

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE COUNCIL OFFICES, WIGSTON ON THURSDAY 27 FEBRUARY 2014, COMMENCING AT 7.00 P.M.

IN ATTENDANCE:

Councillor L A Bentley – Chair
Councillor Mrs L M Broadley – Vice Chair

Councillors: F S Broadley, D M Carter, M H Charlesworth, B Dave, R Eaton, Mrs J M Gore, Mrs S Z Haq, Mrs R Kanabar, J Kaufman, Mrs L Kaufman, Mrs H E Loydall, R E R Morris

Officers in Attendance: K Garcha, C Forrett, T Carey and G Richardson

Others: Mark Watherson (Planning Consultant)

Min Ref	Narrative	Officer Resp
57.	<p><u>APOLOGIES FOR ABSENCE</u></p> <p>An apology for absence was received from Councillors Mrs S B Morris and G A Boulter</p>	GR
58.	<p><u>DECLARATIONS OF INTEREST</u></p> <p>Councillor Haq noted that a resident had advised her that he knew her husband but that she had never met the resident before. She confirmed that she had an open mind and therefore could participate in debate and voting.</p> <p>Councillor Kannabar advised that she knew the landlord of the premises subject to the application number 13/00492/COU, but that she had an open mind and therefore could participate in debate and voting.</p> <p>Councillors Mrs L Kaufman and J Kaufman confirmed that they had a close relationship with one of the objectors in relation to application number 13/00492/COU, so they could not therefore participate in the debate and voting on this matter.</p>	
59.	<p><u>PETITIONS AND DEPUTATIONS</u></p> <p>None.</p>	GR
60.	<p><u>MINUTES</u></p> <p>RESOLVED: That the minutes of the previous meeting of the</p>	

	Committee held on 30 January 2014, be taken as read, confirmed and signed, subject to the amendment stated above.	GR
61.	<p><u>REPORT OF THE DEVELOPMENT CONTROL MANAGER</u></p> <p>1. 13/00478/OUT – Development of land for up to 150No. dwellings (Use Class C3) and associated infrastructure, including pedestrian and vehicular access, open space and structural landscaping (Rev B) (Land at Cottage Farm, Glen Road, Oadby)</p> <p>The Agent outlined the merits of the proposal, in particular that it met one of the key objectives of the National Planning Policy Framework by providing 130 new homes. He stated that this was a sustainable development, providing two hectares of public open space, biodiversity and landscape enhancements.</p> <p>He contested that the Council’s local plan could not demonstrate that it would meet the required 5 year supply of new housing developments as several sites do not meet the requirements, and felt that this additional proposal would compliment the Council’s direction for growth. He concluded that this was a highly suitable and unconstrained site, which would provide much needed housing development.</p> <p>Mr Shaughnessy, an objector and local resident, spoke against the application. He was concerned that safety concerns as to the proposed access to the site had not been considered adequately and that the proposal would lead to increased traffic and congestion. He also objected to the use of greenfield land for housing development and felt that the proposed financial contributions to local facilities would be insufficient to account for the increased demand for resources.</p> <p>He noted several other concerns in relation to the proposed development, including the impact on the quality of life of local residents, increased noise and pollution, the fact that the development would not be beneficial to the community as a whole and the risk of setting a dangerous precedent as to development of Greenfield sites.</p> <p>Councillor L Darr also spoke in objection to the proposal. He commented that the proposed development was contrary to the Council’s local plan for housing development and that there was no demand for new homes in Oadby. He felt that no work had been done to consider the impact on traffic and congestion or the impact on wildlife in the area, and added that the new development may result in an increased flood risk for the existing dwellings in the locality.</p>	

Councillor D A Gamble spoke in objection and echoed the comments of his fellow objectors. He noted that the proposed development was at odds with the Council's local plan, which had been endorsed and approved by the Secretary of State, and that this policy permits development of brownfield sites in Oadby town centre rather than development of Greenfield sites.

Mr Watherson, on behalf of the Council, outlined the application. He noted that it was recommended for refusal on the basis that it conflicted with the local plan for the Council. He was confident that the Council could demonstrate the appropriate 5 year supply of housing and that there was a buffer in place also, confirming that his calculations had been made on the basis of a 'worst case' scenario.

He went on to explain that the application was in breach of core strategies 1, 7 and 15, in that the proposal was for development of a Greenfield site not identified by the Council's local plan and that it did not protect the historic landscape of the Borough.

Members thanked Mr Watherson for the clear and concise the report. They queried the requirement of a Section 106 agreement for the proposal and Mr Watherson confirmed that the applicant had stated that it was willing to enter into a Section 106 agreement if permission was granted, but that no definitive contributions had been determined as yet.

Members agreed that this proposal was against the Council's direction for growth and local plan and they were particularly concerned at the risk of setting a precedent for development on Greenfield sites should they permit the application.

Members asked Mr Watherson to confirm the robustness of the 5 year supply of housing and he explained that various calculations had been used to ensure that the figures were as robust as possible, with a significant 20% buffer built in. He added that his calculations in fact identified a 5.9 year supply of housing. He therefore stood by his calculations and confirmed that he was confident that the Council's local plan and the report before Members would be sufficient to form the basis of a defence at an appeal.

Mr Watherson confirmed, as stated in the agenda update, that the reference to archaeology in the reasons for refusal at recommendation 1, on page 32 of the report, should be removed, as the applicant had addressed these outstanding issues with the County archaeologist.

The Planning Control Manager confirmed that as a Section 106 agreement had not been completed, albeit that the applicant

had accepted that one may be required, significant weight should be given to the consequent grounds for refusal, as the material harm that could be caused were the Section 106 agreement not to be completed is high.

Mr Watherson confirmed that if Members were minded to approve the application, this would include several Highways conditions, in particular the requirement to produce a Travel Plan. It was also confirmed that Severn Trent Water had not provided any feedback during the consultation period.

Members queried the amount of new homes that would be delivered by the Council's direction for growth plan and it was confirmed that, as this was a significant proposal for the development of 450 new homes, only 216 of these would be delivered within the first 5 years, with the remainder to follow in later years.

The Planning Control Manager confirmed that a decision would be issued immediately following the conclusion of the Committee and that, as such, the applicant would be unable to withdraw the application prior to the issue of such decision.

Councillors M H Charlesworth, R F Eaton, Mrs J M Gore and R E R Morris abstained from the vote.

RESOLVED: That, for the reasons set out in the report and the agenda update, to Refuse the application.

2. 13/00492/COU – Change of use from storage and distribution (use class B8) to vehicle sales, valeting, servicing and repair garage (Sui Generis) (Rev A) (First floor, 115 London Road, Oadby)

Mr Williams spoke in objection to the application. He noted that although the pre-application was not being considered by the Committee, it was different to the application before the Committee and gave an indication of the applicants true intentions.

He was concerned that there were no objections as to tyre fitting, the storage of tyres, carrying out the valeting of vehicles indoors only and limiting the noise omitted from the site. He contested that the proposed use would have a significant impact on the amenity of the surrounding residential area in that it would increase traffic and congestion, create noise and dust, and create pollution and noise pollution to neighbouring

residential dwellings.

Mr Williams was further concerned that the Highways comments did not address several issues, in particular that the road was not suitable for the increase in traffic.

Mr Hyde, a neighbouring resident, also spoke in objection to the application. He agreed that the highway was insufficient for the proposed use, being only one car width wide, poorly maintained and having no parking restrictions. He noted that congestion was already an issue, which he felt this application would exacerbate.

He was concerned that young children in neighbouring residential properties would be forced to breath in dangerous fumes and dust from the operation of the site and that the use of mechanical tools would result in serious noise pollution as loud as 100dB.

The Area Planning Officer outlined the application. She noted that the noise was intended to be restricted to inside the building, that the opening hours were considered to be reasonable and there was ample on site parking to ensure that parking was not an issue. It was therefore considered that the impact on the local amenity was minimal. She added that it would be difficult to refuse the application on Highway grounds, as the County Council had acknowledged that no harm would be created by the proposal.

Following questions from Members, the Area Planning Officer confirmed that the proposal did not include an indication of where the tyres would be stored but that the yard was secured by a metal gate. She noted that there was a condition on the application requiring details of drainage to be submitted and that the proposal did not include the installation of additional lighting, which would require a separate planning application in its own right.

She confirmed that if Members were minded to condition that valeting should be carried out inside of the building only then they should ensure that this was reasonable.

Members asked about the volume of business that was proposed to be carried out at the site and the Area Planning Officer understood that initially there would be a sole operator, but that there may be more employees in the future. She also noted that it would be reasonable to condition the type of work that could be carried out, perhaps by restricting it to only those types of works listed in the planning application.

Members were concerned about the extent of the usage of the site. The Area Planning Officer noted that the application site could only accommodate 5 or 6 vehicles, which would dictate the level of use. She also noted that Members should be mindful when imposing conditions as to valeting, as the site was already authorised for Use Class B1 and that this meant that the operator could carry out valeting at the present time without any need for planning permission.

Members were also concerned about the noise which would be omitted from the site, in that 100dB is extremely loud. It was noted by the Planning Control Manager that it would be difficult to justify a suitable condition in relation to limiting noise without knowing the amount of noise that would be omitted from the premises. He added that the appropriate Environmental Health legislation was reactive rather than proactive and that, as such, evidence of a noise nuisance would be required before action could be taken.

Members were concerned that Highways had suggested that the access road to the application site was not suitable for the proposed use, being wide enough for only one vehicle, but that they did not object to the proposal owing to the previous use of the site. The Area Planning Officer confirmed that it would be unreasonable to refuse the application on Highways grounds as the Highway Authority had felt unable to justify this as a reason for objection owing to the previous use of the site and the fact that there were two other commercial premises adjacent to the site. She added that the fact that there are two other commercial premises using the site implied that the road was able to accommodate such commercial operations.

The Area Planning Officer clarified conditions 4 and 6 as set out on page 41 of the report.

It was confirmed that Members could condition that tyres should be stored in a separate secure area in the outside yard, were they minded to do so.

Members reiterated their concerns as to Highways issues in relation to the application site, in particular, obstructive and dangerous parking, congestion and traffic, and vehicle testing on the roads in the vicinity of the site.

Members queried whether it was reasonable to give temporary permission for change of use, such that any issues with the proposal could be sounded out during this period, and if so, how long such permission should be for. The Area Planning Officer confirmed that this could be done and that a period of two years would be reasonable. However, she suggested that

Members should consider the cost implications of this proposal in that the applicant would be required to modify the site at their own expense in the knowledge that the temporary permission could be withdrawn at the end of the fixed period.

A motion to refuse permission on the grounds of Highways safety as discussed was moved and seconded accordingly.

Members also moved and seconded a motion to permit temporary permission for a period of two years subject to the conditions contained within the report and additional conditions, namely a restriction that valeting should be carried out inside the building only; a restriction on the type of work that could be carried out, which would be limited to those works listed in the planning application; a condition requiring tyres stored on site to be secured in a separate out building in the yard of the premises; and a note to applicant in relation to noise.

The recommendation contained within the report was also moved and seconded by Members.

The motion for refusal was defeated by majority.

The motion to permit a temporary permission was approved by majority and it was not therefore necessary to vote on the motion to permit as set out in the report.

RESOLVED: That a two year temporary permission would be Permitted to the applicant, subject to the conditions contained within the report and subject to the following additional conditions:

- (1) a restriction that valeting should be carried out inside the building only;
- (2) a restriction on the type of work that could be carried out, which would be limited to those works listed in the planning application
- (3) a condition requiring tyres stored on site to be secured in a separate outbuilding in the yard of the premises; and
- (4) a note to the applicant in relation to the noise omissions from the premises.

The Meeting Closed at 8.55 p.m.