to the applicant's use, should be resolved by Members.

Councillor Mrs S Z Haq enquired as to whether, if Members were minded to approve planning permission, the aforementioned personal condition would subsist in perpetuity and whether the applicant was to implement any security measures to secure the car park.

The Interim Planning Control Manager reported that the drafting of the condition intended the same to run in perpetuity and that, to his knowledge, no security measures were to be implemented by the applicant.

The Legal Advisor stated that the applicant would be liable in respect of any and all health and safety considerations and matters of pedestrian safety arising.

The Vice-Chair raised a concern as to potential onus being placed upon the applicant should the condition be granted personally and should he not be in a position in the future to continue to operate the Club. The Member further enquired as to wider planning implications arising for the Club should it wish to continue to operate in such circumstances.

The Legal Advisor requested a short recess to consult with the applicant.

The Chair permitted the Legal Advisor's request.

The Committee went in to recess at 7:56 pm.

The Committee came out of recess at 8:01 pm.

The Legal Advisor and Interim Planning Control Manager co-advised that the identity of the Club amounted to a body corporate and, as such, the condition ought to be granted in the name of the Committee of the Club as opposed to applicant personally.

Councillor Mrs H E Loydall enquired as to the planning implications should the Club's Committee wish to apply for a subsequent, future change of use.

The Legal Advisor stated that the Member's enquiry was not material to this Committee's considerations in respect of this application.

He further advised that, if Members were minded to approve planning permission, permission should be granted to the Club's Committee subject to a condition limiting the permission to the Club's use only. It was further recommended that delegated authority be given to Officers to determine the exact wording of that condition.

The Chair clarified the motion as per the above.

Councillor Mrs H E Loydall agreed to the motion as clarified by the Chair.

UNANIMOUSLY RESOLVED THAT:

- (i) The application be **PERMITTED** planning permission;
- (ii) The planning permission be granted to the Committee of the Oadby and Leicester Gymnastics Club ("the Club") subject to a condition limiting the permission to the Club's use only and, subject to reversion to a business use upon the ceasing of the Club's use of all or any part of the premises; and
- (iii) Delegated authority be authorised to Officers to determine the wording of the aforesaid condition.

THE MEETING CLOSED AT 8:09 PM



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CHAIR
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THURSDAY, 14 APRIL 2016
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