

**MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE  
COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 19 JANUARY 2017  
COMMENCING AT 7.00 PM**

<b><u>IN ATTENDANCE:</u></b>		
Chair - Councillor L A Bentley Vice-Chair - Councillor Mrs L M Broadley		
<b><u>COUNCILLORS (10):</u></b>		
G A Boulter	R E Fahey	
F S Broadley	D A Gamble	Mrs H E Loydall
D M Carter	Mrs S Z Haq	R E R Morris
B Dave	J Kaufman	
<b><u>OFFICERS IN ATTENDANCE (5):</u></b>		
S J Ball	Mrs A E Court	
T Boswell	Ms S Lane	R Redford
<b><u>OTHERS IN ATTENDANCE (1):</u></b>		
Ms H Bearford		

<b>Min Ref.</b>	<b>Narrative</b>	<b>Officer Resp.</b>
<b>36.</b>	<b><u>APOLOGIES FOR ABSENCE</u></b>  An apology for absence was received from Councillor Dr T K Khong.	
<b>37.</b>	<b><u>APPOINTMENT OF SUBSTITUTES</u></b>  None.	
<b>38.</b>	<b><u>DECLARATIONS OF INTEREST</u></b>  In respect of planning application number 16/00316/REM, the Chair declared a non-pecuniary interest insofar he had spoken to a number of residents regarding the same. He confirmed that he attended the meeting without prejudice and with an open mind.	
<b>39.</b>	<b><u>READING, CONFIRMATION AND SIGNING OF MINUTES</u></b>	
<b>40.</b>	<b><u>MINUTES OF THE PREVIOUS MEETING HELD ON 17 NOVEMBER 2016</u></b>  <b>RESOLVED THAT:</b>  The minutes of the previous meeting of the Committee held on 17 November 2016 be taken as read, confirmed and signed.	
<b>41.</b>	<b><u>MINUTES OF THE PREVIOUS MEETING HELD ON 15 DECEMBER 2016</u></b>  <b>RESOLVED THAT:</b>  The minutes of the previous meeting of the Committee held on 15 December 2016 be taken as read, confirmed and signed.	

42.	<p><b><u>PETITIONS AND DEPUTATIONS</u></b></p> <p>None.</p>	
43.	<p><b><u>REPORT OF THE PLANNING CONTROL MANAGER</u></b></p> <p><b>1. Application No. 16/00316/REM – Land South, Newton Lane, Wigston, Leicestershire</b></p> <p>Ms Helen Bearford spoke upon the application on behalf of the applicant.</p> <p>Ms Bearford stated that David Wilson Homes (DWH) had produced a reserved matters proposal that it considered to be sympathetic to the immediate site surroundings, in-keeping with the character of the Principle Urban Area of Wigston and accorded to the principles of the outline planning permission including the approved Illustrative Masterplan and the Design Guide. She stated that the site was respectful to its edge of settlement location and the careful positioning of dwellings and proposed boundary treatment along the western boundary did not adversely affect the residential amenity of existing properties. The considerable use/amount of public open space, positioning of allotments along the eastern boundary and the retention of the majority of existing trees and hedgerows on site was said to allow the development to assimilate into the landscape and retain its rural-fringe character. The public space network was said to be interactive and fully integrated with the built development. She confirmed that the technical issues raised by the Highways Authority had been resolved and there were no objections from statutory consultees.</p> <p>The Committee gave consideration to the application (at pages 17 - 25) as delivered and summarised by the Interim Planning Control Manager which should be read together with these minutes as a composite document.</p> <p>The Interim Planning Control Manager emphasised that the application sought the approval of reserved matters only for the residential phase of outline planning permission (application no. 13/00403/OUT) previously incorporating 33 conditions, to which conditions 6 and 7 were of material consideration to the present application.</p> <p>The Interim Planning Control Manager added that the Flood Risk Assessment provided that each dwelling was to have slab levels of 200mm above the ambient level to reduce or prevent the risk of flooding. He recommended an added condition that information regarding slab levels was to be received by the Planning Authority.</p> <p>Councillor Mrs H E Loydall sought clarification as to conditions 6 and 7 so-referred.</p> <p>The Interim Planning Control Manager clarified that condition 6 referred to the Sustainability Statement and condition 7 referred to the Design Guide.</p> <p>The application was moved for grant of planning permission by the Chair and seconded by Councillor Mrs H E Loydall.</p> <p>The Vice-Chair enquired as to what measures were to be taken, either by the applicant or Highway Authority, to provide for the future maintenance of the street trees, verges and blocked raised tables incorporating parts of the application site.</p>	

The Interim Planning Control Manager advised that the Highway Authority would require a commuted sum to provide for the future maintenance of all highways, streets trees and verges. The collection of other open spaces were said to be collectively-conveyed to a private company made up of constituent residents who, in turn, would assume full responsibility for the future maintenance thereof.

Councillor Mrs H E Loydall stated that she did not accept a number of application's proposals, namely:

- (i) the absence of any suitable-dwellings to accommodate prospective residents across the generations (viz. the elderly/bungalows);
- (ii) the future maintenance of the site's blocked raised tables;
- (iii) the omission of any reference to the particulars of the proposed community facility building;
- (iv) clarification as to community areas/allotments and their proximity to residential properties;
- (v) conditions relating to work constructions hours (viz. no work on Sundays, Bank Holidays and hours that are not unduly inconvenient to residents), the cleaning of Heavy Goods Vehicles (HGV's), and direction of travel of HGV's;
- (vi) the perceived monotony of the application's design scheme and unimaginative landscaping to mitigate the same;
- (vii) the dwellings' side elevations; and
- (viii) the type and style of materials intended to be used (viz. brickwork, roofing, cladding etc).

The Member requested that additional discussion be had with the applicant to address the aforementioned concerns and that the choice of material(s) be a matter reserved for this Committee.

The Interim Planning Control Manager advised, accordingly:

- (i) the applicant's choice of proposed dwellings was market-driven and formed exclusively part of their own financial agenda;
- (ii) the blocked raised tables would form part of the wider highway adoption with the acceptance of a commuted sum to the Highways Authority;
- (iii) the agreement pursuant to the Town and Country Planning Act 1990, section 106 ("s106 agreement") required a community facility building which may be sited upon a residual pocket of open space land;
- (iv) the community areas/allotments were to be sited along the eastern boundary of the application site;
- (v) condition 33 of the outline planning permission required the submission of a Construction Management Plan prior to development, to include Members' stipulations, with standard operation hours of c. 8:30 – 18:30;
- (vi) the application's design scheme was considered sympathetic to the site's surroundings, including dwellings' side elevations; and
- (vii) a schedule of materials had been submitted, subject to change, in accordance with the approval required under condition 2.

The Interim Planning Control Manager noted that there was no specification as to the proposed materials intended to be used and that the matter could be so-reserved.

Councillor J Kaufman raised a concern in respect of shared parking areas insofar as the attraction of anti-social behaviour and the difficulty in rendering repairs to the same due to the difficulty in eliciting equal financial contributions from residents.

The Interim Planning Control Manager advised that the application incorporated only one shared parking area. The maintenance thereof was said to be mitigated by the enduring quality of the design. He advised that there was no feasible or enforceable future-proof solution that could be found in respect of the Member's concern.

Councillor B Dave enquired as to whether there was any guidance defining 'severe' and 'residual cumulative impact' (at page 23, paragraphs 3 and 4) in respect of the application's impact upon the safe and efficient use of the highway network. The Member made reference to the cumulative impact envisaged by the permitted development at Cooks Lane, Wigston (application no. 16/00295/FUL).

The Chair advised that the expert determinations of the Highway Authority were to be taken as conclusive and that the proposed attention measures were to prove useful.

The Interim Planning Control Manager advised that the National Planning Policy Framework (NPPF) was concerned with associated matters of highway safety *vis-a-vis* highway users' convenience in that the NPPF assumed a reasonable level of traffic congestion. 'Severe' was said to entertain a fatal risk to life. 'Residual cumulative impact' was said to refer to the effects of other developments once mitigation measures had been taken into account. He reported that the outline planning permission contained a number of amendments required to improve highway safety/efficiency before the commencement of the proposed development.

Councillor Mrs S Z Haq enquired as to:

- (i) if the scale of the propose development was sufficient to trigger the building of a primary school;
- (ii) whether the bus service subsidy was to be provided to the service-provider or service-user(s), and if the bus-service would continue to operation after the subsidy had dissipated; and
- (iii) if the requirement as to the future maintenance of pockets of open space could be drafted into the dwellings' deeds to bind current and successful dwellers-in-title.

The Interim Planning Control Manager advised, accordingly:

- (i) no primary school was envisaged under the application, but contributions paid under the s106 agreement were to improve and enlarge existing schools' provision and pupil capacity;
- (ii) the subsidy was to be provided to the service-provider and the bus service would continue to remain operation if it was deemed commercially-viable;
- (iii) covenants could be drafted into deeds at the conveyancing stage.

Councillor G A Boulter enquired as to:

- (i) the siting of the affordable dwellings within the application site;
- (ii) whether fencing enclosing the flood-basins were to be installed, citing

- safety concerns posed to children and young people;
- (iii) the number of playing fields and the size of land allocation for allotments;
  - (iv) the exact specification of the proposed community facility building;
  - (v) the delegation of responsibility between the two developers; and
  - (vi) whether any residual pockets of open space land (otherwise unadopted by the Highway Authority) were, or ought to be, adopted by this Council or to ensure their future maintenance.

The Member further noted that there was to be no bus service subsidy forthcoming from Leicestershire County Council in the next four years and no representations had been submitted by Leicestershire Constabulary regarding the site's configuration.

The Interim Planning Control Manager advised, accordingly:

- (i) with reference to the application site plan, the siting of affordable dwellings were denoted by the blue markings thereon;
- (ii) the proposed public open space scheme included the planting-up of the flood basins' margins, whose purpose was not considered to be a significant safety risk insofar as holding a small volume of water for a temporary period of time;
- (iii) two playing fields were to be vested to the Council upon the development's completion, and that the size of the land allocation for allotments was to be in accordance with the Council's Core Strategy requirements;
- (iv) the community facility building's construction was to commence upon the erection of the 100<sup>th</sup> dwelling and completed upon the erection of the 250<sup>th</sup> dwelling, not exceeding the cost of £300,000 excluding disbursements;
- (v) the Planning Authority could not regulate the developers' contractual arrangements; and
- (vi) the future maintenance of any other residual pockets of open space land was to be managed by the applicant.

The Chair requested that the openings in the boundary fencing separating the old and new development sites be closed to avoid congregation and further enquired as to who was to maintain the fences and the open spaces enclosed thereby.

The Interim Planning Control Manager advised that the openings in the boundary fencing served a multitude of justifiable purposes (e.g. free-flow of water) and there were no openings susceptible to congregating persons. It was stated that it was not the developers' responsibility to repair or replace dwellers' fencing. The provision of boundary fencing was said to be a matter capable of being reserved for this Committee.

The Vice-Chair sought clarification as to the meaning of 'affordable dwellings' and questioned why the same were clustered together and not dispersed over the application site.

The Interim Planning Control Manager advised that affordable dwellings were accommodation-units made available to registered Housing Associations offered out on variable rental rates (viz. social/reduced open-market) and shared-ownership arrangements. It was said that affordable dwellings were clustered together to efficiently manage and organise the maintenance schedules thereof.

An amendment to the application was moved by the Chair and seconded by the Vice-Chair requiring that:

- (i) the conditions of the outline planning permission continue to be observed;
- (ii) a condition be added requiring information regarding the slab levels to be received by the Planning Authority;
- (iii) a condition be added stipulating work construction hours;
- (iv) the Construction Management Plan be duly completed;
- (v) clarification be provided in respect of:
  - (a) the maintenance of (public) open spaces;
  - (b) to the maintenance of the boundary fencing;
  - (c) the status of the footpath across the application site; and
- (vi) delegated authority be granted to Officers to ensure the aforementioned.

**UNANIMOUSLY RESOLVED THAT:**

The motion be amended, accordingly.

Councillor D A Gamble reiterated Members' aforementioned concerns in respect of the future maintenance of (public) open spaces and requested that discussions be had with the applicant concerning a commuted sum to this Council to maintain the same. The Member opined that the affordable dwellings ought to be dispersed.

Councillor G A Boulter requested that the Highway Authority make sufficient provision for street-lighting.

**RESOLVED THAT:**

The application (as amended) be **PERMITTED** planning permission subject to conditions.

<b>Votes For</b>	11
<b>Votes Against</b>	0
<b>Abstentions</b>	1

Councillor D A Gamble left the Chamber at 8:44 pm.

**2. Application No. 16/00479/TPO – 119 Saffron Road, Wigston, Leicestershire, LE18 4UQ**

The Committee gave consideration to the application (at pages 26 - 30) 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 Control Manager reiterated that the foundation depths underpinning the affected conservatory in question were inadequate and that insufficient evidence had been submitted to substantiate the fact that the complained-of tree was the main and pivotal factor in the subsidence of the conservatory.

The application was moved for refusal of permission to remove the TG1

	<p>(Oak) by the Chair and seconded by Councillor R E R Morris.</p> <p>Councillor D M Carter commended the report.</p> <p><b>UNANIMOUSLY RESOLVED THAT:</b></p> <p>The application be <b>REFUSED</b> permission.</p>	
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**THE MEETING CLOSED AT 8.48 PM**



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**CHAIR**  
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**THURSDAY, 16 MARCH 2017**  
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