

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE
COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 14 FEBRUARY 2019
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 (Left 8:40 pm)
D A Gamble
J Kaufman
Mrs L Kaufman
Dr T K Khong
Mrs H E Loydall

OFFICERS IN ATTENDANCE

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

OTHERS IN ATTENDANCE

T Kitchener (Public Speaker)
Mrs K Rees (Public Speaker)

44. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillors B Dave and R E R Morris.

45. DECLARATIONS OF INTEREST

In respect of planning application no. 17/00596/COU, Councillor G A Boulter declared a non-pecuniary interest insofar as he was an active fundraiser for the hospice charity LOROS. He acknowledged that this may give rise to a perception of bias.

In respect of planning application no. 18/00368/FUL, Councillor Mrs H E Loydall declared a non-pecuniary interest insofar as she was acquainted with a person employed by the gymnasium which occupied part of the existing building. She confirmed that she attended the meeting without prejudice and with an open-mind.

46. MINUTES OF THE PREVIOUS MEETING

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The minutes of the meeting of the previous Committee held on 20 December

2018 be taken as read, confirmed and signed.

47. PETITIONS AND DEPUTATIONS

None.

48. REPORT OF THE PLANNING CONTROL TEAM LEADER

48a. APPLICATION NO. 17/00596/COU - 56 PULLMAN ROAD, WIGSTON, LEICESTERSHIRE, LE18 2DB

Having declared a non-pecuniary interest, Councillor G A Boulter left the Chamber and took no part in the debate on the planning application and voting thereon.

The Committee gave consideration to the report (as set out at pages 5 - 10 of the agenda pack) which asked it to determine a planning application for the retention of a café use (Use Class A3) within an existing premises.

The Committee also gave consideration to an e-mail from the Director of Finance at LOROS dated 12 February 2018 in relation to the application. A copy of this e-mail is filed together with this minute at **Appendix 1**.

A debate thereon was had whereby, although the work of the charity itself was unanimously recognised as highly-commendable, the majority of Members decided that the retention of the café use would dilute the continued use of the premises for its primary use within Use Class B8 (warehousing) and, over time, would allow for other non-compliant uses within Use Classes B1a, B1b, B1c, B2 and B8 accordingly.

To otherwise permit the continuation of the café use was held to be contrary to and would threaten the objectives and purposes of Policies 1 and 2 of the Employment Sites SPD and Policy 25 of the emerging Local Plan ("the Policies"), which sought to safeguard classified core employment sites in the Borough, and result in a proliferation of non-ancillary or secondary uses elsewhere under similar circumstances.

A number of Members argued that a more flexible and holistic application of the Policies ought to be applied given that the café use to which the application related occupied only approx. 7% of the overall floor space of the building which, in those Members' opinion, did not amount to a significant dilution of the existing Use Class.

In reaching its decision, the Committee was advised of the difficulties arising in the ability to effectively enforce planning policy if inconsistently applied. Members were advised that any dilution of a Use Classes pertaining to core employment sites would weaken policy objectives aimed at directing appropriate town centre regeneration.

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

RESOLVED THAT:

The application be REFUSED planning permission.

Votes For	5
Votes Against	2
Abstentions	2

Councillor G A Boulter returned to the Chamber.

48b. APPLICATION NO. 18/00368/FUL - 2 CENTRAL AVENUE & 14 LONG STREET, WIGSTON, LEICESTERSHIRE, LE18 2AA

Mr T Kitchener spoke upon the application as an objector. A copy of the objector's representations is filed together with this minute at **Appendix 1**.

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

The Committee gave consideration to the report (as set out at pages 11 - 22 of the agenda pack) which asked it to determine a planning application for a change of use from a snooker hall (Use Class D2) to 12 residential units (Use Class C3) with partial demolition of the existing building to create a car park and associated works.

A debate thereon was had whereby most Members accepted 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 provision of 12-dwellings, being in such a central and accessible location, was deemed to significantly contribute to the Borough's evidence-based local housing supply and that the proposal, on balance, was considered beneficial to the character and appearance of the Conservation Area by providing a viable and sustainable economic future to the existing building.

In reaching its decision, the Committee was advised that any refusal of permission in order to retain the Winchester Snooker Club was not a material consideration, and would otherwise be procedurally unsound and arguably unlawful. Member were also advised that any prospective appeal on highways grounds could not be successfully defended given the Local Highways Authority's assessment that, in its view, the residual cumulative impacts of the development could be mitigated and were not considered "severe" (in accordance with the National Planning Policy Framework).

Notwithstanding the above, Members were unanimous in their reluctance to support the grant of planning permission due to shared concerns with local residents regarding the proposed scheme's impact upon highway and pedestrian safety along the entire length of Central Avenue due to increased vehicular movements and the impact of inadequate on-site parking provision. A Member also stated the report did not provide sufficient information regarding the commercial viability of the proposed scheme which, in that Member's opinion, amounted to a material consideration.

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.

Votes For	8
Votes Against	2
Abstentions	0

Councillor D A Gamble left the Chamber.

49. THE BOROUGH COUNCIL OF OADBY & WIGSTON (THE FIRS, WIGSTON) TREE PRESERVATION ORDER 2018 (TPO/0337/TREE)

The Committee gave consideration to the report and appendices (as set out at pages 24 -

32 of the agenda pack) which asked it to confirm, or otherwise, the Borough Council of Oadby and Wigston (The Firs, Wigston) Tree Preservation Order 2018.

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

RESOLVED THAT:

The Borough Council of Oadby and Wigston (The Firs, Wigston) Tree Preservation Order 2018 be confirmed without modification.

Votes For	7
Votes Against	1
Abstentions	1

THE MEETING CLOSED AT 8.48 PM



Chair

Thursday, 14 March 2019

*Printed and published by Democratic Services, Oadby and Wigston Borough Council
Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR*