MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 28 JULY 2016 COMMENCING AT 7.00 PM

IN ATTENDANCE:

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

COUNCILLORS (10):

G S Atwal	B Dave	
Miss A R Bond	R Fahey	Mrs S B Morris
D M Carter	Mrs S Z Haq	R E R Morris
M L Darr	Mrs H E Loydall	

OFFICERS IN ATTENDANCE (5):

S J Ball	T Boswell	H Pearson
Ms F Biddles	Miss S Odedra	

OTHERS IN ATTENDANCE (1):

Councillor M H Charlesworth

Min Ref.	Narrative	Officer Resp.
1.	**APOLOGIES FOR ABSENCE** An apology for absence was received from Councillors G A Boulter, F S Broadley, D A Gamble, J Kaufman and Dr T K Khong.	
2.	**APPOINTMENT OF SUBSTITUTES** Councillors Miss A R Bond, Mrs S B Morris and M L Darr substituted for Councillors Dr T K Khong, G A Boulter and J Kaufman, respectively.	
3.	**DECLARATIONS OF INTEREST** None.	
4.	**MINUTES OF THE PREVIOUS MEETING HELD ON 12 MAY 2016** **RESOLVED THAT:** The minutes of the previous meeting of the Committee held on 12 May 2016 be taken as read, confirmed and signed.	
5.	**PETITIONS AND DEPUTATIONS** None.	
6.	**REVIEW OF SCALE OF FEES AND CHARGES (BUILDING CONTROL)** The Committee gave consideration to the report and appendices (at pages 13 - 23), together with the supplementary agenda update (at pages 1 - 3), as delivered and summarised by the Interim Planning Control Manager	

	which should be read together with these minutes as a composite document. The Chair commended the work of the Building Control Surveyor. The Chair moved the recommendations *en bloc* as set out at paragraphs 2.1 to 2.3 of the report (at page 13). The Vice-Chair seconded the recommendations. **UNANIMOUSLY RESOLVED THAT:** **(i)** The Revised Scale of Fees and Charges be approved; **(ii)** The Revised Scale of Fees and Charges be operated with immediate effect; and **(iii)** The relevant Officers continue their efforts to achieve an equitable "cost-recovery" when charging or re-charging each case.	
7.	**CONFIRMATION OF THE BOROUGH COUNCIL OF OADBY & WIGSTON TREE PRESERVATION ORDER(S) 2016** The Committee gave consideration to the reports and appendices (at pages 24 - 45) as delivered and summarised by the Arboricultural Officer which should be read together with these minutes as a composite document.	
7a.	**LAND AT 18 NEWGATE END, WIGSTON, LEICESTERSHIRE, LE18 2GG** Councillor Mrs H E Loydall moved the recommendation as set out at paragraph 2 of the report (at page 24). Councillor Mrs S B Morris seconded the recommendation. **UNANIMOUSLY RESOLVED THAT:** The Borough Council of Oadby & Wigston (Land at 18 Newgate End, Wigston, Leicestershire, LE18 2GG) Tree Preservation Order 2016 be provisionally confirmed.	
7b.	**LAND AT GRAND HOTEL, CANAL STREET, SOUTH WIGSTON, LEICESTERSHIRE, LE18 4PP** Councillor R E R Morris noted the imminent danger posed to the trees in question and supported the Order's confirmation, accordingly. Councillor Mrs S B Morris moved the recommendation as set out at paragraph 2 of the report (at page 30). Councillor D M Carter seconded the recommendation. **UNANIMOUSLY RESOLVED THAT:** The Borough Council of Oadby & Wigston (Land at Grand Hotel, Canal Street, South Wigston, Leicestershire, LE18 4PP) Tree Preservation Order 2016 be confirmed.	
7c.	**LAND AT REAR OF SAFFRON ROAD, SOUTH WIGSTON, LEICESTERSHIRE, LE18 4UN**	

	Councillor R E R Morris noted the high volume of public interest received in respect of the trees in question and supported the Order's confirmation, accordingly. Councillor R E R Morris moved the recommendation as set out at paragraph 2 of the report (at page 39). Councillor Mrs S B Morris seconded the recommendation. **UNANIMOUSLY RESOLVED THAT:** The Borough Council of Oadby & Wigston (Land at Rear of Saffron Road, South Wigston, Leicestershire LE18 4UN) Tree Preservation Order 2016 be confirmed.	
8.	**REPORT OF THE PLANNING CONTROL MANAGER** With reference to the supplementary agenda update (at pages 1 - 2), the Chair confirmed that the following applications were withdrawn from the consideration of this meeting of the Committee:- 1. Application No. 12/00435/CLE – Beaumont Hall, Stoughton Drive South, Oadby, Leicester, Leicestershire, LE2 2NA 2. Application No. 12/00437/CLE – Stamford Hall, Stoughton Drive South, Oadby, Leicester, Leicestershire, LE2 2NG 3. Application No. 16/00024/FUL – 39 Long Street, Wigston, Leicestershire, LE18 2AJ **4. Application No. 16/00163/FUL – 205 Wigston Road, Oadby, Leicestershire, LE2 5JF** The Interim Planning Control Manager summarised the planning application (at pages 70 - 74). He reported that the reduction in the size of the dormers on the front and side elevations of the building had since negated previous grounds for refusal of planning permission and that, in turn, the revised application did not in the public interest warrant a further refusal upon material planning considerations. The Vice-Chair disapproved of the application's design. She requested that a condition be added to restrict access to the flat-roofed areas for use as a terrace or balcony to mitigate the potential for overlooking on neighbouring properties. The Interim Planning Control Manager advised that the requested condition was incorporated into the recommendation at condition 4 (at page 74). The Vice-Chair moved the application for approval of planning permission as set out in the report (at pages 74-75). Councillor Mrs H E Loydall disapproved of the application's design. She opined that the proposed building's front and side elevations amounted to an over-intensification of development and impacted detrimentally upon the street-scene. She sought further clarification as to whether the application breached the 45 degree code. The Interim Planning Control Manager advised that there was a negligible	

breach of the code however this did not properly warrant refusal of planning permission.

Councillor Miss A R Bond stated that she agreed with the representations made by the neighbours as set out in the report (at pages 71 - 72).

The Chair seconded the application for approval of planning permission.

RESOLVED THAT:

The application be **PERMITTED** planning permission subject to condition(s).

Votes For	6
Votes Against	3
Abstentions	3

5. Application No. 16/00223/TPO – Hermitage Court, Honeywell Close, Oadby, Leicestershire, LE2 5QQ

Councillor M H Charlesworth spoke upon the application as an objector.

The Member questioned the classification of the disputed hedgerow *vis-a-vis* tree(s) in question (by analogy to previous planning applications) and the ulterior motives behind the applicant's submission of successive applications. He raised on objection to the approval of the proposed works, citing an inconsistency with the Landscape Proposal No. 1 of the Oadby and Wigston Local Plan, the loss of amenity value and the lack of enforceability of any replacement schedule.

The Arboricultural Officer summarised the application (at pages 76 - 78). He advised that the "trees" in question were planted, maintained and are species of an amenity hedgerow and, therefore, were excluded from the Leicestershire County Council Oadby (The Hermitage) Tree Preservation Order 1962 ("the 1962 TPO"). He reiterated that the recommendation to permit the proposed works alongside a replacement schedule (as conditioned) would mitigate the loss of amenity value.

The Chair warned that, if Members were minded to refuse permission, a successful appeal lodged by the applicant would remove this Committee's control over any replacement schedule.

The Legal Advisor advised that, on a balance of probabilities, any appeal lodged would be successful upon the proper construction of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 given the expert determination of the "trees" in question as any an amenity hedgerow.

Councillor D M Carter noted the importance of the hedgerow's green-screen adding to the amenity of the area. He enquired as to: whether the St Peters (Oadby) Conservation Area (CA) impacted upon the matter; the extent of enforceability of any replacement schedule; and, if agreed, whether this would put the Council in a more favourable position in the prospect of an appeal.

The Arboricultural Officer stated that the CA had no impact. He further reported that that the imminent revocation and replacement of the 1962 TPO with a new TPO area (within the next 18 months) would ensure a replacement schedule was negotiated and implemented.

The Legal Advisor advised that a replacement schedule, or an attempt to negotiate the same, would not be considered negatively by the Planning Inspectorate.

Councillor Miss A R Bonded noted amenity value of the hedgerow and, if Members were minded to grant permission, was hopeful of a replacement schedule.

With reference to the report of '25 leylandii *trees*' (emphasis added) (at page 77), Councillor Mrs H E Loydall opined the hedgerow bared many substantial tree-like characteristics, were prominent in the street scene and that a negotiation of a replacement schedule was almost impossible should the works be granted permission. She stated that there was no material difference between this and the refusal of previous applications upon the same considerations (*viz* bird droppings).

Councillors Mrs H E Loydall moved for refusal of permission for the works.

Councillor Mrs S B Morris seconded Councillor Mrs H E Loydall's motion.

Councillors R E R Morris agreed with the aforesaid Members. He questioned the ulterior motives of the applicant's previous applications (in relation to this application) and stated that the "trees" in question were hitherto considered as such when previously resolving the same. With reference to condition 2 (at page 78), the Member asked whether the 6-12 ft was to be the size of any replacement at planting.

Councillor R Fahey opined that the application was indicative of the applicant's poor tree management and sought alternative solutions to their outright removal.

The Arboricultural Officer reiterated the hedgerow's technical definition as an "amenity hedgerow" and advised that a minimal pruning of the same was an alternative and viable solution. He confirmed that a minimum of 12 ft was desirable at re-planting to provide for adequate coverage and an effective visual barrier.

The Vice-Chair and Councillor B Dave stated that they properly considered the hedgerow to be a row of trees.

Councillor G S Atwal stated that, if Members were minded to grant permission, a similar replacement ought to be sought and better tree management exercised.

RESOLVED THAT:

The application be **REFUSED** permission for the works.

Votes For	10
Votes Against	1
Abstentions	1

Councillor M L Darr left the Chamber at 08:04 pm.

6. Application No. 16/00239/COU – 3 Victoria Street, Wigston, Leicestershire, LE18 1AJ

The Interim Planning Control Manager summarised the planning application (at pages 79 - 84). He emphasised that the proposed conversion was to provide for three self-contained flats that were, relatively, small in size and that, in accordance with the National Planning Policy Framework (NPPF), issues arising in respect of local competition for limited available on-street parking provision was not a material planning consideration.

Councillor Mrs H E Loydall enquired as to: whether the application complied with any minimum dwelling-space standards; if an agreement pursuant to the Town and Country Planning Act 1990, section 106 ("s106 agreement") for amenity space was required if the dwelling-flats were sold to families with children; and whether a "car-free" planning condition was achievable to mitigate peripheral concerns surrounding the limited availability on-street parking provision.

The Interim Planning Control Manager advised that minimum dwelling-space standards no longer existed outside the Greater London area and no policy had been hitherto adopted by this Council in terms of the same. He stated that the proposed dwelling-flats would be primarily allocated to the single adult/couple(s) rental market and that that such a "car-free" planning condition would be unenforceable against prospective renters and, or, buyers.

The Member raised a concern as to the health and wellbeing implications of occupants living in increasingly confined living-quarters. She request that a note to the applicant be added for the dwellings-flats to be rented and, or, sold to non-car owners and marketed, accordingly.

The Vice-Chair agreed with Councillor Mrs H E Loydall's comments.

The Chair moved the application for approval of planning permission as set out in the report (at page 84) subject to the addition of a note to the applicant.

Councillor B Dave seconded the application for approval of planning permission.

RESOLVED THAT:

(i) The application be **PERMITTED** planning permission subject to condition(s); and
(ii) A note to the applicant be added for the dwellings-flats to be rented and, or, sold to non-car owners and marketed, accordingly.

Votes For	9
Votes Against	2
Abstentions	0

7. Application No. 16/00240/COU – 5 Victoria Street, Wigston, Leicestershire, LE18 1AJ

The Interim Planning Control Manager summarised the planning application (at pages 85 - 90) and noted that it was identical to application no. 16/00239/COU.

The Vice-Chair noted the same reservations aforementioned.

	Councillor Mrs S Z Haq enquired as to whether a s106 agreement was payable in respect of a single, two-bedroom flat-dwelling. The Interim Planning Control Manager answered negatively. The Chair moved the application for approval of planning permission as set out in the report (at page 90) subject to the addition of a note to the applicant. Councillor R Fahey seconded the application for approval of planning permission. **RESOLVED THAT:** **(i)** The application be **PERMITTED** planning permission subject to condition(s); and **(ii)** A note to the applicant be added for the dwellings-flats to be rented and, or, sold to non-car owners and marketed, accordingly. **Votes For** 9 **Votes Against** 2 **Abstentions** 0	
9.	**BOROUGH TOUR (VERBAL UPDATE)** The Interim Planning Control Manager advised the Committee that the recent cancellation of the Borough Tour scheduled for Friday, 08 July 2016 was to allow an opportunity for Members to provide direction as to what the itinerary should include and, once sought, the Borough Tour was to be organised and re-scheduled for a later date. Members raised a number of suggestions which were duly noted.	

THE MEETING CLOSED AT 8.21 PM

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CHAIR

THURSDAY, 25 AUGUST 2016