



**TO COUNCILLOR:**

L A Bentley (Chair)  
G A Boulter  
Mrs L M Broadley (Vice-Chair)  
F S Broadley

Mrs S Z Haq  
Miss P V Joshi  
J Kaufman  
Miss A Kaur

C D Kozlowski  
Mrs H E Loydall  
R E R Morris  
Dr I K Ridley

Dear Sir or Madam

I hereby **SUMMON** you to attend a meeting of the **DEVELOPMENT CONTROL COMMITTEE** to be held at the **COUNCIL CHAMBER - COUNCIL OFFICES, STATION ROAD, WIGSTON** on **THURSDAY, 27 JUNE 2019** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices  
Wigston  
**19 June 2019**

**Mrs Anne E Court**  
Chief Executive

**ITEM NO.**

**AGENDA**

**PAGE NO'S**

**1. Site Visit(s)**

**a. Application No. 19/00146/FUL - Manor High School, Copse Close, Oadby, Leicestershire, LE2 4FU**

**Date:** Thursday, 27 June 2019  
**Time(s):** 5:30 pm - 6:00 pm  
**Location(s):** 5:30 pm, Manor High School, Copse Close, Oadby  
5:50 pm, 34 Frome Avenue, Oadby (Adjacent Neighbour)

Members are reminded not to engage in any direct discussion with any interested party who may be present at the site visit.

**2. Apologies for Absence**

To receive apologies for absence from Members to determine the quorum of the meeting in accordance with Rule 7 of Part 4 of the Constitution.

**3. Appointment of Substitutes**

To appoint substitute Members in accordance with Rule 26 of Part 4 of the Constitution and the Substitution Procedure Rules.

**4. Declarations of Interest**

Members are reminded that any declaration of interest should be made having



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regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.

- 5. Minutes of the Previous Meeting** **1 - 5**
- To read, confirm and sign the minutes of the previous meeting in accordance with Rule 19 of Part 4 of the Constitution.
- 6. Action List Arising from the Previous Meeting**
- There was no Action List arising from the previous meeting.
- 7. Petitions and Deputations**
- To receive any Petitions and, or, Deputations in accordance with Rule(s) 11 and 12 of Part 4 of the Constitution and the Petitions Procedure Rules respectively.
- 8. Planning Appeals Summary Update (2018/19)** **6 - 11**
- Report of the Development Control Manager
- 9. Planning Enforcement Activity Update (2018/19)** **12 - 14**
- Report of the Development Control Manager
- 10. Report of the Development Control Manager (June 2019)** **15 - 35**
- Report of the Development Control Manager and Relevant Case Officer(s)
- a. Application No. 19/00146/FUL - Manor High School, Copse Close, Oadby, Leicestershire, LE2 4FU** **16 - 22**
- b. Application No. 19/00151/COU - 112 Aylestone Lane, Wigston, Leicestershire, LE18 1BA** **23 - 34**

**For more information, please contact:**

**Democratic Services**

Oadby and Wigston Borough Council  
Council Offices  
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LE18 2DR

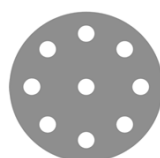
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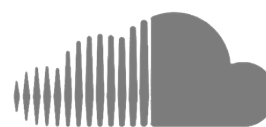
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# Agenda Item 5

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE  
HELD AT THE WIGSTON COLLEGE (FORMERLY GUTHLAXTON COLLEGE), MAIN HALL,  
STATION ROAD, WIGSTON, LEICESTERSHIRE, LE18 2DS ON THURSDAY, 11 APRIL 2019  
COMMENCING AT 7.00 PM**

## **PRESENT**

L A Bentley                      Chair  
Mrs L M Broadley              Vice-Chair

## **COUNCILLORS**

G A Boulter  
F S Broadley  
B Dave  
J Kaufman  
Mrs L Kaufman  
Dr T K Khong  
Mrs H E Loydall  
Mrs S B Morris  
R E R Morris  
R H Thakor

## **OFFICERS IN ATTENDANCE**

S J Ball                      Senior Democratic Services Officer / Legal 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**

A Dennison                 Public Speaker (Highways Consultant)  
C Edge                        Public Speaker (Applicant/Agent)  
Ms V Harris                 Public Speaker (Objector)  
J Hockenhull                Public Speaker (Applicant/Agent)  
Ms S Khan                    Public Speaker (Objector)  
G Payne                      Public Speaker (Objector)

## **55. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillors D M Carter and D A Gamble.

## **56. APPOINTMENT OF SUBSTITUTES**

Councillor Mrs S B Morris substituted for Councillor D A Gamble.

## **57. DECLARATIONS OF INTEREST**

In respect of application no. 18/00178/OUT, the following non-pecuniary interests were declared by Members at the meeting:

**L A Bentley**                      Attended the public meeting held at Oadby Brocks Hill Visitors'

Centre on 28 March 2019 as an observer only.

Lobbied by the applicant by way of correspondence received which was unopened and the contents disregarded.

**G A Boulter** Lobbied by the applicant by way of correspondence received which was unopened and the contents disregarded.

**Mrs L M Broadley** Lobbied by the applicant by way of correspondence received which was unopened and the contents disregarded.

**F S Broadley** Lobbied by the applicant by way of correspondence received which was unopened and the contents disregarded.

**B Dave** Lobbied by the applicant by way of correspondence received which was unopened and the contents disregarded. Contacted by a number of local residents who opposed the application.

**J Kaufman** Attended the public meeting held at Oadby Brocks Hill Visitors' Centre on 28 March 2019 as an observer only.

Lobbied by the applicant by way of correspondence received which was opened and the contents disregarded.

Approached the representative on the Clinical Commissioning Group (CCG) to obtain clarification on certain information.

**Mrs L Kaufman** Lobbied by the applicant by way of correspondence received which was opened and the contents noted.

**Dr T K Khong** No correspondence received from the applicant.

**Mrs H E Loydall** Lobbied by the applicant by way of correspondence received which was opened and the contents noted.

**Mrs S B Morris** No correspondence received from the applicant.

**R E R Morris** Lobbied by the applicant by way of correspondence received which was unopened and the contents disregarded.

**R H Thakor** Lobbied by the applicant by way of correspondence received which was unopened and the contents disregarded. Contacted by a number of local residents who opposed the application.

All Members confirmed that they attended the meeting without prejudice and with an open-mind.

## **58. MINUTES OF THE PREVIOUS MEETING**

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The minutes of the previous meeting held on 14 March 2019 be taken as read, confirmed and signed.**

**59. ACTION LIST ARISING FROM THE PREVIOUS MEETING**

There was no Action List arising from the previous meeting held on 14 March 2019.

**60. PETITIONS AND DEPUTATIONS**

None.

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

**61a. APPLICATION NO. 18/00178/OUT - LAND OPPOSITE STOUGHTON FARM PARK, GARTREE ROAD, OADBY, LEICESTERSHIRE, LE2 2FB**

Mr C Edge spoke upon the application on behalf of the applicant.

Ms S Khan spoke upon the application as an objector.

Mr G Payne spoke upon the application as an objector.

The Head of Planning, Development and Regeneration spoke on the application in relation to pertinent policy matters and considerations.

The Committee gave consideration to the report (as set out at pages 6 - 45 of the agenda reports pack) and the addendum (as set out at pages 1 - 12 of the agenda reports update pack) which asked it to determine an outline planning application, with access, for the demolition of the existing buildings, including 2 x dwellings, and the subsequent construction of up to 310 x dwellings across two land parcels with associated landscaping, public open space, on-site infrastructure and car parking provision including a new reconfigured car park and private amenity space.

The Committee also gave consideration to the following documents in relation to the application, copies of which are filed together with this minute:

- Letter of Neil O'Brien OBE MP dated 11 April 2019
- Comments for Planning Application 18/00178/OUT; and
- Comments for Planning Application 18/00178/OUT

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

**RESOLVED THAT:**

**The application be GRANTED outline planning permission in accordance with the submitted documents and plans subject to the prescribed conditions and an agreement pursuant to section 106 of the Town & Country Planning Act 1990.**

**Votes For** 8

**Votes Against** 3

**Abstentions** 1

The meeting was suspended at 9.05 pm.

**61b. APPLICATION NO. 18/00477/FUL - 282 LEICESTER ROAD, WIGSTON, LEICESTERSHIRE, LE18 1HQ**

The meeting was reconvened at 9.10 pm.

Mr J Hockenhull spoke upon the application on behalf of the applicant.

Ms V Harris spoke upon the application as an objector.

Mr A Dennison spoke upon the application as a highways consultant.

The Committee gave consideration to the report (as set out at pages 46 - 56 of the agenda reports pack) which asked it to determine a planning application for the demolition of an existing car sales unit and the erection of both a stand-alone unit and petrol filling station comprising of a station services unit, extended canopy, shop unit, pump bays and a jet wash area.

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

**RESOLVED THAT:**

**The duration of the meeting be extended beyond three hours in accordance with Rule 9 of Part 4 of the Constitution.**

<b>Votes For</b>	10
<b>Votes Against</b>	2
<b>Abstentions</b>	0

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

**UNANIMOUSLY RESOLVED THAT:**

**A condition be added requiring the boundary wall between the garage and the adjacent property at 1 Kingston Avenue be maintained overtime or erected or re-erected to a height of 1.8 metres when measured from the existing ground level within the site.**

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

**UNANIMOUSLY RESOLVED THAT:**

**A note to applicant be added expressing the Committee's opinion that there is a strong possibility that pedestrians (including children) will routinely seek to use the garage forecourt as a shortcut between Kingston Avenue and the Leicester Road and that the applicant/operator is asked to so manage that concern to minimise risks of conflict between pedestrians and moving vehicles.**

It was moved by the Vice-Chair, second by Councillor J Kaufman and

**RESOLVED THAT:**

**A condition be added requiring the self-service car wash facility to only be operated between the hours of 07:00 and 23:00 and outside those hours it be prevented from use.**

**Votes For** 9  
**Votes Against** 3  
**Abstentions** 0

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).**

**Votes For** 10  
**Votes Against** 1  
**Abstentions** 1

**61c. APPLICATION NO. 19/00022/COU - LAND OFF GODDARDS SLANG, OADBY, LEICESTERSHIRE, LE2 5HL**

The Committee gave consideration to the report (as set out at pages 57 - 65 of the agenda reports pack) which asked it to determine a planning application for the change of use of land to form an extension to Oadby Cemetery and associated parking.

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

**UNANIMOUSLY RESOLVED THAT:**

**The application be GRANTED planning permission in accordance with the submitted documents and plans subject to the prescribed conditions.**

**THE MEETING CLOSED AT 10.04 PM**



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**Chair**  
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**Thursday, 27 June 2019**  
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# Agenda Item 8



<b>Development Control Committee</b>	<b>Thursday, 27 June 2019</b>	<b>Matter for Information</b>
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**Report Title:** **Planning Appeals Summary Update (2018/19)**

**Report Author(s):** **Richard Redford (Development Control Manager)**

<b>Purpose of Report:</b>	To provide an up-date on appeal decisions received by the Council during 2018/19.
<b>Report Summary:</b>	A total of 14 appeal decisions were received with 7 dismissed, 5 allowed and 2 withdrawn prior to a decision being issued.
<b>Recommendation(s):</b>	<b>That the content of the report and appendix be noted.</b>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>Stephen Hinds (Deputy Chief Executive) (0116) 257 2681 <a href="mailto:stephen.hinds@oadby-wigston.gov.uk">stephen.hinds@oadby-wigston.gov.uk</a></p> <p>Adrian Thorpe (Head of Built Environment) (0116) 257 2645 <a href="mailto:adrian.thorpe@oadby-wigston.gov.uk">adrian.thorpe@oadby-wigston.gov.uk</a></p> <p>Richard Redford (Development Control Manager) (0116) 257 2654 <a href="mailto:richard.redford@oadby-wigston.gov.uk">richard.redford@oadby-wigston.gov.uk</a></p>
<b>Corporate Objectives:</b>	<p>Building, Protecting and Empowering Communities (CO1)</p> <p>Growing the Borough Economically (CO2)</p> <p>Providing Excellent Services (CO3)</p>
<b>Vision and Values:</b>	<p>"A Stronger Borough Together" (Vision)</p> <p>Accountability (V1)</p> <p>Respect (V2)</p>
<b>Report Implications:-</b>	
Legal:	There are no implications directly arising from this report.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	No corporate risk(s) identified.
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications directly arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.



Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	None.
<b>Appendices:</b>	<b>1.</b> Appeal Details and Decisions (2018/19)

## **1. Introduction**

- 1.1. This report relates to appeal decisions made by the Planning Inspectorate (PIN's) in relation to various planning related development control decisions comprising formal submissions and planning enforcement.
- 1.2. As Members are aware, the Council as Local Planning Authority (LPA) is monitored on its performance in the determination of planning submissions on a quarterly-basis with the expectation that the Council exceeds targets set by Central Government.
- 1.3. The same applies to planning appeals where the Council is expected to successfully defend 70% or more of planning appeals against its decisions. Failure to successfully defend its decisions at appeal has a high potential for the Council to be made a 'Standards Authority' and put into Special Measures where the ability to make decisions on planning applications is 'removed' from the Council.
- 1.4. Due to the low numbers of planning applications handled by the Council in its role as LPA, there is a need to ensure that refusals of or conditions attached to planning permissions as well as formal enforcement notices can be robustly defended at appeal to ensure less than 30% are allowed thus avoiding the risk of the Council being placed in Special Measures.
- 1.5. The purpose of this report is to provide a yearly summary for 2018/19 of those planning applications (including consent based submissions) and planning enforcement related notices which have been challenged at appeal.
- 1.6. It provides details of site address, development, Local Planning Authority's (LPA) decision and the level at which the decision was made, the Planning Inspectorate's (PI) decision and, where applicable, any costs that were awarded on the appeal for or against the LPA.

## **2. Information**

- 2.1. As set out in paragraph 1.3 above, the failure of the Council as LPA to defend 30% or more of the planning and planning related appeals it receives can result in it being put into Special Measures where its ability to determine planning applications is taken out of its hands. This would result in the Council losing accountability to make planning decisions and to take into account representations of both applicants and residents.
- 2.2. It is therefore important that the Council monitors its appeal decisions and is aware of how its appeal figures could influence its future ability to make planning decisions. This report details for the preceding calendar year the appeals received and determined by PIN's with other relevant information.
- 2.3. There are resource implications where costs are awarded against the Council on an appeal allowed by the Planning Inspectorate, and potentially falling income through lost planning

application fees should the Council be placed in Special Measures and lose the ability to both handle and determine planning and related submissions.

### **3. Planning Appeals in 2018/19**

3.1. **Appendix 1** to this report provides details in respect of relevant planning-related appeals in 2018/19. A total of 14 appeals were determined by PIN's as follows:

- 1 related to an Enforcement Notice which was quashed and the appeal allowed granting planning permission; and
- 13 related to planning application decisions with 7 dismissed, 4 allowed and 2 withdrawn prior to a formal decision being issued by PIN's which are considered to have been dismissed.

3.2. Only one application for costs was made against the Council which was dismissed by PIN's.

### **4. Conclusion**

4.1. Taking account of the Government target of less than 30% of appeals being allowed the Council's breakdown for the last year is as follows:

- 64% dismissed
- 36% allowed

4.2. It can be seen from these figures that the Council is above the 30% Government target for appeals being allowed.

4.3. There is a continual on-going need for careful consideration including the use of professional advice by Officers and consultees at both delegated and Committee levels in the determination of planning and related submissions to ensure that where a submission is refused, it can be successfully defended at appeal. This will also serve to ensure minimal successful cost claims against the Council.

## Appeal Details and Decisions (2018/19)

	<b>Appeal Site Location</b>	<b>Description Of Development</b>	<b>Case Officer Planning Ref Numbers (Application / Enforcement and Appeal) Pins Reference Number</b>	<b>LPA Decision Date of LPA Decision Del / Com Type Of Appeal</b>	<b>Appeal Outcome &amp; Date</b>
<b>1.</b>	107 Harborough Road Oadby Leicester LE2 4LG	Outline application for demolition of the existing dwelling and the construction of 5 detached dwellings.	Tracey Carey  17/00443/OUT (Application) 18/00004/REF (Appeal) APP/L2440/W/18/3194694	Refusal  13/11/2017  Delegated Written Reps	Dismissed  04/06/2018
<b>2.</b>	1 Church Nook Wigston, Leicester LE18 3RA	Erection of 1 No. two bedroom detached dwelling.	Tracey Carey  17/00515/OUT (Application) 18/00005/REF (Appeal) APP/L2440/W/18/3193739	Refusal  11/12/2017  Delegated Written Reps	Dismissed  25/06/2018
<b>3.</b>	Land to the Rear of 30 Belleville Drive Oadby Leicester LE2 4HA	Erection of two detached dwellings, with access driveway from Belleville Drive.	Richard Redford  17/00305/FUL (Application) 18/00003/REF (Appeal) APP/L2440/W/18/393431	Refusal  21/08/2017  Delegated Written Reps	Dismissed  27/06/2018
<b>4.</b>	Land at 63 Westfield Avenue Wigston Leicester LE18 1HY	Garage conversion and overhanging roof.	William Holloway  17/00016/UNAWKS (Enf) 18/00001/ENFNOT (Appeal) APP/L2440/C/17/3191670	Enforcement Notice  Written Reps	EN quashed and permission allowed  21/05/2018

<b>5.</b>	25 Hill Way, Oadby Leicester LE2 5YG	Retrospective change of use of studio to accounts office (Class A2).	Tracey Carey  17/00557/COU (Application) 18/00006/REF (Appeal) APP/L2440/W/18/3195165	Refusal  09/01/2018  Delegated Written Reps	Allowed  10/07/2018
<b>6.</b>	69 Launde Road Oadby Leicestershire LE2 4HH	Proposed single storey front extension, two storey side extension, alteration to existing single storey flat roof, replace detached outbuilding.	Tony Boswell  18/00059/FUL (Application) 18/00007/HAS (Appeal) APP/L2440/D/18/3200352	Refusal  05/04/2018  Delegated Written Reps	Dismissed  29/06/2018  Appellants costs claim dismissed
<b>7.</b>	Land North of Denbydale Wigston Leicestershire	Outline application with access for the construction of up to 56 residential dwellings (Use Class C3) with associated internal roads, open space, landscaping and drainage.	Richard Redford  17/00507/OUT (Application) APP/L2440/18/3204000 (Appeal)	Refused  22/01/2018  Committee (with rec) Hearing (was Written Reps)	Withdrawn by appellants  28/03/2019
<b>8.</b>	38 Granville Avenue Oadby Leicester LE2 5FL	Installation of two rear dormer windows and roof lights to front to accommodate a loft conversion.	Tracey Carey  18/00095/FUL (Application) 18/00008/REF (Appeal) APP/L2440/D/18/3202225	Refused  08/05/2018  Delegated Written Reps	Allowed  17/09/2018
<b>9.</b>	23 Fairfield Road Oadby Leicestershire LE2 4NF	Proposed change of use from dwellinghouse to x4 self-contained flats, including ground floor and first floor extensions and alterations.	Alex Matthews  18/00030/FUL (Application) 18/00010/REF (Appeal) APP/L2440/W/3204649	Refused  19/03/2018  Delegated Written Reps	Dismissed  16/01/2019

<b>10.</b>	70 Repton Road Wigston Leicestershire LE 18 1GD	Erection of two storey dwelling plus alterations to vehicular access and associated car parking to 70 Repton Road and the proposed dwelling.	Tracey Carey  17/00511/FUL (Application) 18/00009/REF (Appeal) APP/L2440/W/3203747	Refused  11/12/2018  Delegated Written Reps	Dismissed  10/12/2018
<b>11.</b>	25 Georgeham Close Wigston Leicestershire LE18 2HZ	Proposed single storey front extension to create additional bedroom and en-suite facility.	Tony Boswell  18/00283/FUL (Application) 18/00011/REF (Appeal) APP/L2440/D/18/3213055	Refused  06/08/2018  Delegated Written Reps	Dismissed  11/12/2018
<b>12.</b>	34 High Leys Drive Oadby Leicestershire LE2 5TL	Single storey side extension, demolition of existing garage and replace with new garage.	Tony Boswell  18/00279/FUL (Application) 18/00012/HAS (Appeal) APP/L2440/D/18/3210961	Refused  31/08/2018  Committee (overturn) Written Reps	Allowed  02/01/2019
<b>13.</b>	33 The Broadway Oadby Leicestershire	Erection of two storey and single storey side and rear extensions, and its use as a one bedroomed self-contained dwelling.	Alex Matthews  18/00353/FUL 19/00001/REF APP/L2440/D/18/3218536	Refusal  21/09/2018  Delegated Householder	Allowed  12/02/2019
<b>14.</b>	B&Q Bull Head Street Wigston	Erection of external illuminated and non-illuminated freestanding and fascia signage.	Alex Matthews  18/00396/ADV 19/00002/REF APP/L2440/Z/19/3219930	11/01/2019	Withdrawn  (Submitted too late)

# Agenda Item 9



<b>Development Control Committee</b>	<b>Thursday, 27 June 2019</b>	<b>Matter for Information</b>
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**Report Title:** **Planning Enforcement Activity Report (2018/19)**

**Report Author(s):** **Richard Redford (Development Control Manager)**

<b>Purpose of Report:</b>	To provide a yearly summary of the Council's planning enforcement activity as the Local Planning Authority (LPA) for 2018/19.						
<b>Report Summary:</b>	<p>During the period 1 April 2018 until 31 March 2019, the enforcement activity that has taken place is as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Number of new cases registered in the period</td> <td style="text-align: right;">237</td> </tr> <tr> <td>Number of cases closed in the period</td> <td style="text-align: right;">166</td> </tr> <tr> <td>Number of live cases currently on-hand</td> <td style="text-align: right;">114</td> </tr> </table>	Number of new cases registered in the period	237	Number of cases closed in the period	166	Number of live cases currently on-hand	114
Number of new cases registered in the period	237						
Number of cases closed in the period	166						
Number of live cases currently on-hand	114						
<b>Recommendation(s):</b>	<b>That the contents of the report be noted.</b>						
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>Stephen Hinds (Deputy Chief Executive) (0116) 257 2681 <a href="mailto:stephen.hinds@oadby-wigston.gov.uk">stephen.hinds@oadby-wigston.gov.uk</a></p> <p>Adrian Thorpe (Head of Built Environment) (0116) 257 2645 <a href="mailto:adrian.thorpe@oadby-wigston.gov.uk">adrian.thorpe@oadby-wigston.gov.uk</a></p> <p>Richard Redford (Development Control Manager) (0116) 257 2654 <a href="mailto:richard.redford@oadby-wigston.gov.uk">richard.redford@oadby-wigston.gov.uk</a></p> <p>Chris Glover (Planning Enforcement Officer) (0116) 257 2733 <a href="mailto:chris.glover@oadby-wigston.gov.uk">chris.glover@oadby-wigston.gov.uk</a></p>						
<b>Corporate Objectives:</b>	<p>Building, Protecting and Empowering Communities (CO1) Growing the Borough Economically (CO2) Providing Excellent Services (CO3)</p>						
<b>Vision and Values:</b>	<p>"A Stronger Borough Together" (Vision) Accountability (V1) Respect (V2) Teamwork (V3)</p>						
<b>Report Implications:-</b>							
Legal:	There are no implications directly arising from this report.						
Financial:	There are no implications directly arising from this report.						
Corporate Risk Management:	<p>Decreasing Financial Resources / Increasing Financial Pressures (CR1) Regulatory Governance (CR6) Economy / Regeneration (CR9)</p>						

Equalities and Equalities Assessment (EA):	There are no implications directly arising from this report. EA not applicable
Human Rights:	There are no implications directly arising from this report.
Health and Safety:	There are no implications directly arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	None.
<b>Appendices:</b>	None.

## 1. Background

- 1.1 At the meeting of the Development Control Committee on 24 May 2017, Members noted the report of the Planning Enforcement Officer relating to levels of enforcement activity and that a yearly up-date on enforcement activity would be reported to the Development Control Committee.
- 1.2 As Members are aware, the Council as Local Planning Authority (LPA) is monitored on its performance in the determination of planning submissions on a quarterly-basis with the expectation that the Council exceeds targets set by Central Government.

## 2. Information

- 2.1 During the period 1 April 2018 until 31 March 2019, the enforcement activity that has taken place is as follows:

Number of new cases registered in the period	237
Number of cases closed in the period	166
Number of live cases currently on-hand	114

- 2.2 During the period 1 April 2018 to 31 March 2019, an overall total of 27 formal notices comprising a mixture of Enforcement Notices (EN) and Section 215 Notices (s215) were served. Of the Enforcement Notices served one was appealed with the appeal allowed and the enforcement notice quashed on the grounds of the building works to which the appeal related being of appropriate design, appearance and materials while also not impacting upon neighbouring amenities.
- 2.3 In relation to the s215 notices served, the majority have been complied with while the remainder are currently within the time period for the works required to be done. In addition to these a total of 9 Community Protection Warning Notices (CPWN's) have been served which require the work specified to be done and subsequently the site maintained appropriately.

- 2.4 Currently, the oldest case on-hand is 6 years old and the property in question is on its way to being refurbished and bought back into use. Planning Enforcement continually monitors the site to ensure that this occurs in a timely manner following years of negotiations.
- 2.5 The number of enforcement cases has risen from the 97 during 2017/18 due to more accurate recording of all alleged enforcement complaints by Officers and an increased number of complaints being made. Resultantly, the number of cases closed following an investigation has increased from 106 to 166 due to the larger number of complaints being investigated alongside effective, efficient investigation by the Enforcement Officer.
- 2.6 The number of outstanding applications has also increased from last year by a total of 72 due to a combination of the increased number of complaints received, the nature of the breaches being investigated, the increased number of instances where formal action has been taken, the number of instances of working alongside other Council departments where breaches relate to 2 or more service areas, and on-going dialogue involving Officers in order to find appropriate resolutions to breaches without the need for formal action to be taken.
- 2.7 Action taken by the Planning Enforcement Officer during this time period has also led to a number of retrospective planning applications being received to regularise breaches of control.

### **3. Conclusion**

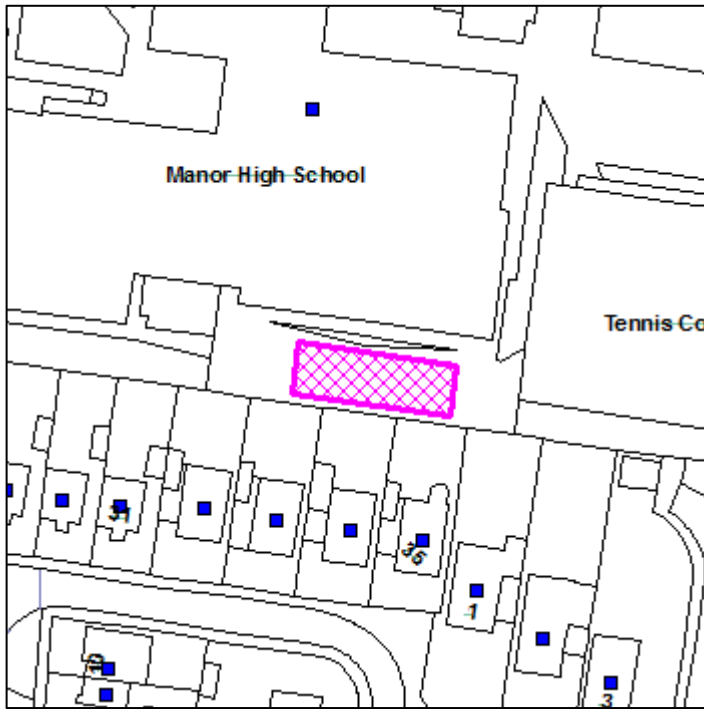
- 3.1 It can be seen that there have been increases in the numbers of enforcement complaints received in 2018/19 from those received in 2017/18 along with increases in both the number of case closed and cases currently in hand. The increases are due to more accurate recording of complaints as well as more effective, efficient investigations, cross department working in the instances where it is necessary, and improvements in seeking proactive approaches to resolving breaches in order to reduce the need for formal action to be taken.



**Application Number****Address****Report Items**

- a. 19/00146/FUL** Manor High School  
Copse Close  
Oadby  
Leicestershire  
LE2 4FU
  
- b. 19/00151/COU** 112 Aylestone Lane  
Wigston  
Leicestershire  
LE18 1BA

a.	<b>19/00146/FUL</b>	Manor High School Copse Close Oadby Leicestershire LE2 4FU
	<b>1 April 2019</b>	Erection of a dining/multi-use canopy.
	<b>Case Officer</b>	Richard Redford



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LA100023293 Published 2014

## **Site and Location**

The site as a whole comprises Manor High School with its access, buildings, playing fields and associated space. Access to and from the site is via Copse Close. To the north of the school site as a whole is Brookside Primary School while to the south and west are residential dwellings. Beyond the primary school to the north as well as beyond the sports fields associated with the application site to the east, is agricultural land. The site is occupied by numerous school buildings, playing fields (inc tennis courts), break / lunch areas and associated access arrangements.

The proposal will be located to the south of the main school building in an area used as a school yard prior to school starting as well as over breaks and lunch periods.

## **Description of proposal**

The application seeks planning permission for the erection of a dining / multi-use canopy. With a footprint measuring 8m wide by 23m long, it will be 2.4m high at its lowest points (the outside edge of the 23m lengths) and 3.4m high at its greatest in the centre of the canopy which is curved. To be constructed of steel with a tensile roof, it will be sited in an area of the school site that is currently a hard landscaped playground that is used for play and other school related purposes with there being a number of picnic type tables in existence on the area at present. The Design and Access Statement submitted with the application also sets out that it will provide a covered seating area, be capable of use in all weathers while being powder coated.

As a result of further dialogue with the agent, up-dated plans have been received correcting an error on three of the plans originally provided in relation to the site boundary treatments with the adjacent dwellings which showed the height of the fence between the school site and these neighbours as being higher than was the case. The drawings show the boundary at its correct height of 2m. Further, the agent has also confirmed that the steel frame will be granite grey in colour while the canopy roof will be champagne colour. They have also provided clarification that the use of the term "multi-use" means it will be of use for multiple school related purposes and will only be used by the school during its normal operating hours.

The statutory determination period for this application expired on the 29 May 2019 and an extension of time has been sought up to and including 28 June 2019 in order to issue a decision the day after the committee meeting.

## **Relevant Planning History**

While the site has a planning history, none are relevant to the consideration and determination of this application.

## **Consultations**

OWBC Environmental Health:  
Commented that Environmental Health had no observations to make on the application.

## **Representations**

Neighbours have been informed and a site notice displayed. A total of 4 letters of objection

from 4 properties) and 1 "petition" of 15 signatures from unknown addresses objecting to the proposal have been received at the time of writing this report. The grounds of objection are as follows;

- \* Noise will be considerable and unacceptable;
- \* the proposal would be an eye sore;
- \* rubbish would accumulate;
- \* currently have problems with food and bottles being thrown over fences into the gardens of adjacent properties;
- \* the saleability of the adjacent properties would be affected;
- \* property de-valuation;
- \* could be used in the evening if the school decided to hire out to other venues in the summer holidays;
- \* if it was hired out it would pose and contribute to parking issues;
- \* impact on residents on what is a residential area;
- \* the impact of having a raised building at the rear of their property;
- \* reduction of natural light entering rear gardens;
- \* canopy is a general term that should be expanded upon;
- \* increased smoke levels; and
- \* it could be located further away from the adjacent properties.

The date for the receipt of comments expired on the 29 May 2019

Councillor Mrs L Kaufman has requested the application be considered and determined by the Planning Committee on the grounds of local concern over amenities and use.

### **Relevant Planning Policies**

#### National Planning Policy Framework

#### Oadby and Wigston Local Plan

Policy 1 – Presumption in favour of sustainable development

Policy 6 – High quality design and materials

Policy 44 – Landscape and character

### **Planning Considerations**

The main issues to consider in the determination of this application comprise firstly the design, appearance, scale, massing and bulk of the proposal; and secondly the impact of the proposal on neighbouring residential properties.

Located within the Leicester Urban Area and used for educational purposes, the principal of the proposal is acceptable in accordance with Policy 1 in presumption of favour of sustainable development.

The proposal, as set out above, has a footprint measuring 8m wide by 23m long covering an area of 184 square metres in an area of the school grounds currently hard surfaced and available for use by pupils during school hours including break and lunch times. While the footprint of the structure could be seen as large, based solely on its dimensions, it is a small area when considered in terms of its existing location on an area of school yard 50m by 20m which continues to extend beyond these dimensions down the side of the existing school building adjacent to neighbouring dwellings. It has been designed with a curved roof on

steel frame in order to provide and maintain an open nature and appearance whilst also enabling a functional use for purposes associated with the school.

Its design and appearance are acceptable as are its scale, bulk and massing within the context of its location within the site. The materials and colours are considered to be acceptable as well as appropriate and in-keeping with the school building while not detracting from the amenities of the neighbouring dwellings.

Situated immediately to the south of the school site 6.2m from the edge of the canopy element and 8.4m from the steel frame are timber fencing associated with the adjacent residential dwellings. The rear walls of these dwellings are, based on the site location plan provided and excluding any extensions they may have, approximately 12.5m from the boundary fencing resulting in the proposal being 18.7m from the rear walls of the dwellings. With an eaves height of 2.4m at 18.7m distance and maximum height of 3.4m at 22.7m it is considered that the proposal would not be overbearing, domineering or oppressive on the rear garden amenities of these adjacent dwellings.

It is important to note that the dwellings themselves could erect outbuildings 2.5m high within 2m of their site boundaries or 4m high to the top of a dual pitched roof where situated more than 2m from their site boundaries under permitted development rights. From these it can be seen that the height has been kept to a minimum in order to ensure any impacts through height are kept to a minimum while also ensuring no unacceptable impact upon light levels.

While concerns from residents over noise are noted, the area where the proposal is to be sited is currently used as an area of school yard already accessible by students and staff. Any increase in noise is not, in this instance, considered sufficient to justify a reason for refusal.

With regards to other concerns raised by residents, both property de-valuation and the saleability of dwellings are not a material planning consideration while points raised by residents relating to rubbish could be addressed through an informative advising that sufficient refuse receptacles should be provided to prevent rubbish from building up on site or neighbouring sites. The agent has confirmed that it will be used by the school only and not others while there is no evidence to support concerns over increased smoke levels.

## Conclusion

Overall therefore the proposal complies with adopted policy, is of an appropriate design and appearance while not resulting in any unacceptable impact upon neighbouring amenities. As such it is recommended for approval subject to conditions and informatives.

## Implications Statement

Health	No Significant implications
Environment	No Significant implications
Community Safety	No Significant implications
Human Rights	The rights of the applicant to develop his property has to be balanced against the rights of neighbours.
Equal Opportunities	No Significant implications

Risk Assessment	No Significant implications
Value for Money	No Significant implications
Equalities	No Significant implications
Legal	No Significant implications

## Recommendation

For the reasons set out in the above report then **PERMIT** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following documents and plans;  
Application forms; Design and Access Statement; and drawing titled Manor High School-Planning Site and Location Plans - Proposed numbered 15292MHS-P-SLP-P all submitted to and received by the Local Planning Authority on 1 April 2019;  
Agents e-mail of 6 June 2019 confirming granite grey (RAL 7026) coloured steel work and champagne coloured roof fabric and the use of the structure by school only during normal operating times;  
Amended drawing numbered 15292MHS-P-WE-P Rev A titled Manor High School-Planning-West Elevation Proposed submitted to and received by the Local Planning Authority on 6 June 2019;  
Amended drawing numbered 15292MHS-P-NE-P Rev A titled Manor High School-Planning-North Elevation Proposed submitted to and received by the Local Planning Authority on 6 June 2019;  
Drawing numbered 15292MHS-P-EE-P titled Manor High School-Planning-East Elevation Proposed submitted to and received by the Local Planning Authority on 6 June 2019.

**Reason:** For the avoidance of doubt and to ensure the development is carried out in accordance with the documents and plans considered and on which the decision was made.

3. The development hereby approved shall only be used by Manor High School during its normal operational times only.

**Reason:** For the avoidance of doubt in accordance with submitted information and in order to ensure the protection of adjacent amenities.

### Note(s) to Applicant :

1. The applicant is advised, based on third party comments received during the consideration of the application hereby approved, to ensure sufficient bins are provided and emptied on a regular basis to ensure no adverse impacts on amenities of the site itself or the amenities of neighbouring and surrounding sites.

2. You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.
3. For the avoidance of doubt this permission does not authorise any development outside the application site including any foundation, footings, fascias, eaves, soffits, verges or guttering.
4. You are advised that any amendments to the approved plans will require either a Non-Material amendment application, a Minor Material Amendment application or a new planning application. If this is the case then you should allow at least 8 weeks before the intended start date to gain approval for such amendments. Further advice can be obtained by contacting the Planning Section of the Council on any amendments (internal or external).
5. The applicant is advised that no demolition works or associated works or operations should take place on the site except between the hours of 8.00am and 6.00pm Monday to Friday, 9.00am to 2.00pm on Saturday and at no time on Sundays or Bank Holidays.
6. The Application as submitted was, on balance, considered to be acceptable and whilst discussions with the applicant were held to seek a higher quality of development the originally submitted development is not considered to be bad enough to warrant refusal of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Telephone 0303 444 5000) or online at [www.gov.uk/appeal-planning-inspectorate](http://www.gov.uk/appeal-planning-inspectorate)

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having

regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

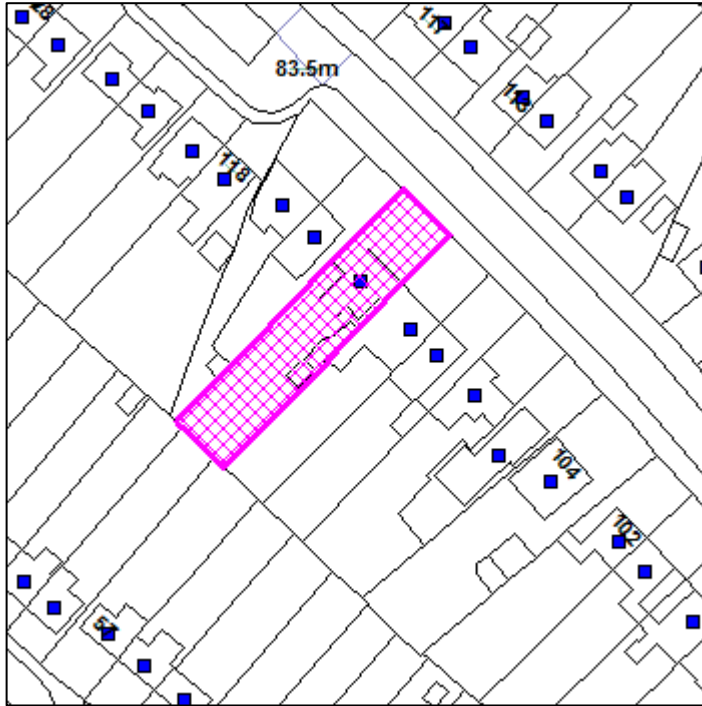
### **Purchase Notices**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



<b>b.</b>	<b>19/00151/COU</b>	112 Aylestone Lane Wigston Leicestershire LE18 1BA
	<b>2 April 2019</b>	Change of use of ground floor from residential (Class C3) to Funeral Services (Class A1) and erection of a single storey rear extension.
	<b>Case Officer</b>	Richard Redford



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## **Site and Location**

The site is occupied by an extension two-storey detached building with the area to the front of the building covered with hardstanding. Its front wall comprises a shop front at ground floor level covering approx. two thirds of its width with the remainder of the ground floor and first floor as extended having a residential appearance. There is a full width dropped kerb along the site frontage on Aylestone Lane. Site boundaries comprise 1m high brick walls and 2m high timber fencing. Ground levels on the site are level although there is slight fall along Aylestone Lane in the immediate area.

Surrounded predominantly by two-storey residential dwellings (detached and semi-detached), there is a single storey A1 retail unit within sight of the application site.

## **Description of proposal**

Planning permission is sought for the change of use of the ground floor from residential (Use Class C3) to a funeral services unit (Use Class A1) and the erection of a single storey rear extension to the existing building for use within the proposed use. Within the application forms it details that it will operate from 9am to 5pm Monday to Friday while the submitted drawings detail the extension will be constructed of materials to match the main dwelling. In terms of the extension, part of the existing detached garage will be integrated into the extension with an area measuring 4.7m wide by 9.5m deep being constructed measuring 2.5m to eaves and 4.5m high to the top of the dual pitched roof element. The existing garage element which is to be retained and incorporated into the extension will see the existing inward facing wall removed but all other elements remaining as they currently exist. A further extension measuring 1.5m wide x 3m deep x 2.7m to eaves and 3.5m to ridge height will be constructed. An area of the existing buildings ground floor will be demolished to enable the burial vehicles to access the proposed extension. As extended the ground floor will provide an office, an area of retail space, two chapels of rest, one mortuary, one preparation area and an enclosed area for 2 burial vehicles.

The agent has also provided a parking layout plan for the site showing 4 parking spaces to the front of the site along with the two spaces for the burial vehicles in the extension. They have also confirmed that the first floor will remain in residential use and be occupied in association with the business. An up-dated Planning Statement has also been provided that includes a sequential assessment addressing commercial properties available in the relevant areas detailing that where units of suitable size are available they are too expensive.

The statutory determination period for this application expires on the 28 June 2019 as a result of an extension of time having been agreed by the agent to allow the decision to be issued the day after the committee meeting.

## **Relevant Planning History**

Change of use from Residential (Use Class C3) to Retail (Use Class A1) (17/00538/COU) – Refused 19 January 2018

Extension to form bedroom (72/1105/10) Approved 15 February 1972

Shop front (70/2035/10) Approved 30 April 1970

Extension to the dwelling (2528/67) Approved 18 November 1967

Extension of store room to the rear (3868/66) Approved 24 August 1966

Extension to shop (680/59) Approved 18 February 1959

## **Consultations**

### Original Consultation:

Leicestershire County Council (Highways): Insufficient information has been provided to allow a detailed assessment with confirmation of parking spaces widths to the side and rear of the building required.

OWBC Building Control: No comments received.

OWBC Environmental Health: Have no objections to the proposal.

OWBC Forward Plans: Comment that a Sequential Assessment is required to be provided along with a plan showing proposed parking spaces to be used in association with the proposal.

OWBC Licensing: No comments received.

### Re-Consultation:

OWBC Forward Plans: Comment that based on the Sequential Test provided there are no other suitable sites available; there are parking space inconsistencies and it is unclear if the upper floor will be ancillary or separate from the proposed use.

Leicestershire County Council (Highways): No objections subject to conditions

## **Representations**

Neighbours have been informed and a press/site notice placed with 14 letters of representation from 13 properties received at the time of writing this report. The date for the receipt of comments expired on the 3 May 2019.

11 letters of objection have been received from 10 properties objecting to the proposal on the following grounds:

- \* Aylestone Lane is a busy B road with vehicles of all size often travelling at excessive speeds;
- \* regular use of Aylestone Lane by emergency vehicles;
- \* large amounts of pedestrians including children using the footpaths here;
- \* the preceding points make manoeuvring difficult in a standard car let alone funeral vehicles;
- \* the proposal is for 5 vehicles yet the existing site only has space for 3;
- \* embalming fluid falls into a hazardous substance that will be used on the site despite assertions made;
- \* inappropriate location for such a use amongst residential dwellings;
- \* increase in traffic levels and congestion with resultant highway safety concerns;
- \* increased noise levels;

- \* insufficient parking provision;
- \* the view from the application site to neighbouring and surrounding sites upsetting to their residents;
- \* a number of ambiguous points made on the submission;
- \* outside of defined retail locations as per the previous refusal so should be refused again;
- \* sufficient funeral service provision exists in the area with 8 providers in a 2 miles radius of the site;
- \* negative impact on well-being and construction being stressful if allowed
- \* increased traffic movements throughout the day;
- \* parking over the drives of neighbouring and surrounding dwellings;
- \* existing disturbance from existing A1 convenience store which will get worse with the proposal;
- \* the site is located outside of defined shopping centres;
- \* too much being squeezed into the site;
- \* round the clock movement of vehicles by the proposed use in association with the proposed use;
- \* rear garden areas regularly flood;
- \* the site is in a primarily residential area so a lot of those will be overlooked;
- \* errors and inconsistencies in the application forms including residential numbers on the site and drainage;
- \* no improvement to site boundary treatments resulting in adverse impact on neighbours;
- \* no details for provisions of DDA compliant access;
- \* 8 other such facilities in the Council area;
- \* property de-valuation.

A total of 2 letters of support has been received commenting as follows:

- \* The building needs to be brought back into use;
- \* the building was previously used for commercial purposes which most residents would have been aware of when purchasing their properties so the proposed use would not impact beyond previous levels;
- \* the proposed use is unlikely to cause too much disturbance;
- \* traffic reverses from the convenience store 4 doors down and seemingly causes no issues so why should this proposal;
- \* a family run business are proposing to take it on and operate it with them having answered questions they were posed.

1 petition objecting to the proposal has also been received with a total of 27 signatures from 23 different addresses objecting on the grounds of the site being in a residential area and not a commercial area; traffic and congestions concerns; highway safety concerns for pedestrians as the site is on a school route; parking provisions and general parking concerns; noise from 24 hour a day vehicle movements.

Councillor Mrs H Loydall has requested the application be determined by the Planning Committee on highway and parking grounds as well as the proposed change of use.

### **Relevant Planning Policies**

National Planning Policy Framework (NPPF)

Oadby and Wigston Local Plan

- Policy 1 : Presumption in Favour of Sustainable Development
- Policy 2 : Spatial Strategy for Development within the Borough
- Policy 6 : High Quality Design and Materials
- Policy 22 : Delivering Retail
- Policy 34 : Car Parking
- Policy 44 : Landscape and Character

## **Planning Considerations**

The issues for consideration relate to the principle of the development, design, appearance, neighbouring amenities and parking.

### Principle:

Local Plan Policy 1 on the Presumption in Favour of Sustainable Development suggests that all development proposals must take account of the broad aim of sustainable development. The policy goes on to suggest that the Council will be positive when determining development proposals that reflect the presumption in favour of sustainable development contained in the NPPF. Further, the policy states that *'for development to be deemed 'sustainable' within the context of this Plan, it must contribute towards delivering the Spatial Strategy, the Council's Vision and Objectives, and must be in conformity with the local planning policies contained within this Plan'.*

Local Plan Policy 2 on Spatial Strategy for Development within the Borough suggests that the Council will always seek the reuse of previously developed land. While the policy goes on to illustrate the areas within the Borough that have been allocated for development, including retail development, these allocations are all of a major scale.

Local Plan Policy 22 relating to Delivering Retail encourages retail and other town centre uses to be located within the *'town and district centre first'* and that where this is not the case, in accordance with national policy, a sequential test must be submitted by the applicant.

From looking at the building in its current condition, it has the appearance of being retail (Use Class A1) at ground floor with residential above. Associated with this, an assessment of the site's history indicates a number of planning permissions relating to the use of the site for mixed purposes comprising retail (Use Class A1) and residential (Use Class C3) with it appearing that the residential use was ancillary to the use of the building for retail purposes. Whilst no evidence exists of planning permission having been applied for let alone determined with an approval or refusal, an investigation into the use of the building has established that residential rates have been paid on the whole building since at least April 1993. On the basis that this is just under 25 years ago at the time of writing this report, it can be established that a significant period of time over the necessary 4 years has passed to make the residential use of the building lawful and immune from any enforcement action. Had the building remained in Use Class A1 retail with ancillary residential above, planning permission would not be required for the change of use element as proposed in this

application. Nonetheless, planning permission is now required due to the residential use being lawful and immune from enforcement action.

The proposal is situated within the Leicester Principal Urban Area (PUA). An assessment of the Sequential Test provided in the up-dated Planning Statement has been undertaken and Planning Policy is satisfied that it demonstrates that as of April 2019, there were no other suitable and available units within the Borough's town, district and local centres available to fulfil the applicant's requirements.

Although the applicant is seeking to develop a large extension to the rear, the proposal is predominantly seeking the reuse of previously developed land and while not comprising land allocated for larger scale development through Local Plan Policy 2, it would contribute toward the re-use of brownfield land and provide an element of the identified retail provision.

The proposal, therefore, complies with the provisions of policies 1, 2 and 22 in the Oadby and Wigston Local Plan.

#### Design and appearance:

From the front of the building there will be limited change in the design and appearance of the building. The main element of change that will be visible is the demolition of an element of the ground floor of the building to its side in order to facilitate vehicular access by the funeral vehicles to the enclosed rear area of the building as extended. It is considered by Officers that this demolition part of the proposal is acceptable as it will allow the intended business to operate in a respectful, professional manner while not resulting in any adverse or detrimental effects on the character and appearance of the building or area.

An element of the dual pitched roof will be visible from an oblique angle to the front of the building and from this position it is not considered that it would adversely impact the streetscene.

In terms of the rear extensions, it is of significance that the existing garage / outbuilding on the site adjacent to and on the boundary 110 Aylestone Lane will remain in-situ on site and be integrated into the larger extension. As is proposed the larger rear extension will end 1m beyond the rear wall of the existing single storey side and rear extension at 110 Aylestone Road upon which it will not have any adverse or detrimental impact.

The boundary between the application site and the other adjacent dwelling at 114 Aylestone Lane comprises a low level boundary treatment resulting in the extension being very visible and while the nearest flank wall of the extension will be 4m off the boundary, due to the boundary treatment it can be seen as having a potentially overbearing impact on this neighbour. This concern could be overcome through a condition being attached to any permission requiring a 2m high boundary fence to be put on the site boundary which will serve to minimise the potential overbearing impact through a fence that would, for a dwelling, be permitted development. Such a condition would comply with the relevant tests whilst also addressing the concern in a manner that would not result in a reason for refusal being capable of being supported.

A small amount of the extension would intersect the notional 45-degree from the relevant window point of 114 Aylestone Lane, however, the amount is of a very small level such that it would not be sufficient to justify a refusal. The design and appearance of the extensions are appropriate to the building and area while the use of matching materials will serve to ensure that they fit in with the area without resulting in any adverse or detrimental impacts.

Overall, therefore, the proposal complies with the provisions of policies 6 and 44 of the Local Plan.

#### Highways and Parking:

In respect of highway matters, Leicestershire County Council as the relevant Highway Authority initially commented that the development would not lead to an intensification of use compared to the extent use but requested clarification that the proposed garage - which is to be utilised for mourning car and hearse parking - meets the minimum width requirements (2.3m) as detailed in the Leicestershire Highway Design Guide (LHDG).

Clarification was duly provided by the agent and the Highway Authority subsequently re-consulted. They then commented that following receipt of a revised Proposed Plan and Main Elevations (Drawing No. 112AL RWFS-(PLANN APP) #002A) and Proposed Parking Plan(Drawing No. 112AL - RWFS-(PLANN APP) #003A), it had been detailed that the current access measures 2.470m from a recent survey and that this is to be increased to provide a new 2.5m opening. These drawings identify that the garage will have a minimum door width of at least 2.3m (including the door frame); as such, the LHA is satisfied that useable parking spaces are to be provided. They, therefore, had no objections to the proposal on highway safety grounds subject to conditions being attached to any approval.

The parking spaces provided to the front that will serve the relatives of those visiting the unit, if approved, as well as the occupant of the first floor flat which will be a member of staff, comply with the relevant parking standards.

As such the proposal is considered acceptable on highway and parking grounds.

#### Other Matters:

As mentioned above, it has been indicated that the first floor residential unit will be occupied by a member of staff in the interests of security and it is considered that a condition requiring this should be attached to any approval on the grounds of security while also ensuring that the proposed parking provision continues to comply with standards.

As set out above a number of objections have been received on the application raising a number of different points and the following are the relevant responses to those concerns raised.

With regards to highway and pedestrian safety, the Highways Authority have set out that the proposal will not impact on highway or pedestrian safety unacceptably such as to justify a refusal. Furthermore, they are satisfied with the proposed arrangements in respect of the funeral vehicles and that sufficient parking has been provided in accordance with standards.

The OWBC Environmental Health department were consulted on the application and had sight of the submitted plans which indicate the mortuary and preparations area. As such they are aware of the works that would take place at the property and have raised no

objections nor requested conditions and or informatives in relation to the embalming fluids issue.

The sequential test submitted has shown that in this instance it is an acceptable location for the proposal while noise levels associated with the proposal are likely to be minimal so that it would not justify a reason for refusal.

Views of the proposal would not be a reason for refusal nor would the existence of other funeral providers in the locality

While any instances of parking over the drives of neighbouring and surrounding dwellings would understandably be frustrating, this in itself is not a planning consideration so could not form the basis of a reason for refusal. Furthermore, there is no evidence to support the assertion that existing disturbance from the A1 convenience retail store a few plots along from the proposal would get worse.

In terms of round the clock movement of vehicles in association with the proposed use the application forms detail the hours of opening as being 9am to 5pm Monday to Friday which could be conditioned and would thus prevent round the clock trips from members of the public.

There will be no overlooking beyond what currently exists while property de-valuation is not a material planning consideration to be taken into account.

## **Conclusion**

While the site is located outside of designed town and shopping centres, based on the sequential test submitted the proposal would represent an effective, efficient re-use of an existing building that was formerly in retail use and provide a use that cannot be provided in the identified locations. Furthermore, the proposal would not impact upon highway and pedestrian safety while also providing sufficient parking provision. The extensions are of a design and appearance that is acceptable and would not, subject to conditions, impact upon neighbouring amenity.

The application is, therefore, recommended for approval subject to conditions.

## **Implications Statement**

Health	No Significant implications
Environment	No Significant implications
Community Safety	No Significant implications
Human Rights	The rights of the applicant to develop his property has to be balanced against the rights of neighbours.
Equal Opportunities	No Significant implications
Risk Assessment	No Significant implications
Value for Money	No Significant implications
Equalities	No Significant implications
Legal	No Significant implications



## Recommendation

For the reasons set out in the above report then **PERMIT** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. All external materials used in the extensions elements of the development shall match those of the existing building in colour, size, coursing and texture unless otherwise first agreed in writing with the Local Planning Authority.

**Reason:** To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6 and 44 of the Oadby and Wigston Local Plan.

3. Prior to the first use of the development hereby granted the access and parking areas shown on the approved plan(s) shall be provided in a bound material (with the parking bays marked out on the ground) and thereafter shall be made available at all times for their designated purposes.

**Reason:** As recommended by Leicestershire County Council (Highways) in the interests of highway safety and in accordance with the aims and objectives of the National Planning Policy Framework and Policy 34 of the Oadby and Wigston Local Plan.

4. The development hereby permitted shall only be open to the public between the hours of 9.00am and 5.00pm Monday to Friday. There shall be no activities outside these hours nor on Saturdays, Sundays or Bank Holidays.

**Reason:** In the interests of the amenities of local residents and the locality in general and in compliance with Policies 6 and 44 of the Oadby and Wigston Local Plan.

5. Prior to the first use of the development hereby permitted, a 2m high close boarded fence shall be erected along the north-east boundary to the rear of the building along the site boundary with 114 Aylestone Lane, Wigston and thereafter retained.

**Reason:** In the interests of neighbouring amenities and the protection thereof.

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or the provision of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any orders revoking and re-enacting those Orders, this permission shall relate to the use of the premises as a funeral directors as described in your application and for no other purpose.

**Reason:** To ensure any future use of the premises does not adversely affect the amenities of the locality and to prevent changes of use of the premises which could be better located in designated centres.

7. The first floor flat shall not be occupied other than by a person(s) primarily employed in the ground floor funeral directors (Use Class A1) as detailed in the agents e-mail to the Local Planning Authority on 25 April 2019.

**Reason:** In the interests of security, amenity and parking provisions associated with the development.

8. No external lighting shall be erected at the site unless details have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of neighbouring amenity.

9. Notwithstanding the submitted plans, any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors/ 6.1 metres for up-and-over doors / 6.5 metres for doors opening outwards, have a minimum door width of 2.3 metres and thereafter shall be so maintained.

**Reason:** To enable a vehicle to stand clear of the highway whilst the garage / car port doors are opened/closed, to protect the free and safe passage of traffic, including pedestrians, in the public highway, to ensure that adequate off street parking provision is available to reduce the possibility of on street parking problems locally and in accordance with the National Planning Policy Framework (2019).

10. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the Proposed Parking Plan drawing number 112AL - RWFS-(PLANN APP)#003A. Thereafter, the onsite parking provision shall be so maintained in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

11. The development hereby approved shall be carried out in accordance with the following;

Application forms and drawing titled 'Proposed Plan and Main Elevations' numbered 112AL-RWFS-(PLANN APP)#002 dated February 2019 both submitted to and received by the Local Planning Authority on 2 April 2019;  
Drawing titled 'Proposed Parking Plan' numbered 112AL-RWFS-(PLANN APP)#003 dated April 2019 and the agents e-mail of 17:25 to the Local Planning Authority both submitted to and received by the Local Planning Authority on 25 April 2019; and  
The Planning Justification Statement by Landmark Planning dated March 2019 submitted to and received by the Local Planning Authority on 25 April 2019.

**Reason:** For avoidance of doubt and to ensure the development is implemented in accordance with the documents and plans considered acceptable.

Note(s) to Applicant :

1. You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.
2. For the avoidance of doubt this permission does not authorise any development outside the application site including any foundation, footings, fascias, eaves, soffits, verges or guttering.
3. You are advised that any amendments to the approved plans will require either a Non-Material amendment application, a Minor Material Amendment application or a new planning application. If this is the case then you should allow at least 8 weeks before the intended start date to gain approval for such amendments. Further advice can be obtained by contacting the Planning Section of the Council on any amendments (internal or external).
4. The Applicant is advised that each car parking space shall measure a minimum of 2.4 metres in width by 4.8 metres in length with any access isles being a minimum of 6 metres in width.
5. The applicant is advised that no demolition works or associated works or operations should take place on the site except between the hours of 8.00am and 6.00pm Monday to Friday, 9.00am to 2.00pm on Saturday and at no time on Sundays or Bank Holidays.
6. The Application as submitted was, on balance, considered to be acceptable and whilst discussions with the applicant were held to seek a higher quality of development the originally submitted development is not considered to be bad enough to warrant refusal of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Telephone 0303 444 5000) or online at [www.gov.uk/appeal-planning-inspectorate](http://www.gov.uk/appeal-planning-inspectorate)

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

### **Purchase Notices**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## **Background Papers**

- a.** 19/00146/FUL
  
- b.** 19/00151/COU