

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE
COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 15 JUNE 2017
COMMENCING AT 7.00 PM**

PRESENT

Councillor L A Bentley (Chair)
Councillor Mrs L M Broadley (Vice Chair)

COUNCILLORS

G A Boulter
F S Broadley
D M Carter
B Dave
R E Fahey
J Kaufman
Mrs H E Loydall
R E R Morris

OFFICERS IN ATTENDANCE

S J Ball (Senior Democratic Services Officer / Legal Officer)
T Boswell (Senior Planning Control Officer)
D Gill (Legal Advisor)
Ms S Lane (Democratic Services Officer / Compliance Officer)
R Redford (Planning Control Team Leader)
A Thorpe (Planning, Development and Regeneration Manager)

OTHERS IN ATTENDANCE

L Burgess (Public Speaker)
Cllr M H Charlesworth (Ward Councillor, Speaker)
Mrs P Dunckley (Public Speaker)
A Endall (Public Speaker)
N Hardy (Applicant/Agent, Speaker)
R Moore (Public Speaker)
J Pugh (Public Speaker)
Mrs C Sutton (Public Speaker)

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor D A Gamble.

The Senior Democratic Services Officer / Legal Officer declared Councillors Gurbal S Atwal and Dr Teck K Khong absent from the meeting as neither Member was eligible to take their seat on the Committee until such time that they had undergone basic training on the law and procedure relating to the functions of the same.

2. APPOINTMENT OF SUBSTITUTES

None.

3. DECLARATIONS OF INTEREST

In respect of planning application number 16/00575/OUT, Councillors G A Boulter and R E

R Morris declared a non-pecuniary interest insofar as they had been contacted by local residents and objectors regarding the same in their respective capacities as County and Ward Councillor(s).

In respect of planning application number 17/00084/FUL:

- (i) Councillor Mrs H E Loydall declared a non-pecuniary interest insofar as her residential property was deemed to be within the application area of the site and that she had been contacted by objectors regarding the application; and
- (ii) Councillor G A Boulter declared a non-pecuniary interest insofar as the applicant was personally known to him.

In respect of planning application number 17/000109/COU:

- (i) Councillor G A Boulter declared a non-pecuniary interest as Chair of the Services Delivery Committee insofar as the proposed use of the building in question fell under the remit of the said Committee;
- (ii) The Chair and Councillor R E R Morris declared a non-pecuniary interest insofar as they had attended a public consultation meeting held regarding the same.

In respect of planning application number 17/00115/FUL, Councillor Mrs H E Loydall declared a non-pecuniary interest insofar she had been contacted by objectors regarding the same.

All Members' confirmed that they attended the meeting without prejudice and with an open-mind.

4. MINUTES OF THE PREVIOUS MEETING HELD ON 13 APRIL 2017

The minutes of the Committee held on Tuesday, 13 April 2017 shall stand as an item to be received at the next meeting of the Committee due to be held on Thursday, 20 July 2017.

5. PETITIONS AND DEPUTATIONS

None.

6. HOUSING WHITE PAPER: INCREASE IN PLANNING FEES IN THE BOROUGH

The Committee gave consideration to the report (at pages 1- 2) as delivered and summarised by the Planning, Development and Regeneration Manager which should be read together with these minutes as a composite document.

The Committee welcomed the report yet emphasised the need for the Council's Chief Finance Officer / Section 151 Officer and Planning Officers to continue to work and to seek new ways to improve the Borough's housing market, particularly in view of the government's misguided ambition to build new homes at the cost of compromised dwelling living standards and, ultimately, to the detriment of residents.

RESOLVED THAT:

A 20% increase in planning fees in the Borough with effect from July 2017 in order to invest this additional fee income in the planning department be noted.

7. CONFIRMATION OF THE BOROUGH COUNCIL OF OADBY & WIGSTON TREE PRESERVATION ORDER(S) (TPO'S)

The Committee gave consideration to the three foregoing reports and appendices (at pages 3 - 31) as delivered and summarised by the Planning Control Team Leader which should be read together with these minutes as a composite document.

7a. LAND AT BRIAR WALK, OADBY, LEICESTERSHIRE

It was moved by the Chair, seconded by Councillor Mrs H E Loydall and

UNANIMOUSLY RESOLVED THAT:

The Borough Council of Oadby & Wigston (Land at Briar Walk, Oadby, Leicestershire) Tree Preservation Order 2016 be confirmed with modifications.

7b. LAND AT GARTREE ROAD, OADBY, LEICESTERSHIRE

It was moved by the Chair, seconded by Councillor Mrs H E Loydall and

UNANIMOUSLY RESOLVED THAT:

The Borough Council of Oadby & Wigston (Land at Gartree Road, Oadby, Leicestershire) Tree Preservation Order 2016 be confirmed with modifications.

7c. THE GRANGE, HIGHFIELD DRIVE, WIGSTON, LEICESTERSHIRE, LE18 1PP

Mr Liam Burgess of 159 Leicester Road, Wigston (an adjacent landowner) spoke upon the TPO in question objecting to its confirmation citing concerns in relation to the tree marked T1 that included falling debris, lack of sunlight, bird faeces, root damage, poor maintenance and issues of liability potentially arising therefrom.

A debate thereon was had by Members whereby it was generally agreed that any perceived issues concerning TPO's ought to be carefully and properly assessed and that in this instance, and although previous assessments were reported to have deemed T1 to be in a safe condition, further investigations should be undertaken to gather certain evidence to confirm, or otherwise, Mr Burgess' said concerns.

In reaching this decision, the Committee was advised that local authorities are (in certain circumstances and subject to strict criteria and limitations) liable to pay compensation for loss or damage caused or incurred in consequence of it refusing consent for works to trees protected under a TPO. It was reiterated that owners of both un/protected trees were responsible for the proper maintenance thereof.

It was moved by the Vice-Chair, seconded by the Chair and

UNANIMOUSLY RESOLVED THAT:

The Borough Council of Oadby & Wigston (The Grange, Highfield Drive, Wigston, Leicestershire, LE18 1PP) Tree Preservation Order 2016 be confirmed with the exception of the tree marked T1 at the present time.

8. REPORT OF THE PLANNING CONTROL TEAM LEADER

1. Application No. 16/00575/OUT - HM Young Offenders Institute Glen Parva, Tigers Road, Wigston, Leicestershire, LE18 4TN

Mrs Caroline Sutton spoke upon the application on behalf of those residents living in the immediate (unadopted) private-estate adjacent to the application site as an objector. Mrs Sutton raised concerns as to the removal of the courtesy fence and its relocation nearer to the estate stating that space was needed for replanting and to avoid tree root damage to closeby drains, roads and houses. She insisted that the existing fence be repaired and remain in situ and that additional screening was essential to lessen noise and light pollution. Mrs Sutton also stated that any vehicular parking and access to/from the site should be via Tigers Road only.

Mr Nick Hardy, Ministry of Justice (MoJ) spokesperson, spoke upon the application on behalf of the applicant. He explained that the application formed part of a £1.3bn programme aimed to transform the estate to support prisoner rehabilitation, to modernise and make prisons safer and more efficient and to create jobs. Acknowledging residents' concerns, he said that full details of the boundary treatment were to be worked up and agreed at the next stage of the planning process. He stated that the Transport Assessment prepared by Atkins ("the Atkins TA") concluded less traffic generation, that no vehicular access from Crete Avenue would be permitted and that ample parking provision for staff and visitors was to be provided on-site. It was said that the old buildings were to be demolished and new buildings set further back from the boundary to improve residential amenity.

In response to questions put to Mr Hardy by Members, he advised that the Atkins TA was carried week commencing 25 October during school term-time, that in discussion with Blaby District Council ("the lead authority") the preferred access route was Tigers Road to protect and preserve green public open-space land and that the choice of consultation venue (within the city's boundary) was taken upon considerations of suitability, capacity and convenience to all affected stakeholders.

The Committee gave consideration to the application (at pages 33 - 58), the agenda update (at pages 1 - 4) and a further e-mail dated 14 June from Leicestershire County Council as Highways Authority (HA) (a transcript of which is filed at the end of these minutes) as delivered and summarised by the Planning Control Team Leader ("the Team Leader") which should be read together with these minutes as a composite document. It was added for clarity by the Team Leader that proposed conditions 6, 9 and 15 operated prior to demolition and conditions 11, 17 and 21 operated after demolition but for information thereon was to be received thereafter.

A debate thereon was had whereby although it was acknowledged that the scope for consideration was duly limited to access and scale, the Committee sitting as a panel of elected Members considered it their collective duty to best protect the interests of the Borough and its residents as far as reasonably practicable. In doing so, the Committee believed that, on balance, not enough information on material aspects of the application had been provided which possibly justified a deferral and, or, a tightening up of the proposed conditions was essential for residents' protection.

In relation matters regarding access, the Committee raised concerns in respect to possible increased traffic generation to/from the application site and the wider impacts on the highway network. Members were also somewhat sceptical of the conclusions drawn by the Aktins TA and critical of the HA's dismissal of traffic data collected by residents due to the alleged and invalid methodology used.

Members also felt that the structural integrity of the sole access route via Tigers Road was not fully established over alternative access options and that, if it was to be used, additional safeguards were required to ensure that construction traffic did not enter or exit the site via the private-estate's roads. The Committee too emphasised the need for

appropriate hours of construction. The Team Leader advised that little information as to the road's structural integrity had been received from the HA but could be addressed as part of the traffic management plan (condition 9). A new condition could be added to prohibit construction traffic from the using private-estates' road and construction hours were limited (condition 19).

In relation to matters regarding scale, the Committee agreed that a continuous solid boundary with adequate planting or other screening was required along the eastern site boundary to preserve security and residential amenity. In providing so, Members insisted that the existing boundary structure was to remain in situ until, and replaced at, the latter end of construction. In particular, this was said to deter inconsiderate parking and improper access to the application site from the private-estate. The Team Leader so advised that such requests were possible (conditions 2, 6 and 7).

In reaching a decision, Team Leader offered assurances that with robust conditions, as set out and to be added and amended as above, both residents' and Members' concerns could be allayed. The Legal Advisor reassured Members' that planning permission would fall if the planning authority was not satisfied by the information, or lack thereof, received by way of condition. The Committee was further reminded of a prospective appeal directly to the Planning Inspectorate by the applicant for a decision should it be minded to defer the application without substantive reason(s).

It was moved by the Chair, seconded by the Vice Chair and

RESOLVED THAT:

The application be GRANTED planning permission in accordance with the submitted documents and plans and subject to the prescribed conditions as to be added to and, or, amended under delegated authority accordingly.

Votes For	8
Votes Against	2
Abstentions	0

2. Application No. 17/00084/FUL – Nautical William, Aylestone Lane, Wigston, Leicestershire, LE18 1BA

Mr Andrew Endall spoke upon the application as an objector. Mr Endall stated that although he did not object to the development of the site in principle, he did object to the height and size of the proposed building. He said it was not in-keeping with the street scene, it would dominant the corner of the junction and invade adjacent residents' privacy with views from the proposed balconies and large glass installations. He further raised concerns as to ratio of car parking spaces to proposed dwelling-flats and therefore the potential for overspill onto the busy junction.

Having declared a non-pecuniary interest and having been cautioned by the Legal Advisor, Councillor Mrs H E Loydall voluntarily left the Chamber at 8:58 pm and took no part in the debate on the item of business and voting thereon save as to reiterating similar concerns as a public speaker before leaving the Chamber.

The Committee gave consideration to the application (at pages 59 - 64) and the agenda update (at pages 4 - 7) as delivered and summarised by the Senior Planning Control Officer which should be read together with these minutes as a composite document.

A debate thereon was had by Members whereby it was agreed that the application

represented an overdevelopment of the site. The Committee shared concerns in respect of the dominate scale of the three-storey proposed building and, consequently, the detrimental impact on the existing street scene and skyline. The proposed building was said to present opportunities of overlooking onto the north side of Aylestone Lane impacting on residents' privacy and residential amenity and, particularly, an unacceptable loss of light and outlook to 67 Rolleston Road. Complications arising from the potential re-location of the nearby bus stop and insufficient parking provision were also cited as additional concerns.

It was moved by the Chair, seconded by the Vice Chair and

UNANIMOUSLY DEFEATED THAT:

The application be granted planning permission in accordance with the submitted documents and plans and subject to the prescribed conditions.

It was moved by the Chair, seconded by the Vice Chair and

UNANIMOUSLY RESOLVED THAT:

The application be REFUSED planning permission for the foregoing reasons.

Councillor Mrs H E Loydall returned to the Chamber at 9:23 pm.

3. Application No. 17/00109/COU - 134 Station Road, Wigston, Leicestershire, LE18 2DL

Councillor M H Charlesworth spoke upon the application as Ward Councillor for the Wigston All Saints Ward who relayed concerns raised by local residents as to the perceived demeanour of those occupants likely to be housed in the hostel.

The Committee gave consideration to the application (at pages 65 - 69) as delivered and summarised by the Senior Planning Control Officer which should be read together with these minutes as a composite document.

A debate thereon was had whereby Members acknowledged the importance of homelessness provision within the Borough and the statutory duty of care owed to those people who were increasing and more often than not unintentionally finding themselves homeless. Acknowledging the legitimate concerns of residents, Members offered assurances that given the location of the proposed hostel, the Council was best placed to closely monitor and deal with any incidents promptly. In reaching a decision, the Committee was advised that prospective occupants would be housed under a licence, as opposed to a tenancy, agreement which could be terminated at any point upon immediate relief sought by a mandatory order from the courts.

It was moved by the Chair, seconded by Councillor J Kaufman and

UNANIMOUSLY RESOLVED THAT:

The application be GRANTED planning permission in accordance with the submitted documents and plans and subject to the prescribed conditions.

4. Application No. 17/00115/FUL – 17 Granville Road, Wigston, Leicestershire, LE18 1JQ

Mrs P Dunckley and Mr J Pugh each spoke upon the application as objectors who raised similar concerns regarding the close proximity of the proposed extension to their respective property boundaries and the resultant loss of privacy, light and amenity. They further objected to the size, layout and density of the extension.

The Committee gave consideration to the application (at pages 70 - 75) as delivered and summarised by the Senior Planning Control Officer which should be read together with these minutes as a composite document.

A debate thereon was had by Members whereby it was agreed that the application represented an overdevelopment of the site and would impact significantly on neighbours' privacy, residential amenity and access to light. As such, it was requested that further conditions to be added to restrict any permitted development rights in relation to the dwelling and to insist that the gap between the proposed extension wall and the boundary of 19 Granville Road be at least one metre.

Some Members were of the opinion that the added conditions were not sufficient to allay their or the neighbours' concerns, that the proposed extension was not in-keeping with the main dwelling and, therefore, could not support the application.

It was moved by the Chair, seconded by the Councillor B Dave and

RESOLVED THAT:

The application be GRANTED planning permission in accordance with the submitted documents and plans and subject to the prescribed conditions as to be added to and, or, amended under delegated authority accordingly.

Votes For	5
Votes Against	3
Abstentions	2

It was moved by the Chair, seconded by the Vice Chair and

UNANIMOUSLY RESOLVED THAT:

In accordance with Rule 21.1 of Part 4 of the Constitution, Rule 9 of the same Part be suspended to allow the meeting to continue beyond three hours for the purposes of disposing of the remaining item of business at this meeting.

5. Application No. 17/00151/FUL – 253 Aylestone Lane, Wigston, Leicestershire, LE18 1BE

Mr R Moore spoke upon the application as an objector. Mr Moore stated that the footprint of the two ground floor flats provided inadequate levels of amenity to future occupants, that the development was not in-keeping with the existing street scene and there were insufficient parking spaces to effectively service three additional dwellings thus impacting on the adjacent properties and small slip-road.

The Committee gave consideration to the application (at pages 76 - 78) as delivered and summarised by the Planning Control Team Leader ("the Team Leader") which should be read together with these minutes as a composite document.

A debate thereon was had whereby Members felt that the applicant had not gone far enough to revise the size, layout, quality and density of the (previously refused)

application to render it acceptable at the present time. In particular, there were shared concerns that the proposed internal layouts of the dwelling-flats provided for inadequate levels of living-space and amenity. The reported poor brickwork of the extension was also said to not match the existing building which, as advised, could not be rectified nor enforced by condition. There was also a general consensus that a serious need existed for family homes to be retained and built within the Borough.

It was moved by the Chair, seconded by Councillor F S Broadley and

DEFEATED THAT:

The application be granted planning permission in accordance with the submitted documents and plans and subject to the prescribed conditions.

Votes For	2
Votes Against	7
Abstentions	1

It was moved by the Councillor G A Boulter, seconded by the Vice Chair and

RESOLVED THAT:

The application be DEFERRED.

Votes For	9
Votes Against	1
Abstentions	0

THE MEETING CLOSED AT 10.31 PM



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Chair
.....

Thursday, 24 August 2017
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Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR*

E-mail dated 14 June from Leicestershire County Council as Highways Authority
(Minute Ref. 8 at para. 4)

From: George Nock [mailto:George.Nock@leics.gov.uk]
Sent: 14 June 2017 14:49
To: Richard Redford
Subject: Re: F.A.O. Mr G Nock - 16/00575/OUT - Glen Parva YOI Application –
Additional Traffic Information
Importance: High

Dear Richard

Thank you for the email.

Leicestershire County Council, as Highway Authority, endeavours to respond to consultations within 14 days. All supporting submissions and supplementary documentation must follow due process and be publically available.

I have had a brief look at the document reference. My first comment relates to the data verification. All supporting data, when considered as part of any application, must accord with industry standard data collection techniques. I am unsure at this stage where this data has been collected, by what means (tubes? ATC? counters?) and how it has been presented (PCUs or vehicles) etc. Full verification of the data is at this stage not possible and therefore the Highway Authority is unable to provide full response in absence of this information. I also note that the data is unidirectional. A Transport Assessment/ Scope/ Specification typically accompanies a data submission.

For information, as part the Highway Authority's analysis of the submission of the planning application supporting documentation the CTC data collected at the Saffron Road/ Tigers Road Junction was compared against a verified LCC permanent automated traffic-counter. This counter is positioned between the Namur Road and Dorset Avenue junctions on the B582. This data indicates that the CTC, contained within the Transport Assessment, is representative of daily traffic movements on the B582. This does however have to allow for some variation due to conversion to PCUs.

Should Members require LCC to be formally consulted, the Highway Authority request additional information with regards to the verification of data presented .

Kind Regards

George Nock
Senior Transportation Engineer
Highways Development Management

Leicestershire County Council
County Hall
Glenfield
Leicestershire
LE3 8RJ