



# Oadby and Wigston Borough Council

## TO COUNCILLOR:

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

D M Carter  
B Dave  
R E Fahey  
D A Gamble  
Mrs S Z Haq

J Kaufman  
Dr T K Khong  
Mrs H E Loydall  
R E R Morris

Dear Councillor et al

I hereby summon you to attend a meeting of the **DEVELOPMENT CONTROL COMMITTEE** to be held at the **COUNCIL OFFICES, STATION ROAD, WIGSTON** on **THURSDAY, 13 APRIL 2017** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices  
Wigston  
05 April 2017

Mark Hall  
Chief Executive

### ON-SITE VISIT

Members are also hereby invited to attend an **ON-SITE VISIT** to be held at the **FORMER PREMIER DRUM SITE, BLABY ROAD, WIGSTON, LEICESTERSHIRE, LE18 4DF** on **THURSDAY, 13 APRIL 2017** at **6.00 PM** in relation to **APPLICATION NO. 16/00395/FUL** as featured at Agenda Item 7.

<u>ITEM NO.</u>	<u>AGENDA</u>	<u>PAGE NO'S</u>
1.	<b>Apologies for Absence</b>	
2.	<b>Appointment of Substitutes</b> To appoint substitute Members in accordance with Rule 4 of Part 4 of the Constitution.	
3.	<b>Declarations of Interest</b> Members are reminded that any declaration of interest should be made having 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'.	
4.	<b>Minutes of the Previous Meeting held on 16 March 2017</b> To read, confirm and sign the minutes of the previous meeting in accordance with Rule 17 of Part 4 of the Constitution.	<b>1 - 10</b>

**5. Petitions and Deputations**

To receive any Petitions and, or, Deputations in accordance with Rule 24 of Part 4 of the Constitution.

**6. Planning Enforcement Activity Report 2016/17**

**11 - 12**

**7. Report of the Planning Control Team Leader**

**13 - 25**

**MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE  
COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 16 MARCH 2017  
COMMENCING AT 7.00 PM**

<b><u>IN ATTENDANCE:</u></b>		
Chair - Councillor L A Bentley Vice-Chair - Councillor Mrs L M Broadley		
<b>COUNCILLORS (9):</b>		
G A Boulter F S Broadley D M Carter	R E Fahey D A Gamble Mrs S Z Haq	J Kaufman Dr T K Khong Mrs H E Loydall
<b>OFFICERS IN ATTENDANCE (6):</b>		
S J Ball T Boswell	D Gill Ms S Lane	R Redford S Robshaw
<b>OTHERS IN ATTENDANCE (4):</b>		
Mrs S Bolton S New	Ms R Rahman Mrs C Sutton	

<b>Min Ref.</b>	<b>Narrative</b>	<b>Officer Resp.</b>
<b>44.</b>	<b><u>APOLOGIES FOR ABSENCE</u></b>  An apology for absence was received from Councillor R E R Morris.	
<b>45.</b>	<b><u>APPOINTMENT OF SUBSTITUTES</u></b>  None.	
<b>46.</b>	<b><u>DECLARATIONS OF INTEREST</u></b>  In respect of planning application number 16/00552/FUL, the Chair declared a non-pecuniary interest insofar he had been contacted by an objector regarding the same.  In respect of report containing exempt information (at pages 22 – 23), the Chair declared a non-pecuniary interest insofar he had been approached by a third-party in relation to the exempt subject-matter(s) of the same report.  In respect of planning application number 16/00377/COU, the Vice-Chair declared a non-pecuniary interest insofar that she had been contacted by a resident regarding the same.  The Chair and Vice-Chair confirmed that they attended the meeting without prejudice and with an open-mind.	
<b>47.</b>	<b><u>MINUTES OF THE PREVIOUS MEETING HELD ON 19 JANUARY 2017</u></b>  <b>RESOLVED THAT:</b>  The minutes of the previous meeting of the Committee held on 19 January	

	2017 be taken as read, confirmed and signed.	
<b>48.</b>	<b><u>PETITIONS AND DEPUTATIONS</u></b>  None.	
<b>49.</b>	<p><b><u>REPORT OF THE PLANNING CONTROL TEAM LEADER</u></b></p> <p><b>1. Application No. 16/00377/COU – 1 Ladysmith Road, Wigston, Leicestershire, LE18 4UZ</b></p> <p>Ms Roopa Rahman spoke upon the application on behalf of the applicant.</p> <p>Ms Rahman stated that residents' traffic management and volume concerns were to be mitigated by a pick-up and drop-off mini-bus nursery service. It was said that the application had flexibility in terms of drop-off points located at the main entrance to the building and its front walkway and garden area(s) and a contingency plan to expand existing car parking capacity was envisaged. A spatial limit of 26 children in accordance with Office for Standards in Education, Children's Services and Skills (OFSTED) regulations and planned control measures were also said to mitigate any excessive traffic movements. The proposed perimeter fencing of the application site was said to be a security measure to ensure the children's safety and would not obstruct views to/from the (unadopted) highway.</p> <p>Ms Rahman stated that the application would bring the existing derelict building back into use and enhance the character of the local area by virtue of the installation of CCTV acting as a deterrent to delinquent activity. It was said that it was unlikely that the application would impact on the private sewer/drainage system due to the limit of children across different age ranges meaning most would be in nappies/pull-ups and that further guidance would be sought, if necessary, to accommodate an advised capacity. It was said that the application would not entertain the same high volumes of human traffic seen in neighbouring establishments and would have no discernible effect. Ms Rahman stated that the intended childcare establishment was to provide a nurturing home-from-home environment for children within the community.</p> <p>Councillor Mrs H E Loydall sought clarification from the speaker as to:</p> <p><b>(a)</b> how many members of childcare staff were to be employed; and  <b>(b)</b> how many parking spaces were to be provided.</p> <p>Ms Rahman advised that:</p> <p><b>(a)</b> in accordance with OFSTED regulations and upon the assumption of not fulfilling or exceeding the spatial limit of 26 children, a minimum of between 2 and 4 members of childcare staff were to be employed; and  <b>(b)</b> four parking spaces and 4 drop-off points were to be provided.</p> <p>Mr Simon New, managing agent at Preim Ltd, spoke upon the application on behalf of the 59 shareholders/ properties incorporated as the South Wigston Residents Company Ltd (SWRC) - the management company responsible for the road infrastructure, lights and maintenance of communal land in the immediate unadopted estate encompassing the application site - as an objector.</p>	

Mr New stated that the estate had an existing inadequate, multiple-parking provision for properties sited thereon and that the parking provision of three parking spaces envisaged by the proposed childcare establishment was insufficient to accommodate all the operational and personnel requirements of the same. It was said that all existing parking spaces on the estate were privately-assigned to individual properties and could not be made available for use. He raised concerns as to increased traffic and pedestrian activity insofar as: the unadopted roads, grass verges and kerbs were old, narrow and not designed for heavy and sustained usage and footfall; and the impact befallen upon shareholders' monthly service-charge contributions towards the increased maintenance costs to account for the additional usage and footfall.

Mrs Caroline Sutton spoke upon the application on behalf the residents who lived in the immediate unadopted estate encompassing the application site as an objector.

Mrs Sutton raised concerns as to increased traffic and pedestrian activity insofar as the: unadopted roads within the estate were unsuitable to accommodate an influx of traffic destined to and from the proposed childcare establishment; and impact befallen upon shareholders' monthly service-charge contributions towards the increased associated maintenance costs thereof. The impact was also said to extend to the privately-maintained sewage/drainage system if misused by the business.

Mrs Sutton stated that the proposed change of use would have a detrimental impact on the amenity of area and residents in as much as:

- (a) it was unacceptable for a business to operate from within a private residential estate with a unique, local, green fringe-character;
- (b) the trees within the estate provided substantial visual amenity to residents and were protected Tree Preservation Orders (TPO's) and should not be compromised.;
- (c) the generation of noise pollution from higher volumes of traffic and from children playing and childcare members of staff from the proposed establishment; and
- (d) the proposed fencing would not respect local covenants applicable to the area.

Mrs Sutton contended that the number of members of childcare staff *vis-a-vis* the maximum number of children did not adhere to OFSTED regulations, that there was no safe place for a fire assembly point or permissible refuse storage area.

With reference to Paragraph 23 of the National Planning Policy Framework (NPPF) Policy 16 of the adopted Oadby and Wigston Core Strategy (OWCS), Mrs Sutton stated that there was adequate childcare provision within the local area and that a sequential test to ascertain other alternative premises available in more suitable locations ought to have been undertaken.

Mrs Sutton stated that none of the impacts raised in the report (at pages 9 - 14) were impliedly minor nor could the conditions properly mitigate the same. She opined that the true number of resident's objecting did not accurately feature in the report.

The Committee gave consideration to the application (at pages 9 - 14) and

the supplementary agenda update (at pages 1 - 2) as delivered and summarised by the Senior Planning Control Officer which should be read together with these minutes as a composite document.

The Senior Planning Control Officer added that within the preceding 48 hours of the meeting, three additional calls of objection were received increasing the total number of objectors to 30. He stated that no additional points were raised (as were already summarised at page 11) save for one concern in respect of pedestrian safety as a result of the narrow carriageways along Ladysmith Road, Wigston. The Officer advised that, if due care and attention was exercised by drivers, the concern should not materialise. An amendment to relevant TPO to avoid a threat to the long-term future of some of the relevant preserved trees was said to be possible and that an alternative design or specification of fence could be secured by way of condition. It was said the proposed use assumed at full capacity (of 26 children) might add around one third to overall traffic movements within the local area as a whole.

It was moved by the Chair (the Proposer) and seconded by Councillor Mrs H E Loydall (the Seconder) that the application be granted planning permission.

The Proposer and Seconder noted that the moving and seconding of the application for grant in accordance with the recommendation (at page 13) was formally required to move the application to the debate and that by doing so did not fetter their discretion to vote for the motion or against the motion or to abstain from voting.

The Vice-Chair stated that estate immediately surrounding the application site was one of strong local, rural-fringe character characterised by narrow privately-maintained carriageways. She said that there was adequate Use Class D1 childcare provision within the local designated centre area and that a sequential test to ought to have been undertaken. She opined that the number of members of childcare staff *vis-a-vis* the maximum number of children did not adhere to OFSTED regulation and that there was insufficient parking provision to effectively accommodate the needs of the proposed childcare establishment. To amend or otherwise amend any TPO was said to be inconsistent the Borough Council's adopted Policies and Corporate Priorities. She said that the breach of any local covenants would engender various implications.

The Vice-Chair enquired as to:

- (a) where all members of staff (viz. childcare staff) were to park;
- (b) if the application entertained the possibility of trees being felled; and
- (c) if any air quality implications would arise from increased traffic generation.

The Senior Planning Control Officer advised, accordingly:

- (a) three single-parking spaces were located adjacent to the building with three, additional spaces to be constructed as a short-term drop-off/pick-up point;
- (b) no protected or other trees would necessarily be felled under this proposal, save for the relocation of a single ash tree (subject to a separate application); and
- (c) there were no significant air quality implications.

The Legal Advisor advised that any local covenants were private-law matters and therefore should be disregarded by Members as a material planning consideration.

Councillor F S Broadley commended the local distinctiveness of the area which he described as being part of the Borough's heritage and being worthy of protection.

Councillor G A Boulter stated that the application detrimentally altered the emphasis of the area by introduced a commercial operation to a wholly private, leafy residential estate and that any alternative design or specification of fence would erode the visual amenity of the open-area. He reiterated earlier Members' and speakers' concerns in respect of increased traffic generation and insufficient parking provision and its impact on pedestrian safety, adding that: the same could not be effectively mitigated by a proposed mini-bus service; and grand/parents etc. may be expected to escort children to and settle children into the nursery environment thus necessitating longer stay-times. He said that the management of risks associated with the play area were to pose a threat to the long-term future of some of the relevant preserved trees due to potential branch fall, compaction of roots and other causes.

Councillor Mrs H E Loydall reiterated earlier Members' and speakers' concerns in respect of the need for a sequential test, the management of risk associated with the play area *vis-a-vis* the long-term future of the relevant preserved trees, increased traffic generation, insufficient parking provision and its impact on pedestrian safety, further noting: the impracticality and inadequacy of any proposed mini-bus service due to the young age of the children concerned; and the unrealistic expectation upon grand/parents etc. to use the designated drop-off/pick-up area due its marked and relative distance away from the building's main entrance. She further noted the impacts upon the areas amenity and the generation of noise pollution and nuisance.

Councillor Mrs S Z Haq agreed with Members' and speakers' aforesaid concerns.

Councillor D M Carter agreed with the sentiments of Councillor F S Broadley.

The Member further enquired as to whether:

- (a) the area enjoyed any formal character assessment and, or, recognition; and
- (b) there was any planning guidance in respect of requisite parking provision for Use Class D analogous to Use Class A.

The Senior Planning Control Officer advised, accordingly:

- (a) the area did not enjoy a designated Conversation Area or similar status but was acknowledged as an one of strong local character and local distinctiveness; and
- (b) no such analogous planning guidance was available.

**UNANIMOUSLY DEFEATED THAT:**

The application be granted planning permission.

The Legal Advisor advised Members that, if they were minded to refuse planning permission, that substantive and material reason(s) for the refusal be given.

It was moved by Councillor F S Broadley (the Proposer) and seconded by Councillor G A Boulter (the Secunder) that the application be refused planning permission.

The reason(s) for the refusal were given as follows:

1. The area surrounding the application was one of strong local character and local distinctiveness due to its origins as a Ministry of Defence (MoD) designed and built residential estate. In particular, but not exclusively, this was characterised by narrow privately maintained carriageways, verges and high quality and mature landscaping.
2. Having had regard to that local distinctiveness, the Proposer and Secunder objected to the proposed reuse of the existing storage building as a childrens' nursery for the following reasons:
  - (a) As a use within Use Class D1 outside any nearby town centre, the proposed use was not justified by any persuasive sequential test;
  - (b) The proposed arrangements for the reception and collection of children attending the premises were impractical and inadequate. At peak times, this inadequacy would encourage drivers to park on nearby verges causing damage and visual harm. (Noting that the carriageways and landscaping were privately maintained at cost to local residents);
  - (c) The proposals did not include adequate day-long operational car parking provision for employees at the premises with similar effects to (b) above.
  - (d) The entirety of the application site was the subject of multiple Tree Preservation Orders, including the proposed external play area. The management of risks associated with that play area were to pose a threat to the long-term future of some of the relevant preserved trees due to potential branch fall, compaction of roots or other causes.
  - (e) The proposed 2 metre high wire mesh security fence would erode the visual amenity of the open area concerned and that defect could not be mitigated by the use of an alternative design or specification of fence.
3. The proposal would therefore be contrary to paragraphs 24, 60, 64 and 118 (in particular) of the National Planning Policy Framework, and Policy 16 of the adopted Oadby and Wigston Core Strategy.

**UNANIMOUSLY RESOLVED THAT:**

The application be **REFUSED** planning permission for the reason(s) aforementioned.

2. **Application No. 16/00552/FUL – 87 Welford Road, Wigston, Leicestershire, LE18 3SP**



Mrs Sheila Bolton spoke upon the application as an objector.

Mrs Bolton stated that her property was situated 2.7 metres from the rear-side boundary of the application site, with the proposed sunroom situated a further 2.7 metres adjacent from the same. It was said that the proposed sunroom would cause a considerable loss of light to her property due to its close proximity. She opined that, given the relatively large size of the proposed sunroom, that it may be used for other non/residential purpose(s) (i.e. large functions) for which a change of use application would otherwise be required and, or, potentially granted in the future for use (Class A) as a separate-dwelling: this was said to potentially result in larger numbers of vehicles being able to manoeuvre and park alongside the length of the rear of her property causing disturbance, noise and air pollution and limiting the amenity value of her garden. She further raised a concern in respect of the potential loss of trees.

The Committee gave consideration to the application (at pages 15 - 21) as delivered and summarised by the Planning Control Team Leader which should be read together with these minutes as a composite document.

The Planning Control Team Leader added that the application site did enjoy a substantial access way/area to the side and rear of the main dwelling-house which would allow vehicular access irrespective of the application *per se*. He further advised Members of a number of successful appeals of planning decisions where planning authorities had refused planning permission having made reference to alternative uses for which planning permission would otherwise be required. It was said that any subsequent change of use application was to be considered on its own merits and at the appropriate time.

It was moved by the Chair and seconded by the Vice-Chair that the application be granted planning permission.

Councillor Mrs H E Loydall questioned the description of the application for a sunroom given its poor directional siting, specification and functionality to maximise the capture of sunlight. She stated that a re-siting of the sunroom by 90 degrees and adjacent to the application site's rear garden boundary would better allow for the same and to mitigate issues of overlooking onto and intrusion of adjoining properties. She requested that a discussion with the applicant be had on this same point.

The Member further enquired as to:

- (a) the distance between the side-elevation of the proposed sunroom and the boundary of the adjoining property on Homestead Drive, Wigston; and
- (b) whether condition number three (at page 19) in respect of 'purposes ancillary to residential use' adequately prohibited the potential use of the sunroom as:
  - (i) a self-contained dwelling-unit; and, or
  - (ii) a function room; and, or
  - (iii) the associated manoeuvring and parking of vehicles.

The Planning Control Team Leader and Legal Advisor jointly-advised, accordingly:

- (a) the distance was approximately 2 metres;
  - (b) a presumption as to the use of the proposed sunroom as a separate-dwelling should not be made, advising Members to respect earlier Officers' advice.
- (i) that condition number three afforded a suitable safeguard from the proposed sunroom from becoming a self-contained dwelling-unit;
  - (ii) that the same condition did not prohibit any use as a function room which properly fell under the remit of 'ancillary' use;
  - (iii) the access way fell under Permitted Development Rights (pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015) in terms of the potential laying of hard-standing across 50% of the total area of dwelling-house's curtilage; and
  - (iv) once the main dwelling-house became occupied, the proposed sunroom could be constructed under the same Permitted Development Rights thus excluding any opportunity of the Planning Authority to condition the application and take enforcement action in case of any breach thereof.

The Chair agreed with Councillor Mrs H E Loydall earlier sentiments regarding the questionable description of the application as a sunroom.

Councillor G A Boulter sought clarification on the position of the Planning Authority upon any prospective appeal by the applicant against condition number three.

The Legal Advisor advised that upon any prospective appeal, substantive and material reason(s) for the refusal to lift any condition must be given. If a breach of any condition occurred, an Enforcement Notice could be served and, or, an injunction to cease authorised use could be obtained from the County Court and, or, criminal proceeding could be brought at the Magistrates' Court against the owner/occupier. The term 'ancillary' was said to be legally-defined term established in case-law. He advised that other regulatory enforcement regimes were available to the Borough Council to control other unauthorised and, or, nuisance activities at the property.

Councillor Mrs S Z Haq enquired as to whether condition number three adequately prohibited the potential use of the sunroom for a business or commercial activity.

The Planning Control Team Leader stated that the condition restricted the use to 'purposes ancillary to the essential use' however advised that the condition could be expanded to exclude any use for business or commercial purposes, accordingly.

It was moved by the Vice-Chair and seconded by Councillor Mrs S Z Haq that:

- (i) Condition number three be amended to exclude any use for a business or commercial purpose; and
- (ii) Delegated authority be granted to Officers to approve the appropriate wording thereof.

**UNANIMOUSLY RESOLVED THAT:**

	<p>Condition number three be amended, accordingly.</p> <p>Councillor R E Fahey sought clarification on the distinction between the present application and the previous application in 2016 (Ref. No: 16/00301/CLP).</p> <p>The Planning Control Team Leader advised that the previous (refused) application in 2016 was one for a Certificate of Lawfulness for Proposed Use or Development.</p> <p>The Vice-Chair enquired as to whether any future change of use application could otherwise be submitted and, or, potentially granted for a Use Class A.</p> <p>The Planning Control Team Leader reiterated that any subsequent change of use application was to be considered on its own merits and at the appropriate time.</p> <p><b>RESOLVED THAT:</b></p> <p>The application be <b>GRANTED</b> planning permission in accordance with the submitted documents and plans and subject to the prescribed conditions (as amended).</p> <p><b>Votes For</b>                    7  <b>Votes Against</b>                2  <b>Abstentions</b>                    2</p>	
50.	<p><b><u>EXCLUSION OF PRESS AND PUBLIC</u></b></p> <p><b>RESOLVED THAT:</b></p> <p>The press and public be excluded from the remainder of the meeting in accordance with Section 100(A)(4) of the Local Government Act 1972 (Exempt Information) during consideration of the item(s) below on the grounds that it involved the likely disclosure of exempt information, as defined in the respective paragraph(s) 1, 2 and 7 of Part 1 of Schedule 12A of the Act and, that in all the circumstances, the public interest in maintaining the exempt item(s) outweighed the public interest in disclosing the information.</p>	
51.	<p><b><u>THE PLOUGH INN PUBLIC HOUSE, WIGSTON</u></b></p> <p>The Committee gave consideration to the report containing exempt information (at pages 22 - 23) as delivered and summarised by the Planning Enforcement Officer which should be read together with these minutes as a composite document.</p> <p>A debate considering the exempt subject-matter(s) of the report was held by Members in closed session.</p> <p>It was moved by the Chair and seconded by the Vice-Chair that the report be noted.</p> <p><b>RESOLVED THAT:</b></p> <p>The report containing exempt information be noted by Members.</p>	

	<b>Votes For</b>	7	
	<b>Votes Against</b>	2	
	<b>Abstentions</b>	2	

**THE MEETING CLOSED AT 8.56 PM**



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**CHAIR**  
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**THURSDAY, 13 APRIL 2017**  
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<b>Development Control Committee</b>	<b>Thursday, 13 April 2017</b>	<b>Matter for Information and Decision</b>
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**Title:** **Planning Enforcement Activity Report 2016/17**

**Author:** **Stephen Robshaw (Planning Enforcement Officer)**

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## 1. Introduction

At the meeting of the Development Control Committee on 17 February 2016, Members resolved that for a period of one-year (i.e. 12 months) that the Development Control Sub-Committee (Enforcement) would be suspended given the levels of input now required following appointment of a permanent Planning Enforcement Officer in February 2015, a noticeable decrease in the level of cases on-hand and the time some cases had been on-hand before being dealt with expeditiously.

## 2. Recommendations

- 2.1. The meetings of the Development Control Sub-Committee (Enforcement) be herewith suspended for a further period of one-year (i.e. 12 months).
- 2.2. The proposal for the next Planning Enforcement Activity Report to be written up to cover the period to 31 March 2018, to be approximately in line with the end of the municipal year, and repeated annually thereafter, be approved.

## 3. Information

- 3.1. During the period 1 January 2016 - 21 March 2017, the enforcement activity that has taken place is as follows:

Number of cases on hand at the start of the period	129
Number of new cases registered in the period	89
Number of cases closed in the period	171
Number of live cases currently on-hand	47

- 3.2. During the period 1 January 2016 - 21 March 2017, a total of 18 formal Enforcement Notices (EN's) were served and, of those, 7 have fully complied with the requirements of the EN served. The remainder of EN's are being constantly monitored, with some eligible for the commencement of prosecution proceedings and, or, consideration of direct action being taken by the Borough Council in default.

- 3.3. During the period 1 January 2016 - 21 March 2017, there have been two prosecutions in the Magistrates Court as follows:

Failure to comply with an Enforcement Notice	1
Unauthorised works to a protected TPO tree	1

Both of the above prosecutions were successful and costs were awarded to the Borough Council in both instances.

Also during the same period, the Magistrates Court granted the Borough Council a Warrant for Entry into premises in order to carry out a proper investigation where reasonable grounds existed to believe there was a breach of planning control but entry had been previously denied by the occupant/owner.

- 3.4. During the period 1 January 2016 - 21 March 2017, there were two appeals against the service of Enforcement Notices: one of which was won by the Borough Council and the other was withdrawn by the appellant.
- 3.5. Currently, the oldest case on-hand is 4 years old and was 2-years old when the Planning Enforcement Officer joined the Council. At this present moment in time, the owner of the property in question has failed to comply with the requirements of an Enforcement Notice and consideration will now be given to the commencement of prosecution proceedings.
- 3.6. As Members will be able to glean from the above, enforcement cases continue to decrease in both number and age and the Planning Enforcement Officer can see no reason to suppose that this will not continue to be the case for the foreseeable future.
- 3.7. Action taken by the Planning Enforcement Officer has also led to a substantial number of retrospective planning applications being received to regularise breaches of control.
- 3.8. The Planning Enforcement Officer proposes that the next Planning Enforcement Activity Report be written up to cover the period to 31 March 2018, to be approximately in line with the end of the municipal year and repeated annually thereafter.

**Background Documents:-**

Report entitled 'Current Justification for Development Control Sub-Committee (Enforcement)' of the Planning Enforcement Officer presented at the Development Control Committee meeting on 17 February 2016.

**Email:** stephen.robshaw@oadby-wigston.gov.uk

**Tel:** (0116) 257 2733

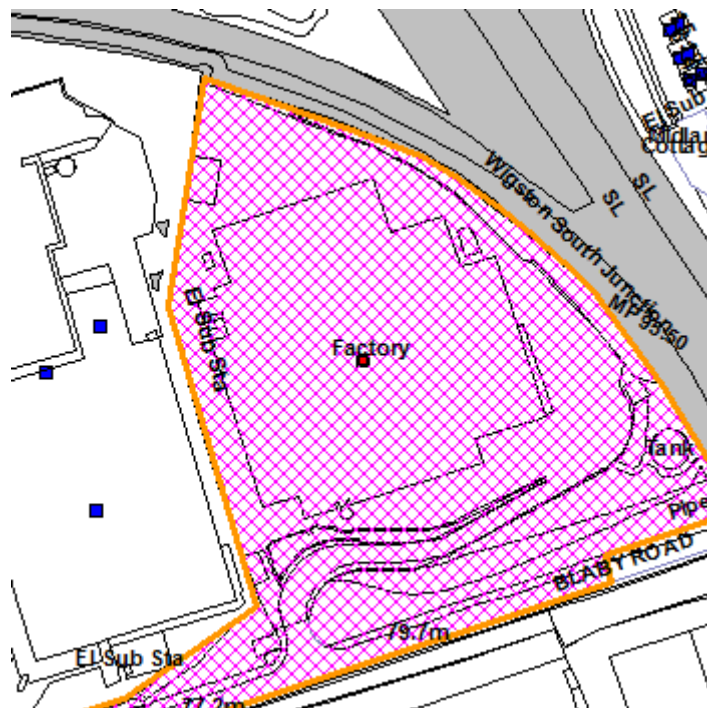
Implications	
<b>Financial (CR)</b>	The content of this report engenders a saving of expenditure.
<b>Legal (AC)</b>	No significant implications.
<b>Risk (SR)</b>	CR6 - Regulatory Governance.
<b>Equalities (SR)</b>	No significant implications.
	Equality Assessment:- <input type="checkbox"/> Initial Screening <input type="checkbox"/> Full Assessment <input checked="" type="checkbox"/> Not Applicable

<b>Application Number</b>	<b>Address</b>
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**Report Items**

- |                 |   |
|-----------------|---|
| 1. 16/00395/FUL | Former Premier Drum Site<br>Blaby Road<br>Wigston<br>Leicestershire<br>LE18 4DF |
|-----------------|---|

1.	16/00395/FUL	Former Premier Drum Site Blaby Road Wigston Leicestershire LE18 4DF
	2 September 2016	Demolition of existing buildings and erection of proposed foodstore (class A1), mixed warehouse/retail unit (class B8/A1), mobile catering unit (class A5) in car park, amendments to existing access, car parking, landscaping and associated.
	CASE OFFICER	Tony Boswell



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## Site and Location

The site comprises the site of the former Premier Drum factory (vacated in circa 2007), on the north side of Blaby Road, immediately to the east of the adjacent Tesco Extra store. It has an area of some 2.42 hectares and is broadly triangular in shape. It is bounded by the railway on its eastern and northern side – with “Railway Cottages” beyond.

The southern boundary of the site fronts Blaby Road. This is currently marked by an ill kempt fence, behind which is an area of grassed embankment leading down to a vehicular ramp that leads from the Blaby Road carriageway to the central and lower part of the site. There is a limited amount of existing tree cover, notably within the railway boundary.

## Description of proposal

The proposal is to reuse the location of the existing entrance but enlarged. A new right turning lane would be constructed within the carriageway to facilitate access by vehicle from the east. The existing vehicular ramp would continue down the banked frontage, leading to a roundabout that enables access to an all new car park with 189 car spaces and, a vehicular servicing area to the rear (north) of the two main buildings.

Those two buildings would be located adjacent to each other along the northern side of the site. That adjacent to the existing Tesco building would be a new Wickes store, with external display area to its rear. This would have a gross floor area of some 2350 sq metres. It would be of conventional “retail shed” portal framed construction. The second building to the east would be a new Lidl store of generic “brand specific” appearance, with a floor area of circa 2637 sq metres.

The existing rather poor appearance of the Blaby Road frontage would be entirely re-landscaped, behind an all new timber “knee rail” fence to the front boundary. Adjacent to the reconstructed vehicular entrance would be a new brick enclosed electricity sub station and a proposed brand specific pole sign to either side of that entrance.

## Relevant Planning History

The site has no planning history of relevance to this proposal.

## Consultations

Oadby and Wigston Planning Policy – Reluctant to see the loss of this site from employment use without appropriate mitigation. Suggest the possibility of encouraging new small “starter units” within the proposed development (see below). Draw attention to the recently published “Retail Capacity Study” completed as part of the evidence basis for the emerging Local Plan.

Leicestershire County Council (Highways) – Initially submitted a “holding” objection to the proposals as originally submitted. Via a series of meetings, discussions and correspondence with the applicant’s consultants those initial proposals have now been improved. The County Council finally withdrew their objections on the 24<sup>th</sup> of January 2017 (Their reasoning is largely set out within the report below). That now absence of objection is subject to compliance with a number of planning conditions recommended below. It is also subject to a number of S106 obligations, which following further discussions between the County Council and the applicant include the following agreed contributions:

### **S106 Contributions**

1. *MOVA validation/ installation of SCOOT, Puffin, Retrofit at Saffron Lane, Pullman Road and Bullhead Street (B582) at a total cost of £155,235.00.*

*Justification: to ensure that alterations to the junction can be made by the highway authority to address the cumulative impact of traffic from development in the vicinity of the junction in line with the agreed mitigation strategy.*

2. *6 month bus pass per 10% of full time employees (application form to be included in Travel Pack and funded by the developer); to encourage new employees to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average)*

£350.00 per pass (cost to be confirmed at implementation) – **NOTE** – Members should note that a total contribution of £1,050 towards bus pass provision has been agreed between the County Council and applicant

*Justification: To encourage employees to use bus services as an alternative to the private car.*

3. *Appointment of a Framework Travel Plan Co-ordinator from commencement of development until 5 years after the occupation of the last unit.*

*Justification: To ensure effective implementation and monitoring of the Framework Travel Plan submitted in support of the Planning Application.*

4. *A Framework Travel Plan monitoring fee of £6,000*

*Justification: To enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement.*

5. *A Construction Traffic Routeing Agreement to be submitted to and approved in writing by the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.*

*Justification: To ensure that all construction traffic associated with the development does not use unsatisfactory roads to and from the site.*

*In addition a sum of £25,000 is offered to assist in funding the restoration of shopfronts within the South Wigston District Centre.*

Please note that at the time of drafting this report the final S106 Unilateral Undertaking agreement is not finalised and signed but is being progressed by all parties. The obligations have been agreed and are set out above.

Wigston Civic Society – Raises concerns regarding the loss of the current and iconic Premier Drum Building. The glazed lantern entrance of which used to form something of a local landmark.

Network Rail – No reply received to consultation at the time of drafting this report.

### **Representations**

68 neighbours and near neighbours have been informed by direct mail and three public site notices placed adjacent to the site. The date for the receipt of comments expired on the 26<sup>th</sup> October 2016.

Three comments were received from members of the public – two of which were broadly in support of the proposals. In fair summary of the material planning considerations the reasons for objection are:

- Impacts of additional road traffic
- Loss of the existing “iconic” building,
- Competition for existing local shops

### **Relevant Planning Policies**

National Planning Policy Framework (and Planning Policy Guidance)

In particular Sections 2 - “Ensuring the Vitality of Town Centres” and related Planning Policy Guidance relating to the Sequential Test and Retail Impacts.

Oadby & Wigston Core Strategy

Core Strategy Policy 1: Spatial Strategy

Core Strategy Policy 4: Sustainable Transport & Accessibility

Core Strategy Policy 8: Climate Change and Renewable Energy

Oadby and Wigston Local Plan

Landscape Proposal 1: Design of new development subject to criteria.

Supplementary Planning Document/Other Guidance

Employment Sites and Brownfield Land Study (2010)

**Planning Considerations**

The key issues to consider in the determination of this application are as follows:

- The “loss” of employment land, and its proposed use for retail etc purposes.
- Any adverse road traffic impacts on Blaby Road and the wider road network.
- Any adverse impacts upon local air quality.
- Any adverse impacts upon local town centres, notably Wigston TC and South Wigston.
- The scale, design and layout of the proposals.

The “Loss” of Employment Land

The application site is broadly triangular, with an overall area of some 2.42 hectares – although due to the severe incline along its frontage to Blaby Road, the “developable” area is circa 2 ha. That is currently occupied by the former “Premier Drum” factory/warehouse, which has a floor area of 8,900 sq metres. That building was apparently vacated in approximately 2007, and has more recently been used for the storage and distribution of books (employing six persons) although this use ended in December 2016 leaving the site currently vacant. Those historical uses were clearly within Use Classes B1 and B8.

The use as proposed would be a composite comprising retail (Use class A1); Mixed warehouse/retail (Use class B8/A1), and a mobile catering unit within the car park (Use Class A5).

The existing large former factory has clearly stood empty for a number of years and has not been used for any beneficial “primary” employment purpose during that period. As a matter of National Planning Policy, the NPPF gives the following relevant advice:

*“22. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. **Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities**”. (Planning Officer’s emboldening).*

Any aspiration to retain the site in its former employment use should clearly be guided by these principles. One of the merits of the current proposals is that it would employ circa 80 full and part time employees. So, probably rather less than the number of employees who might be employed by a re-occupation or redevelopment to uses within Use Class B1/B2, but nevertheless a significant gain over the existing situation.

Officers have discussed the possibility of including some small “starter” business units within the proposed scheme in mitigation for the loss of an allocated employment site. The applicants responded to the request and highlighted in correspondence that such an option was not feasible as it would inevitably entail a loss or reduction in car parking capacity which is at the required level which has been agreed with the County Council as appropriate for the proposed development. The applicant also indicated that the operators would be unable to convert say an upper floor to be used for such purposes. Information provided highlights that each retail store is carefully planned out in terms of the internal layout and use of floor space such that there is no spare floor space in either store. At a later point this was the subject of a further discussion with the applicants who were unable to vary their original view for reasons previously expressed.

In and of itself, the “loss” of existing employment land (that has been under utilised for employment uses for 10 years) does not therefore comprise grounds for objection to the proposal.

#### Any adverse road traffic impacts on Blaby Road and the wider road network

As the Local Planning Authority, OWBC have been heavily reliant on the Highways Dept of Leicestershire County Council to apprise and advise on this proposal (LCC are the relevant Highway Authority). At the outset LCC submitted a “holding” objection to the proposal in its original form. A number of meetings and discussions took place and essentially two subsequently amended sets of highway proposals emerged. Following approximately 5 months post validation of the Planning Application, the Applicants traffic consultants undertook additional modelling analysis and refinement of traffic impact analysis. The consultant produced a technical response and review of the impact of development traffic at the following key junctions:

- Saffron Road junction;
- Welford Road junction; and
- Pullman Road junction.

The applicant refined the traffic models submitted, testing the capacity of the junctions listed above. The work has been prepared on the basis of identifying where the impact would be greatest (on a Saturday) and where mitigation can be put forward, which will cost effectively limit the impact of this development, over and above the existing situation. As a result of those deliberations, on the 24<sup>th</sup> of January 2017 the County Highway withdrew their former objection – subject to compliance with a number of planning conditions and related S106 obligations. For the sake of clarity the full text of their conclusion is quoted below (with emboldening by the Planning Officer).

#### **“Summary of Proposals and B582 (Blaby Road)**

*The CHA have responded to the applicant with regards to the proposals and advise that, whilst the principle of the mitigation has some merits additional considerations needed to be deliberated. The applicant has put forwarded further technical work with regards to the mitigation proposals and whilst a process of further refinement is required, the CHA is of the opinion that the impact of development traffic has now been sufficiently tested.*

*During the pre-application discussions the CHA advised the transport consultant that Blaby Road (B582) currently suffers from a relatively high level of congestion for such a suburban distributor road, serving as it does as an important through transport link. The consequence is subsequent queuing and delays at junctions along much of this link. The B582 is a local distributor road and is of strategic importance facilitating substantial traffic movements, up to 1800 weekday peak time two-way movements (as indicated on the 2016 Base Traffic Flow Diagram TA), providing a vital east/west connection to Welford Road – connecting north to the A563 towards the A6, and west towards the A426 connecting to M1 Junction 21.*

*In addition to the strategic function of the road, the B582 also provides an underpinning service which is essential to facilitate local traffic movements in Wigston. The road carries a mix of transport modes and it is fronted by side roads, major accesses for commercial areas, local amenities including commercial, residential and educational facilities and has a considerable number of bus-stops and at-grade pedestrian facilities. All of these functions are entirely in keeping with the character of the road which it is important to preserve.*

*The local “street” function, as described in the preceding paragraph, limits the theoretical capacity of the road. These constraints are particularly relevant to driver behaviour, which in this case, requires drivers on the B582 to anticipate the turning movements at the numerous access junctions along the link for the variety of different uses, as well as clearly being an environment in which pedestrian and cycle use on the road and adjacent footways is encouraged.*

***It is a general rule in transportation that a high number of accesses and similar features impact both traffic throughput and also safety considerations. This is not to say that further development needs to be resisted in all cases but it highlights the degree of attention that is needed to maintain flow and safety.***

***The mitigation proposals will not lead to free-flowing conditions on the B582 however the proposals are considered to provide a betterment to the worst case impact situation; Saturday peak time.***

*Network and lane constraints on the B582 are visibly self-evident and any proposals to introduce additional lanes along the link, within the area of interest for this application, are significantly reduced by the presence of the rail over-bridge. It is considered that by way of the transference of existing trips on the network by the proposed land use, i.e. the site not generating new trips per se rather rerouting existing traffic from similar land-uses in the local area, and the potential to reinstate the extant use of site, the mitigation proposals are on-balance suitable for this development”.*

In simple terms, Blaby Road with its various road junctions, is an exceedingly busy route which is of nearby local and even sub-regional significance. Traffic is prone to become stationary at fairly frequent intervals – notably at the beginning and end of the working day, when the local Schools empty (generally at around 15:00 within term time) and, also when traffic is halted on the main carriageway by a paused bus or buses. Given that the projected peak hour traffic for the uses as proposed would be Saturday pm, rather than any of the existing peak traffic hours, the Highway Authority concluded – ***“The mitigation proposals will not lead to free-flowing conditions on the B582 however the proposals are considered to provide a betterment to the worst case impact situation; Saturday peak time”.*** Furthermore, ANY redevelopment of the site is likely to entail traffic impacts onto Blaby Road which are at least as bad – either in terms of traffic volumes or potential to clash with existing peak traffic hours.

In short, and subject to compliance with the planning conditions and mitigation(s) proposed by LCC any traffic based objection is unlikely to be sustainable and apt to be demonstrably unreasonable. Traffic conditions in the locality of the application site are already poor – and the proposed uses would not make those conditions worse. At the margin, conditions might be marginally improved.

#### Any adverse impacts upon local air quality

OWBC Environmental Health Officers have recently been reviewing the measures air quality at a number of locations within the Borough. One of those locations is the short length of Blaby Road adjacent to the proposed site. In that location a number of “exceedences” have been measured, notably in the level of Nitrous Oxides over that short stretch of road. Such exceedences are above levels set by the WHO, relevant EU Directives, (and others) and have the potential to be harmful to human health.

Excess levels of Nitrous Oxides and other pollutants are primarily the result of stationary or slow moving road traffic. These are particularly present over this short length of Blaby Road for reasons set out under the previous sub heading. OWBC has no specific planning policies relating to air quality, largely due to the historic absence of any such local problems. However, were it the case that a proposal were unavoidably the cause of a relevant air quality problem then that would in itself be compelling grounds for refusal of planning permission.

In this particular case, the measured air quality problem due to slow or stationary or slow moving road traffic already exists. There is no ground to suppose that the current proposal, with its various traffic mitigation measures would aggravate that pre-existing problem and, at the margin, might actually prove to be beneficial.

#### Any adverse impacts upon local town centres, notably Wigston TC and South Wigston

In dealing with the question of retail impact and under the NPPF (paragraph 26) this issue essentially hangs on the answer to two questions. First of all would there be a significant adverse impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and secondly, would the proposed additional floor space result in significant adverse impact on town centre vitality and viability, including local consumer choice and trade in existing town centres up to five years from the time the application is made.

The proposed location is beyond the defined boundary of South Wigston Centre and, in view of its location adjacent to the Tesco store is in an “edge of centre” location. It is nevertheless in an accessible location from the centre of South Wigston (and Wigston to the east).

As part of the evidence base for this Council's forthcoming Local Plan, rather than an aid to decision making on any specific planning application, the Council have recently published a "Retail Capacity Study" supplied by Nathaniel Litchfield and Partners (NLP). Demonstration of need is not a development management test albeit the retail capacity study is informative of the degree of local "need" in the borough:

Paras 3.122 suggests that *'there is no capacity for additional convenience goods floorspace in Oadby or South Wigston'*.

Para 3.127 suggests that Borough wide, there is capacity for an additional 2,100 sqm net additional comparison floorspace to 2026, or 5,500 sqm net additional floorspace in 2036.

However, in Chapter 6, Table 6.1 (Summary of Floorspace Capacity Projections to 2036 sqm **net**) suggests that the additional scale of comparison floorspace capacity will not be needed in South Wigston:

Area	Convenience	Comparison	Total
Wigston	637	2,866	3,503
Oadby	-	1,959	1,959
<b>South Wigston</b>	-	<b>540</b>	<b>540</b>
Local Centres	38	117	155
<b>Total</b>	<b>675</b>	<b>5,482</b>	<b>6,157</b>

Paras 5.33 to 5.63 considers appropriate size thresholds for each centre in the Borough, above which applications would need to be accompanied by an impact assessment. Notwithstanding these emerging thresholds which would be exceeded by the proposed development, the applicant has in any event provided an impact assessment given the proposal exceeds the impact threshold identified in the NPPF of 2,500 square metres. NLP also comment at paragraph 5.55 their study that:

*'It is for retail impact assessments submitted as part of any planning application to define an appropriate catchment area, or other submission material in the absence of a retail impact assessment. The catchment area will dictate the centres that should be considered in the context of the sequential approach and impact tests. Where a catchment area extends across a number of centres the need or otherwise for an impact assessment must have regard to the thresholds for each centre'*.

The NLP study goes on to consider 'Additional Sites' and in paras 5.82 and 5.83 it states:

5.62: *'South Wigston is a small district centre and there are no sites within this centre that could be brought forward, without the re-development of existing retail units. South Wigston is clearly a secondary retail centre in the Borough and will not attract large scale investment; however, South Wigston district centre rather than edge or out-of-centre sites should be the main focus for future town centre uses'*.

5.63: *This assessment is based on the town centre first approach as set out in the NPPF. Any edge or out-of-centre proposed retail developments should be subject to the sequential and impact tests as set out in Paras 24 and 26 of the NPPF. **If Wigston, Oadby and South Wigston cannot accommodate their floorspace projections, then the Council could seek to allocate sites elsewhere within the Borough to accommodate the long term projections'**. (Planning Officer's emboldening).*

From this study it follows that there is no projected element of "need" for the proposed new retail floorspace. However, as indicated above demonstration of need is not a development management test and the applicants have provided a detailed retail impact assessment in support of the application. It should also be noted that there is no discount food store provision in the local area of South Wigston or modern larger format DIY stores. Both are currently represented in Wigston to the east (Aldi / B&Q) but not in South Wigston. NLP commented in the retail study (paragraph 3.28) their surprise that the Borough contains just one deep discount food store.

In addition to the above there are demonstrably no available sites within Wigston Centre or the smaller South Wigston centre that might accommodate uses of the scale or character now proposed. However, if there was such need then an edge of centre location such as the application site would be potentially favoured over other uses. The applicant's Planning & Retail Study (PRS) includes a full sequential assessment and demonstrates there are no sequentially preferable alternative sites that are suitable and available for the proposed development.

### Retail Impact

A significant amount of guidance is given by DCLG on operation of the "Impact Test" when assessing any adverse impacts of retail proposals. The overall purpose is set out below:

*"The purpose of the (impact) test is to ensure that the impact over time (up to 5 years (10 for major schemes)) of certain out of centre and edge of centre proposals on existing town centres is not significantly adverse. The test relates to retail, office and leisure development (not all main town centre uses) which are not in accordance with an up to date Local Plan and outside of existing town centres. It is important that the impact is assessed in relation to all town centres that may be affected, which are not necessarily just those closest to the proposal and may be in neighbouring authority areas".*

Given that the Lidl store has a size of some 2637 sq metres (convenience shopping) and regarding the Wickes store of 2350 sq metres as entirely retail in character, what amount of trade diversion might arise from their presence on the application site? Furthermore, would any current projects or proposals be prejudiced by their presence? There has been considerable documentation and correspondence on these issues between the applicants and consultants acting for Tesco as objectors. What follows is thus a simplification or summary of those issues by Planning Officers.

- There are no current proposals or redevelopment proposals within Wigston or South Wigston that would appear to be prejudiced by these proposals.
- Although South Wigston includes a number of "hardware" and DIY outlets, as a largely road based establishment the proposed Wickes store is unlikely to have any adverse effect upon South Wigston centre as a whole.
- The proposed Lidl store would draw very approximately 28% of its projected turnover from the adjacent Tesco store. In and of itself that diversion of trade would not threaten the continued viability of the Tesco store, or its contribution to the overall level of trade within or adjacent to South Wigston Centre.
- There are few "deep discount" Lidl stores in proximity and the nearest comparisons are with the Aldi store in Wigston (adjacent to Wigston Centre), and the similar Aldi store in Blaby.
- The major competitive impact would very probably be between the proposed Lidl store and the Aldi adjacent to Wigston TC, where it has an important role as an "anchor" for other shops – encouraging linked shopping trips. That Aldi store has a current turnover of circa £22.4 million pa. Based on the average turnover for Lidl stores elsewhere the applicants project that around £3.93 million pa would be diverted from that Aldi store. Tesco as objectors suggest that – *"In reality, we would expect the Lidl and Aldi stores to have similar turnovers (i.e approximately £13 million each). This would equate to a circa £9 million impact on the Aldi store"*. The Wigston Aldi does appear to have an exceptionally high turnover for its size. In some measure that probably reflects the absence of nearby competing "deep discount" convenience stores. The real impact would probably lie at some point between these two outcomes. (Officers observe that the deep discount convenience store sector as a whole has grown rapidly in recent years and will probably continue to do so).

To conclude on this point, although assessing retail impacts is something of a black art, there is no compelling and persuasive evidence to suggest that the retail impacts of these proposals would do tangible harm to the retail vitality and viability of the adjacent South Wigston centre or the nearby Wigston Town Centre. That is not to say that certain existing stores would suffer some degree of loss of trade due to competition from the proposed Lidl and Wickes. However, mere commercial competition is not in itself reason for objection – the relevant test under the NPPF is whether the proposed development would give rise to significant adverse impact on any centre as a whole and that is not the case here.

Furthermore and based on the evidence provided it is considered the proposed development would not give rise to significant adverse impact on any existing, committed and planned public or private investment in any centres in the catchment area of the proposal.

#### The scale, design and layout of the proposals

The proposals entail the removal of the existing building, and its replacement with two entirely new buildings of generic modern appearance. Across their frontage would be the proposed car parking with a total of 189 spaces. The Wickes building adjacent to the rear of the existing Tesco building (next door) would also include an outdoor “garden centre” enclosure – adjacent to the boundary with the railway adjacent. The remainder of that area to the rear of the two buildings would act as a service area for the loading and unloading of delivery vehicles. The existing 1.8 metre chain link fence to the railway boundary is to be retained. The area within is to be landscaped, with a number of retained trees.

The site’s frontage to Blaby Road would be largely unchanged in its layout. That area of embankment is to be landscaped (subject to planning condition) and the front boundary marked by a new timber “knee rail” fence. The existing road entrance would remain, but with a central island to ease pedestrian safely while crossing that new and slightly enlarged entrance. A new right turning lane would be inserted to the Blaby Road carriageway. What amounts to the existing vehicular “ramp” would remain in place, serving the proposed car park and servicing area, via a roundabout at its lower end. To either side of the new road entrance would be “pole signs” identifying the two traders concerned. Also adjacent would be a brick enclosed electricity substation. Footways, ramps and stairways would connect the development with Blaby Road for access by pedestrians.

Although the proposals are not of high quality or “iconic” architecture, they are of visually coherent modern design. In that respect they are comparable with the adjacent Tesco building, and are clearly “fit for purpose” and unobjectionable.

#### **Conclusion**

These proposals have proved to be controversial – more specially in terms of properly evaluating their traffic impacts on the adjacent Blaby Road. The County Council’s final conclusions have only recently been arrived at, following an initial holding objection. Their decision is based upon a number of mitigating measures to be contained within a suitable Unilateral S106 Obligation, and several planning conditions set out below.

With regard to the loss of the employment site the original occupier vacated the site in 2007 and since then the site has been partly occupied by a use employing six people which ceased in December 2016. The NPPF states that where there is no reasonable prospect of site being used for the allocated employment use, applications for alternative uses should be treated in their merits. One of the merits of the current proposals is that it would employ circa 80 full and part time employees. In and of itself, the loss of the existing employment land does not comprise grounds for objection to the proposal.

In terms of retail planning policy, the required “sequential test” and “retail impact” test are satisfied, in that there would be little or no adverse impact over time upon the retail vitality and viability of either South Wigston Centre or Wigston Town Centre and there are no suitable or available sequentially preferable sites which could accommodate the proposed development.

The proposed development is in an accessible location and would deliver regeneration benefits achieving sustainable development in line with national guidance. Having had regard to all other material planning considerations, in the view of officers there are no compelling or persuasive grounds for objection – subject to compliance with the conditions as recommended below.

#### **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: GRANTS

### Subject to the following condition(s):

- 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 Prior to the commencement of development details of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.  
**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, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 3 Prior to the commencement of development a detailed scheme of landscaping and measures for the protection of trees to be retained during the course of development shall be submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure that a landscaping scheme is provided to enhance the development and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
**Reason:** To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and the occupiers of adjacent buildings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 5 Prior to the first occupation of the building hereby granted permission the access and parking areas shown on the approved plan shall be provided in a bound material and thereafter 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 Core Strategy Policy 4.
- 6 Prior to the commencement of development details of secure cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the building and unless otherwise first agreed in writing by the Local Planning Authority maintained as such for the life of the development.  
**Reason:** As recommended by Leicestershire County Council (Highways) and to encourage sustainable alternatives to the motor car and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.
- 7 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 1995 (as amended) or any orders revoking and re-enacting those Orders, this permission shall relate to the use of the premises as retail premises and ancillary uses 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, its air quality or traffic generation.

- 8 Notwithstanding the submitted details and prior to commencement of development full details of the proposed site access drawing SK\_01 C shall be submitted to, and approved in writing by, the Local Planning Authority. It shall incorporate further two-dimensional and three dimensional revisions as recommended by a Stage 2 Safety Audit and in accordance with engineering details. Such details to include construction, surface, water drainage and street lighting. The approved access then be implemented in accordance with the approved details and be completed prior to first occupation.

**Reason:** To ensure a satisfactory form of development and in the interests of highway safety. The site access and associated works would be subject to separate technical approval under section 38/278 of the Highways Act 1980.

- 9 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

**Reason:** To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

Note(s) to Applicant:

- 1 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).
- 2 This decision is also conditional upon the terms of the planning agreement which has been entered into by the developer and the Council under Section 106 of the Town and Country Planning Act 1990 (as amended). The Agreement runs with the land and not to any particular person having an interest therein.
- 3 For the avoidance of doubt this permission relates to the following plans and particulars:-  
Drawing Numbers 1897-P-23 Proposed GA Ground Floor plan  
1897-P-24 Proposed mezzanine GA plan  
1897-P-25 Proposed GA Roof plan  
1897-P-26 Proposed elevations and sections  
1897-P-27 Proposed Unit B Ground floor plan  
1897-P-28 Proposed Unit B Mezzanine Plan  
1897-P-29 Proposed Unit B Roof plan  
1897-P-30 Proposed Unit B Elevations and sections

BACKGROUND PAPERS

16/00395/FUL