

**MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE  
COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 22 SEPTEMBER 2016  
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 S Atwal	R E Fahey	Mrs H E Loydall
F S Broadley	D A Gamble	R E R Morris
D M Carter	J Kaufman	
B Dave	Dr T K Khong	
<b><u>OFFICERS IN ATTENDANCE (3):</u></b>		
S J Ball	T Boswell	D Gill
<b><u>OTHERS IN ATTENDANCE (2):</u></b>		
B Patel	T Vasey	

<b>Min Ref.</b>	<b>Narrative</b>	<b>Officer Resp.</b>
17.	<b><u>APOLOGIES FOR ABSENCE</u></b>  An apology for absence was received from Councillor G A Boulter and Mrs S Z Haq.	
18.	<b><u>APPOINTMENT OF SUBSTITUTES</u></b>  None.	
19.	<b><u>DECLARATIONS OF INTEREST</u></b>  Councillors G A Gamble and B Dave declared a non-pecuniary interest insofar they had attended a meeting previous to listen to concerns raised by residents of the Oadby Woodlands ward in respect of planning application number 16/00313/FUL.  The Members confirmed that they attended the meeting without prejudice and with an open mind.	
20.	<b><u>MINUTES OF THE PREVIOUS MEETING HELD ON 25 AUGUST 2016</u></b>  <b>RESOLVED THAT:</b>  The minutes of the previous meeting of the Committee held on 25 August 2016 be taken as read, confirmed and signed.	
21.	<b><u>PETITIONS AND DEPUTATIONS</u></b>  None.	
22.	<b><u>REPORT OF THE PLANNING CONTROL MANAGER</u></b>	

**1. Application No. 16/00313/FUL - 9 Palfreyman Lane, Oadby, Leicestershire, LE2 4UR**

Mr Terence Vasey spoke upon the application as an objector.

Mr Vasey stated that, if the application was permitted, the proposed 2.3m high wall ("the boundary wall") and the additional car parking spaces to the property's frontage would reduce the visibility of oncoming traffic along the internal bend of the cul-de-sac and, therefore, posed highway and pedestrian safety implications. He further raised concerns as to the future use of the recently converted 'granny' annex for non-residential purposes (i.e. a hair and beauty salon), the irregular size of annex's windows and their potential for over-looking onto the nearby children's play-area.

Mr Bharat Patel spoke upon the application as an objector.

Mr Patel stated that, if the application was permitted, the proposed boundary wall would cause a loss of outlook and openness on the cul-de-sac. It was said that the difference in materials used and the size of the annex's windows was inconsistent with the street scene. With reference to a diagram tabled at the meeting, he stated that the boundary wall would reduce visibility along the bend by upto 8m and that it was not comparable to the wall adjacent at 6 Palferyman Lane ("No 6").

The Committee gave consideration to the report as set out in the supplementary agenda update (at pages 6 - 13) 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 advised that the Highways Authority did not support the concerns raised in respect of the speakers' suggested risk(s) to highway and pedestrian safety. In an e-mail dated 20 September, it was said that the applicant was agreeable to reduce the height of the boundary wall and use like-for-like materials to the wall adjacent at No 6. In a further e-mail to the dated 21 September, it was said that the applicant clarified that the annex was to be used to accommodate extended family members of limited mobility and not for any other non-residential purpose for which planning permission would otherwise be required.

The Chair moved for the application to be debated by the Committee.

Councillor Mrs H E Loydall seconded the Chair's motion.

Councillor B Dave reiterated the concerns raised as to the reduced visibility for vehicles entering/exiting the application site presented by the proposed boundary wall. He further requested clarification as to what permission was being sought by the applicant (given that the annex's conversion had since been completed), if Officers had confirmed whether the materials used were compliant (as conditioned) and whether the use of the annex for non-residential purposes could be enforced.

The Chair sought advice as to whether delegated authority could be given to Officers to determine the height of the boundary wall and the materials to be used if Members were minded to grant planning permission.

The Legal Advisor advised that the applicant was permitted to erect a 1m fence along the eastern property boundary adjacent to the highway without

the need to obtain planning permission. He advised that the proposed delegation was permissible.

The Interim Planning Control Manager stated any material change in use of the annex for non-residential purposes would require planning permission: if the necessary permission was not obtained, an enforcement notice would be served.

Councillor D A Gamble stated that, if Members were minded to grant planning permission, the proposed boundary wall would pose a heightened risk to the pedestrian safety of children who oft-used the cul-de-sac as a cut-through to the Woodland Grange Primary School on Beaufort Way, Oadby. The Member further enquired as to whether all the building works had been completed at the site.

The Interim Planning Control Manager advised that all exterior building works had been completed to the exception of the boundary wall.

Councillor D A Gamble moved to amend the recommendation for a permitted wall of 1m in height.

Councillor R Fahey seconded Councillor D A Gamble's amendment.

**UNANIMOUSLY RESOLVED THAT:**

The recommendation be amended for a permitted wall of 1 meter in height.

The Vice Chair enquired as to whether there existed any clause in the deeds to the properties on Palfreyman Lane restricting building works on the properties' frontages and if the use of the annex of for a non-residual purpose could be conditioned.

The Interim Planning Control Manager reported that no clause existed.

The Legal Advisor advised that other, more effective legal and regulatory mechanisms (viz. enforcement notices) were available to regulate and enforce upon the Member's area of concern if necessary.

Councillor D M Carter welcomed the resolved amendment. He further sought clarification as to whether the materials used in the annex's conversation were compliant.

The Interim Planning Control Manager advised that the brick materials used were similar to those of the building. He stated that although the grey porch-frame was dissimilar to the existing windows, this did not warrant enforcement action.

Councillor Mrs H E Loydall emphasised the this Committee's decision upon the proposed boundary wall ought to be framed upon this planning policy as opposed to unsubstantiated claims raised by the speakers. She further enquired as to whether the planning permission sought was retrospective permission and if Building Control has been involved in ensuring the materials used were compliant.

The Interim Planning Control Manager advised that as the application was called-in by a Member some five weeks previous, it could not be properly considered as a retrospective planning application. He reported that the

<p>applicant's architects had self-certified that materials used were compliant and therefore Building Control's involvement was unnecessary. He advised that if Members were minded to grant planning permission with the amendment of a permitted wall of 1m in height, this would adequately address the concerns regarding highway and pedestrian safety.</p> <p>The Member requested that assurances be sought from Building Control on the same.</p> <p><b>UNANIMOUSLY RESOLVED THAT:</b></p> <p>The application be <b>PERMITTED</b> planning permission, subject to condition(s), with a permitted wall of 1 meter in height.</p>	
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**THE MEETING CLOSED AT 8.04 PM**



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**CHAIR**  
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**THURSDAY, 17 NOVEMBER 2016**  
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