

**MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE  
COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 15 DECEMBER 2016  
COMMENCING AT 7.00 PM**

<b><u>IN ATTENDANCE:</u></b>		
Chair - Councillor L A Bentley Vice-Chair - Councillor Mrs L M Broadley		
<b>COUNCILLORS (9):</b>		
G S Atwal G A Boulter F S Broadley	D M Carter R E Fahey D A Gamble	Mrs S Z Haq Mrs H E Loydall R E R Morris
<b>OFFICERS IN ATTENDANCE (4):</b>		
S J Ball T Boswell	D Gill Ms S Lane	
<b>OTHERS IN ATTENDANCE (3):</b>		
Cllr M H Charlesworth	P Hempill	S Mistry

Min Ref.	Narrative	Officer Resp.
29.	<b><u>APOLOGIES FOR ABSENCE</u></b>  An apology for absence was received from Councillors B Dave, J Kaufman and Dr T K Khong.	
30.	<b><u>APPOINTMENT OF SUBSTITUTES</u></b>  None.	
31.	<b><u>DECLARATIONS OF INTEREST</u></b>  In respect of planning application number 16/00024/FUL, the Chair declared a non-pecuniary interest insofar he had been approached by an objector seeking to arrange a meeting to discuss the application but declined the request. The Chair confirmed that he attended the meeting without prejudice and with an open mind.	
32.	<b><u>MINUTES OF THE PREVIOUS MEETING HELD ON 17 NOVEMBER 2016</u></b>  The Chair advised that the minutes of the previous meeting of the Committee held on Thursday, 17 November 2016 were to stand as an item referred to the next meeting of the Committee due to be held on Thursday, 19 January 2017.	
33.	<b><u>PETITIONS AND DEPUTATIONS</u></b>  None.	
34.	<b><u>THE BOROUGH COUNCIL OF OADBY &amp; WIGSTON (LAND AT DRAPER HOUSE, 51 SAFFRON ROAD, WIGSTON, LEICESTERSHIRE, LE18 4UL) TREE PRESERVATION ORDER 2016</u></b>	

	<p>The Committee gave consideration to the report and appendix (at pages 1 - 14) as delivered and summarised by the Arboricultural Officer which should be read together with these minutes as a composite document.</p> <p>Councillor Mrs H E Loydall moved the recommendation as set out at paragraph 2 of the report (at page 1).</p> <p>Councillor G A Boulter seconded the recommendation.</p> <p>Councillors R E R Morris and D M Carter commended the Tree Preservation Order's (TPO) confirmation on behalf of all Members and residents.</p> <p><b>UNANIMOUSLY RESOLVED THAT:</b></p> <p>The Borough Council of Oadby &amp; Wigston (Land at Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL) Tree Preservation Order 2016 be confirmed.</p>	
<p><b>35.</b></p>	<p><b><u>REPORT OF THE PLANNING CONTROL MANAGER</u></b></p> <p><b>1. Application No. 16/00024/FUL - 39 Long Street, Wigston, Leicestershire, LE18 2AJ</b></p> <p>Mr Sanjay Mistry, Managing Director at SKM Design, spoke upon the application on behalf of the applicant. Mr Mistry stated additional work had been undertaken to render the application acceptable and discussions with the Trustees of the Kingdom Hall regarding access and design had been conducted. He said that the existing Working Men's Club (WMC) building was in a significant state of disrepair. It was said that that the development sought to bring the site back into use with a scheme of residential dwellings together with garden areas and parking facilities. He noted that, other than the one representation received, on other objections had been raised.</p> <p>Councillor R E Fahey entered the Chamber at 7:05 pm.</p> <p>Mr Peter Hempill, Director Architect at Ark Designs, spoken upon the application on behalf of the Trustees of Kingdom Hall ("the Trustees") as an objector. Mr Hempill stated that the Trustees sought a deferral of the application to allow adequate time to review the latest plan amendments. He opined that several errors had been made in the report, namely: the citing of clause 32 (clause 39) of the National Planning Policy Framework (NPPF) to justify a shortfall in car parking could not be used to set aside, as opposed to setting, local parking standards; that the applicant had not engaged in any discussion or consultation of the current proposals with the Trustees and therefore had not considered the rights of the latter; there had been no dialogue or agreement with the Trustees regarding the change of purpose of the intended two-way access road considered to be unsafe; and obstructions to access of the Kingdom Hall site from insufficient car spaces in ratio to the number of dwellings.</p> <p>The Committee gave consideration to a letter of representation tabled at the meeting and dated 15 December 2016 addressed to the Planning Officer from Ark Design.</p> <p>Councillor M H Charlesworth spoke upon the application. He acknowledged that the site in question was in a state of disrepair however resisted the demolition of the existing WMC building described as one of the oldest in</p>	

the country. He raised a concern as to the potential access obstruction to the Kingdom Hall resulting from the insufficient number of dwelling car parking spaces. It was said that the proposed buildings were not sympathetic to The Lanes Conservation Area (CA). The Member requested that, if Members were minded to grant planning permission, that: a condition be added to include a footpath; that condition 15 be better substantiated to prevent access obstruction during the construction phase; and the need for an access agreement between the applicant and Trustees prior to development.

The Chair advised Councillor R E Fahey he was not entitled to exercise his vote upon the application due to his lateness of arrival to the Chamber.

The Committee gave consideration to the application (at pages 38 - 49) as delivered and summarised by the Interim Planning Control Manager which should be read together with these minutes as a composite document.

The Interim Planning advised that the existing WMC building was not a listed building however was a heritage asset within the CA. The meaning of a 'material planning consideration' was said to exclude the protection of private interests in relation to any private-access agreement between the applicant and Trustees. It was advised that, in accordance with paragraph 32 of the NPPF, refusal on the grounds of the impact(s) upon the safe and efficient use of the highway network resulting from access, ratio of car parking spaces and proximity of the development to the town centre could not be substantiated as "severe". The recommendation was also said to ought to include an agreement pursuant to the Town and Country Planning Act 1990, section 106 ("s106 agreement") in accordance with the contributions and affordable housing arrangements set out in the report (at page 22).

The Chair moved and the Vice-Chair seconded the application for debate.

Councillor G A Boulter noted the significant contribution of the existing WMC building to the character of the CA citing the relevance of the representations made by the various heritage associations in the report (at page 18). He further raised concerns as to there being a residual cumulative impact upon the highway (viz. the insufficient number of dwelling car parking spaces, access arrangement complications), the proposed buildings being inconsistent with the street-scene and that no discussion or consultation of the proposals having been held with the Wigston Civic Society.

Councillor Mrs H E Loydall enquired as to whether all the appropriate authorities and properties with the area had been properly informed about the application. She acknowledged that the existing WMC building was derelict for a considerable number of years forming part of a wider collection of buildings sited on Long Street, Wigston described as an "eyesore" with little heritage value. The Member also stated that the dwelling-flats' frontage was of bad-design and unsympathetic to the street-scene.

The Interim Planning Control Manager advised that the applicant's reasoned justification for the proposed demolition of the existing WMC building was its profound derelict state rendering it unsuitable for residential-conversation. It was said that access to the application site was to be re-constructed to an adoptable standard notwithstanding the private contractual nature of access arrangement between the applicant and the Trustees. It was said that all appropriate authorities and properties were duly notified, including the Civic

Society by way of weekly planning circular.

The Chair stated any proposed development ought to reflect the history of the existing WMC building in lieu of its proposed demolition.

The Vice-Chair enquired as to whom the legal proprietor of the access route to the Kingdom Hall was and, if it was not under applicant's ownership, whether: an encroachment upon the same would be committed by the applicant during construction access; if it was capable of being re-constructed to an adoptable standard; and if prospective dwelling-occupants enjoyed any rights of way. The Member re-iterated concerns as to: the inconsistency of the buildings' design within the street-scene and the implications to highway and pedestrian safety.

Councillor Mrs S Z Haq enquired as to whether all neighbouring properties were given sufficient notice about the application.

The Interim Planning Control Manager advised that all properties had been mailed directly and site notices displayed on nearby lampposts and the existing WMC building door concerning development's initial proposals and subsequent revisions.

**DEFEATED THAT:**

The application be permitted planning permission.

**For** 0  
**Against** 6  
**Abstentions** 4

Councillor G A Boulter moved and the Vice-Chair seconded the application for refusal of planning permission. The reasons for refusal were summarised as follows:

- (i) The proposed development does not respect the local character and patterns of development and is unsympathetic towards its surroundings (*contra* Core Strategy Policy 14);
- (ii) The proposed development does not reflect the prevailing quality, character and features of the landscape and townscape (*contra* Core Strategy Policy 15);
- (iii) The residual cumulative impact of the proposed development upon highway and pedestrian safety would be severe (*contra* Core Strategy Policy 4).

**RESOLVED THAT:**

The application be **REFUSED** planning permission.

**For** 6  
**Against** 1  
**Abstentions** 3

**THE MEETING CLOSED AT 7.54 PM**



**CHAIR**

**THURSDAY, 19 JANUARY 2017**