

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE  
COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 22 NOVEMBER 2018  
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  
D A Gamble  
J Kaufman  
Mrs L Kaufman  
Mrs H E Loydall  
R E R Morris

**OFFICERS IN ATTENDANCE**

S J Ball (Senior Democratic Services Officer / Legal Officer)  
M Bennetto (Arboricultural Officer)  
T Boswell (Senior Planning Officer)  
D M Gill (Head of Law & Governance / Monitoring Officer)  
R Redford (Planning Control Team Leader)

**OTHERS IN ATTENDANCE**

Miss H Bareford (Speaker, Applicant/Agent)  
Cllr M L Darr (Speaker, Ward Councillor)  
C Hurst (Public Speaker)  
B Mullin (Speaker, Applicable/Agent)  
M Sheth (Public Speaker)

**33. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Dr T K Khong.

**34. DECLARATIONS OF INTEREST**

None.

**35. MINUTES OF THE PREVIOUS MEETING**

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The minutes of the previous meeting of the Committee held on 25 October 2018  
be taken as read, confirmed and signed.**

**36. PETITIONS AND DEPUTATIONS**

None.

**37. ASH DIEBACK IN THE BOROUGH: STRATEGY AND ACTION PLAN**

The Committee gave consideration to the report and appendix (as set out at pages 1 - 14) which asked it to note the strategy and action plan to be implemented to address Ash Dieback in the Borough.

It was reported that Oadby and Wigston Borough Council was to be responsible for surveying all trees situated on land under its ownership and Leicestershire County Council was to be responsible for surveying all trees forming part of the Highway.

It was advised that it was the responsibility of private land-owners to ensure all trees situated on private-land were in a safe condition, although discretionary powers did exist under the Local Government (Miscellaneous Provisions) Act 1976 for authorities to deal with dangerous trees on private-land in last resort or emergency situations.

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The contents of the report and appendix be noted.**

**38. REPORT OF THE PLANNING CONTROL TEAM LEADER**

**38a. APPLICATION NO. 18/00260/FUL - LAND SOUTH, NEWTON LANE, WIGSTON, LEICESTERSHIRE**

spoke upon the application on behalf of the applicant. A copy of the agent's representations is filed together with this minute at **Appendix 1**.

The Committee gave consideration to the report and addendum (as set out at pages 16 - 29 of the agenda and pages 5 - 12 of the agenda update) which asked it to determine a planning application to amend an original planning permission (No. 18/00087/REM) with respect to amended house types, changes to layout and the provision of an additional 32 dwellings.

A debate thereon was had whereby Members acknowledged that, upon the advice of Officers, there were insubstantial material planning grounds upon which a refusal of permission could be framed. This was because the application, and the wider development as a whole, when assessed on its own merits: was deemed acceptable in terms of all National and Local Policy Frameworks; it continued to observe the principles established by the "Design Code" document approved under the original outline permission (No. 13/00403/OUT); the additional effects of the proposed additional 32 dwellings were not deemed to "sufficiently severe" and; the proposed mix of housing would better meet local housing needs, including the provision of affordable housing, in line with the most up-to-date evidence-base, taking into account the change in demographics since the outline permission was granted.

Notwithstanding the above, a number of Members expressed some reluctance to support the grant of planning permission due to the following items of concern:

1. The lateness of negotiation of the application's proposals being at such a stage when development had already commenced and was nearing completion, thereby

- suggesting a lack of openness and transparency on behalf of the applicant in terms of the intended outcome of the final development;
2. The proposed mix of housing types did not reflect or meet perceived local housing needs, particular in respect of the inclusion of six-bedroom dwellings and the exclusion of bungalow-dwellings into/out of the housing mix;
  3. the lack of affordability of those dwellings earmarked as “affordable” housing;
  4. the perceived net additional effects of the proposed additional 32 dwellings in terms of the heightened impact of and/or upon comparable site density, increased vehicular movements, highway and pedestrian safety and inadequate parking provision in proportion to the revised number of dwellings;
  5. the signposting of the site which incorrectly referred to the “Meadows Estate”;
  6. the delay in installing essential highway infrastructure ahead of the completion of the initial 150 dwelling, in order for the same to be adequately serviced;
  7. the proposals purposely falling short of the requisite number of dwellings in order to trigger developer contributions in order to meet the increasingly critical need for additional education, healthcare and transport provision.

In reaching its decision, the Committee was advised that although most of the conditions carried forward from the original outline permission had been discharged or satisfied, their inclusion reflected the fact that this application amounted to a new planning permission in its own right. As such, a Deed of Variation to the original section 106 agreement was required in order to manage the delivery of the various revised matters. Members were reminded that, irrespective of whether planning permission was granted, there was an extant planning permission and section 106 Agreement with attendant rights and obligations which could not be subjugated. The Committee was also advised that pre-application discussions with the developer regarding later phases of the development to the south did include provision for education, healthcare and transport provision, and that Officers continued to approach the local Clinical Commissioning Group to secure relevant contributions.

To mitigate other concerns as raised by Members in terms of highway safety, it was further agreed that, by way of condition, a facility was to be installed by the site contractor directing constructions vehicles to use a wheel wash installation and, in the event of mud being tracking on to the highway, that the contractor be responsible for ensuring it was periodically brushed and washed to clear any mud.

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

**RESOLVED THAT:**

- (i) **The application be GRANTED planning permission in accordance with the submitted documents and plans, subject to:**
  - (a) **the prescribed conditions (as amended), including the additional condition requiring the installation of a wheel wash facility on-site and the periodic brushing and washing of the highway to clear any mud that may be tracked thereon to;**
  - (b) **the additional planning conditions and informatives (as set out at paragraph 3 of the addendum and updated from those as recommended in the earlier published report); and**
  - (c) **a Deed of Variation to the original obligation made under section 106 of the Town and Country Planning Act 1990 (as set out at paragraph 4 of the addendum and in addition to those as recommended in the earlier published report);**
- (ii) **Delegated authority be given to the Head of Planning, Development and**

**Regeneration to agree the final wording of the conditions and minor or non-material amendments to submitted drawings.**

<b>Votes For</b>	9
<b>Votes Against</b>	2
<b>Abstentions</b>	0

**38b. APPLICATION NO. 18/00432/FUL - 9 HILL WAY, OADBY, LEICESTERSHIRE, LE2 5YG**

Mrs C Hurst spoke upon the application as an objector. A copy of the objector's representations is filed together with this minute at **Appendix 2**.

Mr M Sheth spoke upon the application as a supporter. A copy of the supporter's representations is filed together with this minute at **Appendix 3**.

Councillor M L Darr spoke upon the application as the Ward Councillor for the Oadby Brocks Hill Ward. He stated that the proposals amounted to an overdevelopment which would have detrimental impact on neighbouring residential properties and the existing street scene which, if permitted, would set an unwelcome precedent.

The Committee gave consideration to the report (as set out at pages 30 - 34) which asked it to determine a planning application for a proposed ground floor and rear extensions, two story side extension and loft conversion.

A debate thereon was had whereby most Members accepted that although the scale and bulk of the proposals were considered to be borderline overdevelopment, and did result in a marginal loss of light and outlook, the proposals were, on balance, supportable, subject to compliance with the proposed conditions. However, to mitigate concerns raised by Members in view of the extensive enlargements to the dwelling, it was further agreed that, by way of condition, general permitted development rights were to be removed in order to safeguard neighbourly interests.

In reaching its decision, the Committee was advised that although the proposals would alter the frontal appearance of the existing dwelling, in the absence of any Conservation Area or similar "special controls", that change was not objectionable. Any issues of overlooking from the proposed rear facing roof lights were also said to be unfounded due to the minimum 22 metres "back-to-back" distances being exceeded. The net loss of light and outlook arising from the proposed rear extension given its location and orientation was also said to be assessed as unobjectionable.

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, subject to the prescribed conditions (as amended), including the additional condition removing general permitted development rights.**

<b>Votes For</b>	10
<b>Votes Against</b>	0
<b>Abstentions</b>	1

**38c. APPLICATION NO. 18/00433/FUL - 20 BURGESS STREET, WIGSTON, LEICESTERSHIRE, LE18 1PF**

Mr B Mullin spoke upon the application on behalf of the applicant. A copy of the agent's representations is filed together with this minute at **Appendix 4**.

The Committee gave consideration to the report (as set out at pages 35 - 45) which asked it to determine a planning application for retrospective planning permission to sub-divide a dwelling into two separate dwellings with associated parking and amenity space.

A debate thereon was had whereby Members acknowledged that, upon the advice of Officers, there were insubstantial material planning grounds upon which a refusal of retrospective permission could be framed as the scheme of development was not considered to compromise design, character and appearance, fall short of amenity, impact on neighbouring properties, or the safe and efficient use of the highway.

Notwithstanding the above, the Committee insisted that its disapproval be placed on record regarding the applicant's course of conduct which, considering the relevant planning history, it thought amounted to an abuse of process. In particular, the Committee condemned the piecemeal development of the site which had resulted in retrospective planning permission being sought on one more than one occasion in order to remedy multiple and systematic breaches of planning control. Members were also of the opinion that the correct enforcement action had not been taken.

In reaching its decision, the Committee was advised that although affirmative enforcement action was being pursued, this was superseded by virtue of the retrospective planning application being submitted. Officers also assured Members that, going forward, enforcement procedures and processes would be strengthened in order to minimise the likelihood of abuses of process being committed again.

It was further agreed that, by way of condition, that existing boundary treatment, being a lower section of fencing, be continued around the perimeter of the site.

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

**RESOLVED THAT:**

**The application be GRANTED planning permission in accordance with the submitted documents and plans, subject to the prescribed conditions (as amended), including the additional condition of extended boundary treatment.**

<b>Votes For</b>	8
<b>Votes Against</b>	1
<b>Abstentions</b>	2

**THE MEETING CLOSED AT 8.54 PM**



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**Chair**

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**Thursday, 20 December 2018**

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