

**MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE
COUNCIL OFFICES, WIGSTON ON 23 OCTOBER 2008**

Present: Councillor J W Boyce - Chairman
Councillor Mrs H E Loydall - Vice Chairman

Councillors: L A Bentley, G A Boulter, Mrs L M Broadley, K M A Brown,
M O Carrara, C S Gore, Mrs J M Gore, Mrs S Z Haq and Mrs R E R
Morris (11)

Officers in attendance: Mrs A Court, R Harbour, C Forrett,
C Raymakers and D Allen.

Apologies for absence were received from Councillors T S Biring, M H
Charlesworth and Mrs S B Morris.

30. MINUTES

RESOLVED: That the minutes of the meeting of the
Committee held on 25 September 2008 be taken as
read, confirmed and signed.

31. EXPENDITURE REVIEW

The Committee considered a Report of the Deputy Chief Executive, as set out in
report pages 266-268, which should be read together with these minutes as a
composite document.

RESOLVED: That the report be noted.

32. SCALE OF CHARGES – 2009/10

Consideration was given to a Report of the Director of Community Services, as set
out in report pages 269 – 272, which should be read together with these minutes as
a composite document.

At paragraph 1.11 in the Appendix to the report, it was explained that while the
Oadby and Wigston Local Plan remained a current guidance document copies of it
had to remain available to be purchased, though it could be seen free of charge on
the Council's website. At a future date, the Local Plan would make way for the
emerging Local Development Framework. In a similar vein, the Weekly List of all
planning or building regulation applications could be purchased and yet it, too, was
available on the web site. At 1.10 in the Appendix – Work associated with an
emergency or enforcement incident – the hourly rate chargeable for the services of
the Head of Built Environment had increased to reflect the wider responsibilities of
the post (previously as Head of Building Control).

RESOLVED: That the Scale of Charges for 2009/2010, as set out in Appendix 1 to the report, be approved.

33. REPORTS OF DEVELOPMENT CONTROL MANAGER

The Committee considered the Reports of the Development Control Manager, as set out in report pages 273-289, which should be read together with these minutes as a composite document.

RESOLVED: That the reports and the decisions in respect of each item be as shown in the following specific resolutions:-

(1) 08/363/FUL – Car port to side, 7 Norfolk Road, South Wigston

Members heard that since the application had been received by the Council the proposal had become Permitted Development under the terms of the recent planning Order. Nevertheless, applications received by the Council had to undergo the process of determination. It was clarified that the side elevation of the car port was considered open in planning terms but not so for building control purposes.

RESOLVED: That the recommendation to grant conditional planning permission be adopted.

At this point, the Chairman changed the order of business to enable the Head of Legal and Licensing to leave the meeting to obtain clarification on a point of law in connection with Application 08/387/VAC (item 2 refers).

The meeting continued by turning its attention to Agenda item 9, as follows:-

34. USE OF PLANNING CONDITIONS TO CONTROL CONSTRUCTION HOURS

The meeting considered a Report of the Development Control Manager, as set out in report pages 294-304, which should be read together with these minutes as a composite document.

In introducing the report, the Development Control Manager had concluded that such conditions should only be imposed in exceptional circumstances for the reasons given, though it would be perfectly acceptable to make clear the Council's concerns in a Note to Applicant attached to planning decisions. Members expressed a measure of disappointment because this type of restriction had proven to be useful in the past where it would improve matters for adjoining neighbours.

Discussion took place about the nature of nuisances and statutory nuisances, and the role that could be played by the Council's Environmental Health Officers. In this regard, the meeting received advice from the Head of Legal and Licensing, whose view it was that little in the way of harm would be done or suffered up to the point where a statutory nuisance occurred, at which stage Environmental health Officers could become involved. Acknowledging the frustration of Members, the Chairman expressed the view that this topic

may need to be reviewed at a later stage, but in the meantime there was insufficient evidence for the Council to go against the advice of Officers. It was suggested that the situation be looked at again after a 12 month period. Reference was made to forthcoming legislation that might have a bearing on building construction and the concerns expressed by Members.

RESOLVED: That

- (1) The content of the report be noted and the findings be applied to future planning application determinations, including cautionary Notes to Applicant where appropriate; and
- (2) A further report be submitted for further consideration after 12 months.

35. REPORTS OF DEVELOPMENT CONTROL MANAGER (CONTINUED)

The meeting continued to consider the Report of the Development control Manager

- (2) 08/387/VAC – Section 73 application to remove condition 3 and vary condition 27 of planning permission 07/00285/FUL which related to the proposed redevelopment of site to construct new college building for South Leicestershire College with car park and associated works (revisions A, B and C) development site, South Leicestershire College, Blaby Road, South Wigston.

Prior to any discussion about the application, the Chairman expressed the view that the previous link between this application and the one concerning the College site at Station Road had now ceased and, therefore, he was of the opinion that those Members who had declared interests in connection with the Station Road site need no longer declare such interests in regard to the new site. The Head of Legal and Licensing concurred with this view though, of course, this would be a matter for individual Councillors to decide upon. With this in mind, it became unnecessary for Councillors Boulter, Mrs Loydall and C Gore to declare interests. Councillor R E R Morris felt a need to declare an interest (being related to a person employed at the adjoining premises) and vacated the meeting.

The Development Control Manager explained the nature of Section 73 applications, generally, and then outlined the basis of this particular application.

A summary of a late representation was circulated at the meeting, along with a location plan indicating the nearby properties that had been notified of the application under the Council's usual consultation processes.

For the purposes of clarity, the Head of Legal and Licensing confirmed the terms and elements contained in the original Section 106 Agreement. The Development Control Manager referred to an e-mail he had received that afternoon from the Applicant's Architects in which a list was set out of scheme changes which the College would like the Council to consider as "minor amendments" under the Section 73 Application which was now before the Committee. The nature of each of the minor amendments was explained.

The Chairman outlined the manner in which he felt the Committee should proceed to consider the application. Firstly, upon a motion by the Chair, seconded by Councillor M Carrara and duly carried, it was

RESOLVED: That Condition 3 of planning permission 07/00285/FUL be removed.

The Development Control Manager returned to the list of minor amendments submitted by the Applicant, though these lacked detail. In principle he had no objection to the proposals concerning the relocation of the shutter door, the screening to the car park and the car park levels, nor the relocation of the boiler flues. However, Members expressed concern regarding the removal of certain sustainable green features, as this was probably being proposed for cost cutting reasons only. The view was generally held that the standards appertaining to the original planning permission should be adhered to ensure that the new building retains important features. Again, the Development Control Manager commented on the lack of details provided for the Council to consider. Particular reference was made to the photovoltaic electric cells where Members needed assurances about the Applicant's reasoning for wanting to omit these. Members felt unable to decide whether these "green" matters were minor in nature or not in the absence of further explanation. In order to give a clear steer for Officers to discuss the "green" aspects further with the Applicant, it was

RESOLVED: That

- (1) Nothing that would change the quality of the building is to be considered as a minor amendment; and
- (2) Changes to the principle of design quality will be resisted.

The Committee then turned its attention to the request to vary Condition 27 (page 280 of the report refers). The Development Control Manager saw no objection to the deletion from Condition 27 of the various aspects referred to in the request. However, a view was expressed that there should be an explanatory letter issued to make it clear that other additions would require local planning authority approval.

Further discussion took place about the contents of the Section 106 Agreement and the absence of a policy in regard to Police contributions. The view was held that it would be unreasonable to attempt to insert a new provision in the agreement at this late stage. It was clarified that the bridleway alongside Blaby Road Park would, indeed, be reinstated and also that funding was in hand for the work involved in felling, pollarding and replacing Poplar trees in Blaby Road Park. Further, it was confirmed that all the terms of the original Section 106 Agreement would be carried forward as part of the current application.

RESOLVED: That, taking account of the two Resolutions set out above, and subject to the completion of a supplemental Section 106 Agreement by 19 December 2008, the recommendation to permit the Section 73 Application be adopted, subject to the conditions set out in the report.

Councillor R E R Morris re-entered the meeting at this point (8.30 pm).

36. CHANGES TO THE PERMITTED DEVELOPMENT ORDER IN RELATION TO HOUSEHOLDER DEVELOPMENTS (WEF 1 OCTOBER 2008)

Consideration was given to a Report of the Development Control Manager, as set out in report pages 290-293, which should be read together with these minutes as a composite document.

The Development Control Manager explained that the wording of the new Order was not always straightforward and, in his report, he had attempted to provide a simplified interpretation. Using the new AV equipment in the Council Chamber, Members were able to view an interactive screen published by the Planning Portal. The Committee considered, and raised questions about, each of the Permitted Development classes. Members were of the view that every effort should be made to alert the trade and the general public to the new provisions.

Specific mention was made of: The irrelevance now of the Council's former 45 degree code; the likelihood that conformity of design of household extensions would lead to aesthetically less pleasing buildings; alterations in conservation areas; and materials used for rear garden buildings.

The Chairman explained that if development required planning permission then the Council's Supplementary Planning Guidance would come into play. Further, it was likely that the new Permitted Development provisions would in some way conflict with the Council's recent Conservation Area Appraisals and emerging LDF policies, and this topic would need to be considered further.

RESOLVED: That the changes to the General Permitted Development Order be noted.

37. PROPOSED ECO-TOWN FOR LEICESTERSHIRE

The Head of Building Control reported that the Co-op had recently released the latest and final version of its vision document, a copy of which could be viewed at the Council Offices and also on the Co-op's web site. The proposed Pennbury Development still comprised 15,000 dwellings at the rate of 60 dwellings per hectare and the bulk of the development was now shown closer to Oadby. The Council was awaiting the release of other detailed information by the Co-op at which time the four local authorities concerned would form a working group to carry out assessments.

Further public consultations would be carried out both by the Council and the Government Department, the latter by means of a road show. The road show would be present at the corner of Chestnut Avenue and The Parade on Saturday, 22 November. Mention was also made of a stakeholder event possibly to be held in January 2009, details of which would be provided at a later stage.

RESOLVED: That the information be noted.

The meeting closed at 9.06 pm

