

**MINUTES OF THE MEETING OF THE OFFICER PANEL (COVID-19) HELD AT
THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON MONDAY, 30 MARCH
2020 COMMENCING AT 2.00 PM**

PRESENT

Mrs A E Court Chair (Chief Executive / Head of Paid Service)



OFFICERS IN ATTENDANCE

S J Ball Clerk (Trainee Solicitor)
D M Gill Head of Law & Democracy / Monitoring Officer
R Redford Development Control Manager
A Thorpe Head of the Built Environment

1. APOLOGIES FOR ABSENCE

None.

2. DECLARATIONS OF INTEREST

The Chair declared an interest insofar as a consultee to which a Neighbour Letter had been sent to by the Local Planning Authority in relation to Planning Application No. 19/00356/OUT (Land at Cottage Farm, Glen Road, Oadby) was personally known to her. It was confirmed that the consultee in question however had not submitted any form of response to or as part of the planning application's consultation process.

3. REPORT OF THE DEVELOPMENT CONTROL MANAGER (MARCH 2020)

3a. APPLICATION NO. 19/00356/OUT - LAND AT COTTAGE FARM, GLEN ROAD, OADBY, LEICESTERSHIRE

The Panel gave consideration to the report (as set out at pages 4 - 36 of the agenda reports pack), the further representations and responses received thereto in the addendum (as set out at pages 1 - 5 of the supplementary agenda reports pack) and the Officers' Presentation (as set out at slides 1 - 13) as presented and summarised by the Development Control Manager which asked the Chair to determine a planning application for a development of 350 dwellings, comprising a full planning application for the first 250 dwellings (Phase 2A) and an outline planning application for an additional 100 dwellings with all matters reserved for subsequent approval (Phase 2B).

A discussion led by the Chair was had whereby it was accepted that, for the reasons set out in the report and upon the advice provided by fellow Panel Officers at the meeting, the Officers' recommendation to permit the planning application was well-reasoned and justified and that, conversely, there were insubstantial material planning grounds upon which a refusal of planning permission could be framed.

The reason(s) given by the Chair for this decision was that, in accordance with the Oadby and Wigston Local Plan as adopted in April 2019 ("the Local Plan"), and the specific provisions of Policy 21 contained therein, due to the site being an allocated site for at least 250 dwellings, and with the application totalling 350 dwellings (i.e. 250 dwellings in 'full' form and up to 100 dwellings in 'outline' form), on balance, the principle of the development was acceptable as was the overall acceptability having taken the other

relevant considerations into account and, as such, was deemed to significantly contribute to the Borough's evidence-based local housing supply need.

The Head of the Built Environment and the Head of Law & Democracy / Monitoring Officer also spoke upon the planning application in relation to specific and pertinent planning policy and legal matters and considerations.

In particular, the Chair was advised that, having received a request from an adjoining landowner to include a suitably worded condition in any forthcoming approval confirming that the development must safeguard access through the site to the adjoining land, this adjoining land was not allocated in the Local Plan, despite having been promoted through the Local Plan preparation and Examination process, with its location in the Green Wedge and lack of access being two significant constraints. It was further advised that a condition in this respect was not considered to meet the tests in terms of it being necessary, reasonable and enforceable, and that it would relate to the 'outline' element of the application where the detailed layout was, as yet, unknown.

Having carefully and systematically taken into account the fellow Panel Officers' advice on every response and representation received by each statutory and neighbour consultee (as set out in the report and the addendum), together with the detailed responses from the applicant where appropriate, the Chair was satisfied that the real and/or perceived concerns raised by the consultees in relation to the proposed development could be adequately mitigated by the attached recommended conditions and the obligations and contributions sought under an agreement pursuant to section 106 of the Town and Country Planning Act 1990. The Chair also noted that the responses received back from the various Responsible Authorities did not substantiate consultees' concerns.

In relation to a request made by a number of Members that the planning application ought to be deferred until such time as there could be more substantive Member and public involvement, the Chair was guided by the advice contained in the Chief Planner's 'Planning Update Newsletter' dated March 2020 ("the Newsletter"), particularly under the heading 'COVID-19 - Decision Making', and the advice contained in an e-mail sent to Members by the Head of Law & Democracy / Monitoring Officer dated 26 March 2020 ("the E-mail").

Copies of the Newsletter and the E-mail are filed with this minute and marked as Appendix 11 and 12 respectively.

In accordance with Part 3, Section 6, Paragraph 1.4.5 of the Council's Constitution (Urgency Provisions), having considered the advice of fellow Panel Officers in attendance, and having carefully balanced the contents as set out in the report and the representations and responses received as set out in the report and addendum, it was by the Chair

DECIDED THAT:

- (i) The application be GRANTED planning permission in accordance with the submitted documents and plans and subject to the prescribed conditions (as amended at (ii) below) and the completion of a suitable Agreement under section 106 of the Town and Country Planning Act 1990; and**
- (ii) A further condition be added such that all flank wall windows on the dwellings hereby approved within Phase 2A of the development shall be fitted with obscure glazing, with the exception of those plots where a flank wall window faces onto a public or private highway, garden area associated with the dwelling the flank wall window is located in, or area of public open space. All windows fitted with obscure glazing shall only be**

replaced with obscure glazing. This being in the interests of amenity in accordance with Policies 6 and 44 of the Oadby and Wigston Borough Council Local Plan.

THE MEETING CLOSED AT 3.00 PM

 Anne E. ConA.

Chair

Friday, 03 April 2020

*Printed and published by Democratic Services, Oadby and Wigston Borough Council,
Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR*

Minute Item 3a

(This page is intentionally left blank)



By Email Only

March 2020

PLANNING UPDATE NEWSLETTER

This is my last Chief Planners letter as I step down from this role at the end of the month. I was hoping to include a reflective note on my time in central government but this, for obvious reasons, will need to wait for another occasion. This edition includes some usual updates but also important information on the COVID-19 position. We are dealing with many questions relating to the planning implications of the current situation, and while we deal with some here, we will write further on other matters as they arise. Can I thank you for all your support during these difficult times and indeed throughout my time here. Planning is a wonderful profession and we have great people doing a great job. Be practical, be pragmatic and let's plan for the recovery.

Steve Quartermain CBE

Chief Planner

COVID-19 Advice

Decision Making

We understand that some councils are concerned about the implications of COVID-19 for their capacity to process planning applications within statutory timescales. It is important that authorities continue to provide the best service possible in these stretching times and prioritise decision-making to ensure the planning system continues to function, especially where this will support the local economy.

We ask you to take an innovative approach, using all options available to you to continue your service. We recognise that face-to-face events and meetings may have to be cancelled but we encourage you to explore every opportunity to use technology to ensure that discussions and consultations can go ahead. We also encourage you to consider delegating committee decisions where appropriate. The Government has confirmed that it will introduce legislation to allow council committee meetings to be held virtually for a temporary period, which we expect will allow planning committees to continue.

We encourage you to be pragmatic and continue, as much as possible, to work proactively with applicants and others, where necessary agreeing extended periods for making decisions.

We recognise that there may be circumstances where a local planning authority is unable to consider a permitted development prior approval application within the deemed consent period. It remains important to prioritise these so important economic activity can continue. In these exceptional circumstances the authority can, if necessary, seek to agree an extended approval date with the applicant. Where agreement cannot be reached an authority may need to consider whether prior approval is refused if the application cannot be considered with the requisite attention.

Enforcement

A [Written Ministerial Statement](#) was published on Friday 13 March which urges local planning authorities to apply pragmatism to the enforcement of restrictions on food and other essential deliveries at this time. Local planning authorities should also use their discretion on the enforcement of other planning conditions which hinder the effective response to COVID-19.

Planning Inspectorate guidance

In response to the spread of COVID-19, the Planning Inspectorate (PINS) has published [guidance](#) on how it will continue to carry out its duties under the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Planning Act 2008. While some site visits, hearings, inquiries and events will have to be cancelled or postponed, PINS is considering alternative arrangements where possible.

PINS will keep its guidance under review, which could change at short notice to reflect the Government's wider advice. It is recommended that you check the [PINS website](#) regularly for updates.

MHCLG Planning casework

The Planning Casework Unit (PCU) at MHCLG will be continuing to deal with its regular range of cases. However, as all staff are following the Prime Minister's advice aimed at limiting the spread of COVID-19 and are largely working from home, PCU will not be able to receive or process hard copy correspondence.

All correspondence for the Unit should be sent electronically to:

- PCC@communities.gov.uk for recovered appeals and applications which have been called in by the Secretary of State.
- PCU@communities.gov.uk for all other case types.

It would be very helpful if local planning authorities could help to publicise this.

Permitted Development Rights

The government has made clear that all pubs, restaurants and cafes should no longer be open for on-site consumption but can remain open to provide a takeaway service and that this right will be enshrined in legislation with a permitted development right (PDR) coming into force at 10am on Tuesday 24 March for a 12 month period.

To support pubs and restaurants and ensure access to food during the emergency period, this new national PDR will enable pubs, restaurants and cafes to operate temporarily as hot food takeaways (A5 use class). To give greater flexibility, the PDR will also seek to cover cold and pre prepared food and will allow for takeaway and delivery. The pub, restaurant or café will remain in its current use class during this period. The PDR will be time limited to 12 months. Beyond this time, a planning application would be required for continued use as a takeaway.

Plan-making

We understand that local planning authorities may also be concerned about the implications of COVID-19 on their capacity to prepare and progress local plans and support neighbourhood planning. We encourage all local planning authorities to continue, as much as possible, to work proactively with their community and other stakeholders to progress plans, even if some adjustments to timetables are necessary.

Neighbourhood Planning Referendums

We understand there are concerns about holding scheduled neighbourhood planning referendums at this time. [The Coronavirus Bill](#), introduced into Parliament on 19 March, contains provisions to enable the postponement of electoral events, including neighbourhood planning referendums, over the course of the year. As set out in a [Written Ministerial Statement](#) on 19 March, the Government will give its full support to Returning Officers and others running polls who make the decision to suspend their polls.

Neighbourhood Planning New Burdens Funding

In order to minimise the financial impact of any delays to neighbourhood planning referendums, we will allow local planning authorities in 2020/21 to submit claims for New Burdens grant at an earlier point in the neighbourhood planning process. A claim will be able to be made at the point when the local planning authority issues a decision statement (as set out under [Regulation 25 of the Neighbourhood Planning \(General\) Regulations 2012](#) detailing its intention to send the plan to referendum rather than when a referendum date has been set.

Wider Planning Updates

Planning for the Future

On 12 March the Secretary of State made an important statement on [Planning for the Future](#). It sets out a number of housing and planning reforms, including the intention to bring forward a bold and ambitious Planning White Paper this Spring.

Airport Noise Guidance

In October 2019 the Department for Transport published [guidance](#) for local planning authorities in England and Wales clarifying the requirements of the [Airports \(Noise-related Operating Restrictions\) \(England and Wales\) Regulations 2018](#).

There are currently nine local authorities in England and Wales that have airports within their boundaries that meet the criteria under the regulations, namely the local authorities for Heathrow, Gatwick, Stansted, Luton, Manchester, Birmingham, London City, East Midlands, and Bristol airports. Other airports will come within the scope of the regulations if their civil aircraft movements in a calendar year (averaged out over a three year period) exceed 50,000. If you have any queries please contact [Jonathan Friel](#).

Building Better Building Beautiful Commission publishes report

The [Building Better, Building Beautiful Commission](#) was established in November 2018 to advise the Government on how to promote high-quality design for new buildings and neighbourhoods, making them more likely to be welcomed, rather than resisted, by existing communities. The Commission's [final report](#) was published on 30 January. The Secretary of State has indicated that the government will look to take forward many of the Commission's recommendations and will publish its response alongside the Planning White Paper.

The Secretary of State has already announced that he intends to produce a National Model Design Code by Autumn to set clearer and more predictable parameters for securing well-designed places.

Aggregate Mineral Survey for England and Wales 2019

MHCLG have appointed the British Geological Survey to undertake the national collation for 2019. Aggregate Minerals surveys, normally undertaken at four-yearly intervals since 1973, provide an in-depth and up-to-date understanding of national and sub-national sales, inter-regional flows, transportation, consumption and permitted reserves of primary aggregates. The surveys are used to inform the development of minerals policy in respect to the production, movement and consumption of aggregates. The data are made publicly available. MHCLG are communicating with mineral planning authorities and the mineral industry about how to participate with this online survey.

Samuel Ball

From: David Gill
Sent: 30 March 2020 14:58
To: Samuel Ball
Subject: FW: Re: Officer Panel - Cottage Farm application
Attachments: Chief Planners Newsletter - March 2020.pdf

Dave Gill
Monitoring Officer
(Head of Law and Democracy)

0116 257 2626

From: David Gill
Sent: 26 March 2020 10:07
To: I_Councillors
Subject: Re: Officer Panel - Cottage Farm application

Dear Members

Various officers have received email and telephone communication regarding the meeting of the Officer Panel to consider the outstanding application for the Cottage Farm development with a request that this matter be deferred until such time as there can be more substantive member and public involvement.

On Monday 23 March the Council received guidance from the Government via the Chief Planning Office (copy attached) that stressed that the planning functions of local authorities are to be regarded as a critical function in protecting the economy (particularly in the recovery phase) and as far as practicable planning decisions should continue to be made using delegated authority where appropriate. From this advice it is the understanding of officers that the Planning Inspectorate will continue to function and that the time limits are not in abeyance. You will see from the application report that this application is already outside of those time limits and if a decision is not made then there is the possibility of an appeal for non-determination.

Aside from the above this site is an allocated site within the local plan and therefore the principle of development has been agreed at a strategic level. As always there is a risk that if this decision is not made then the Local Plan will be put in jeopardy and the flood gates will be opened to speculative applications.

There has been extensive consultation with the public and officers are seeking to maximise the involvement of both yourselves and the public. All Members of the planning committee have been invited to submit any representations that they made orally, in writing. Other members may do so if they wish. The registered speakers have been given a similar opportunity.

Any failure to make a decision leading to an appeal would also reduce the ability of the Council to protect local residents by tailoring any conditions to address local concerns and may also impact on the amount and/or quantity of Sec 106 contributions that can be secured by negotiation with the developer.

Finally, and for the avoidance of any doubt, this is not a rubber stamping exercise. Officers are well aware of the concerns of both members and the public and the application will be subject to rigorous and robust examination with all factors for and against the application being balanced before the decision is made.

I trust that this goes some way to assuage the concerns that have been raised but we are required to continue to function in extraordinary times. As and when provision is made to enable virtual meetings officers will prioritise the introduction of them as soon as practicable

Dave Gill
Monitoring Officer
(Head of Law and Democracy)

0116 257 2626