



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 **BY REMOTE VIDEO CONFERENCE (SEE INSTRUCTIONS BELOW)** on **THURSDAY, 27 AUGUST 2020** at **6.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices
Wigston
19 August 2020

Mrs Anne E Court
Chief Executive



SPECIAL NOTE:

This remote meeting is convened and held in accordance with section 78 of the Coronavirus Act 2020 and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 to which Part 4, Section 1A of the Council's Constitution (Remote Meeting Procedure Rules) will apply. This meeting is open to the press and public to observe by streaming the meeting's live proceedings. Instructions regarding the access arrangements for this meeting are below.

ITEM NO.

AGENDA

PAGE NO'S

Remote Video Conference | Instructions

This meeting will take place as a remote video conference.

Meeting Participants:

Zoom Video Conferencing Webinar

A webinar invitation will be sent by e-mail to all Members, Officers and Registered Public Speakers for this meeting.

Press & Public Access:

Cont'd



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YouTube Live Stream

A direct link to the live stream of the meeting's proceedings on the Council's YouTube Channel is below.

<https://youtu.be/GfRJ5yyRaRY>

Remote Meeting Procedure Rules:

A summary of the Remote Meeting Procedures Rule to be adopted for the meeting is attached for reference.

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1. 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.

2. Appointment of Substitutes

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

3. Declarations of Interest

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. Minutes of the Previous Meeting

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To read, confirm and sign the minutes of the previous meeting in accordance with Rule 19 of Part 4 of the Constitution.

5. Report of the Development Control Manager (August 2020)

8 - 28

Report of the Development Control Manager

a. Application No. 18/00354/FUL - Land Adjacent to 26-28 Station Road, Wigston, Leicestershire, LE18 2DH

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b. Application No. 20/00228/FUL - 2 Eastway Road, Wigston, Leicestershire, LE18 1NH

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6. Planning Appeals Summary Update (2019/20)

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Report of the Development Control Manager

7. Planning Enforcement Activity Update (2019/20)

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Report of the Development Control Manager

For more information, please contact:

Democratic Services

Oadby and Wigston Borough Council
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Our audio platform **soundcloud.com/oadbywigstonbc** or smart device with the **'SoundCloud'** app

Agenda Annex

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Summary of Remote Meeting Procedure Rules

(Section 1A of Part 4 of the Constitution)

➤ **Disclosable Pecuniary Interests (Rule 7)**

Any Member who declares a disclosable, pecuniary interest in any item of business on the agenda will be required to leave the remote meeting for the duration of the item.

Their departure will be confirmed by Democratic Services, who will then invite the relevant Member to re-join the meeting at the appropriate time.

➤ **Hosting Technology Failure (Rule 8)**

Should the hosting technology fail during the meeting, the Chair will call an adjournment of up to fifteen minutes to determine whether the connection can be re-established.

If the connection cannot be re-established after fifteen minutes, the meeting shall stand adjourned to a later date to be confirmed.

➤ **Connection Failure for Individual Member (Rules 3 and 8)**

In the event of connection failure for an individual Member, the meeting will proceed, providing it remains quorate (i.e. the minimum number of Members remain connected).

Should the meeting no longer be quorate, the meeting shall be adjourned and any remaining items of business will stand deferred to a later date to be confirmed.

➤ **Indicating to Speak (Rule 9)**

Members must indicate their wish to speak by using the 'Raise Hand' function in Zoom.

The Chair and Democratic Services will work together to invite each Member to speak in the order that their hand was raised.

➤ **Voting on Decision-Making Items (Rule 10)**

Before proceeding to the vote on any item of business on the agenda which requires a decision, the Chair will ensure that all Members and Officers have no further comments to make by confirming with Democratic Services that no hands remain raised.

The Chair will clarify what motion and/or amendment is being voted upon before the vote.

Democratic Services will call each Member's name, in alphabetical order by surname, and each Member will indicate whether they are voting 'for', 'against' or 'abstaining' on the item.

Democratic Services will record each response and, once all Members have voted, confirm the outcome of the vote.

➤ **Voting on Housing-Keeping / Information-Only Items (Rule 10)**

In respect of voting on all other housing-keeping or information-only items of business on the agenda, the Chair will ask Members to raise their hand using the function in Zoom.

If all hands are raised, those items will be agreed by general affirmation.

Agenda Item 4

MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD BY REMOTE VIDEO CONFERENCE ON THURSDAY, 25 JUNE 2020 COMMENCING AT 6.00 PM

PRESENT (BY REMOTE LINK)

L A Bentley Chair
Mrs L M Broadley Vice-Chair



COUNCILLORS

G A Boulter
F S Broadley
M L Darr
Miss P V Joshi
C D Kozlowski
Mrs H E Loydall
R E R Morris
Dr I K Ridley

OFFICERS IN ATTENDANCE (BY REMOTE LINK)

S J Ball Trainee Solicitor (acting as the Democratic Services Officer)
D M Gill Head of Law & Democracy / Monitoring Officer
R Redford Development Control Manager
A Thorpe Head of Built Environment
S Tucker Democratic & Electoral Services Manager / Deputy Monitoring Officer

OTHERS IN ATTENDANCE (BY REMOTE LINK)

S Bandawa Public Speaker (Applicant/Agent)

6. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillors Mrs S Z Haq, J Kaufman and Miss A Kaur.

7. APPOINTMENT OF SUBSTITUTES

Councillor M L Darr substituted for Councillor J Kaufman.

8. DECLARATIONS OF INTEREST

None.

9. MINUTES OF THE PREVIOUS MEETING

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The minutes of the previous meeting held on 21 May 2020 be taken as read, confirmed and signed.

10. REPORT OF THE DEVELOPMENT CONTROL MANAGER (JUNE 2020)

Development Control Committee (Remote Video Conference)
Thursday, 25 June 2020

Chair's
Initials

10a. APPLICATION NO. 20/00041/COU - 5 & 7 TOLLGATE CLOSE, OADBY, LEICESTERSHIRE, LE2 4TZ

Mr S Bandawa spoke upon the application on behalf of the applicant.

The Committee gave consideration to the report (as set out at pages 8 - 16 of the agenda reports pack) with reference to the Officers' Presentation (as set out at slides 3 - 5) which asked it to determine a change of use application of two semi-detached houses (C3) to be used to accommodate children as a children's home in a residential area (C2).

The Committee also gave consideration to an additional Letter of Representation received from Gately Legal on behalf of Bloor Homes Limited date 24 June 2020 (as set out at Appendix 1) and the Updated Officer's Recommendations of 25 June 2020 ("the Updated Recommendations") (as set out at Appendix 2) in relation to the application.

The meeting was suspended at 6:25 pm to resolve a minor technical issue with the hosting technology and was reconvened at 6:27 pm.

It was moved by the Chair, seconded by Councillor G A Boulter and

RESOLVED THAT:

The planning conditions (1) - (5) as recommended in the report (as set out at pages 14 - 15 of the agenda reports pack) be wholly substituted for the revised planning conditions (1) - (4) as recommended in the Updated Recommendations (as set out at pages 1 - 2 of Appendix 2).

Votes For	8
Votes Against	0
Abstentions	2

It was moved by the Vice-Chair, seconded by Councillor G A Boulter 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	8
Votes Against	2
Abstentions	0

THE MEETING CLOSED AT 6.58 PM



Chair

Thursday, 27 August 2020

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Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR*

Agenda Item 5

Application Number

Address

Report Items

- a. **18/00354/FUL** Land Adjacent to 26-28 Station Road
Wigston
Leicestershire
LE18 2DH

- b. **20/00228/FUL** 2 Eastway Road
Wigston
Leicestershire
LE18 1NH

a.	18/00354/FUL	Land Adjacent to 26-28 Station Road Wigston Leicestershire LE18 2DH
	8 August 2018	Erection of a two to two and half storey building providing 12 residential flats (Use Class C3) (1 x one bed studio flat, 4 x one bed duplex flats, 5 x one bed flats and 2 x two bed flats) and a D1 unit with associated access, parking, cycle store, bin store and amenity space (amended)
	Case Officer	Richard Redford



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Site and Location:

The site is currently vacant and previously provided parking provision for the adjacent office buildings which have been converted to 6 self-contained flats with parking to the rear.

Foot access to the site is via Station Road as well as Pullman Road (the sites corner location means it has a dual frontage) with vehicular access being via the existing dropped kerb on Pullman Road. It should be noted that the vehicular access to this site also serves as vehicular access to the adjacent residential dwellings approved and implemented through the conversion of the building to which this application site was used for parking purpose.

While within the immediate area the predominant use is for residential dwellings there is a retail unit (Use Class A1) immediately to the rear of the site, a leisure centre (Use Class D2) directly opposite the site on Station Road, a number of schools (Use Class D1) diagonally opposite on Station Road, a hairdressers a few doors along (Use Class A1) and a public house (Use Class A3) a little bit further along the road. There are also a number of industrial units (Use Classes B1, B2 and B8) along Pullman Road to the rear of the site.

The junction of Pullman Road and Station Road is a traffic light controlled junction, with there being one of the sets of traffic lights immediately to the front of the adjacent site with a pedestrian crossing point associated with it. Ground levels fall slightly along Pullman Road from the rear to the front of the site as well as along Station Road from the road junction past the site frontage. While ground levels continue to fall toward the train line, the road itself does rise as a result of the bridge over the railway lines.

Description of Proposal:

The application seeks planning permission for the erection of a two to two and half storey building providing 12 residential flats (Use Class C3) in the form of 1 x one bed studio flat, 4 x one bed duplex flats, 5 x one bed flats and 2 x two bed flats, as well as an A1/A2 unit with associated access, parking, cycle store, bin store and amenity space. As submitted, the proposal will see the site laid out so that along Station Road the building frontage is inline with the adjacent while along Pullman Road the building frontage, from being parallel with the existing shop, steps backwards along the site boundary towards Station Road. The building will be a mixture of 2 and 2 and half stories in height with the duplex flats having one of their floors in the roof space and be served by dormer windows. Vehicular access will be through an under-croft area to the parking area at the rear that will serve the flats proposed as well as the flats in the adjacent building. The vehicular access will separate the flats from the A1 / A2 unit at ground floor level. A cycle storage area will be located beside the car parking area adjacent to a grassed court-yard area. There will also be grassed areas to the front of the building on both Station Road and Pullman Road. The submitted application forms detail the use of multi-tone red bricks with blue brick feature course, grey roof slates, grey GRP for the dormers, a mixture of grey timber and upvc windows and doors with a mixture of block pavers and tarmac for the parking areas.

As a result of on-going dialogue with the agent and applicant, amended plans have been provided. The changes comprise the A1 / A2 unit being used for D1 purposes (non-residential institutions), changes to the visibility splay in response to Highway Authority comments and elevational alterations.

The statutory determination period for this application expired on the 20 December 2019 following an extension of time having been agreed. A further extension of time has been requested to cover the Committee meeting and period after, however, no response to this request has been provided. Nonetheless, it is intended to issue a decision as soon as practicably possible after the Committee meeting.

Relevant Planning History:

Change of use from offices (use class B1) to 6 self-contained flats (use class C3) with 3 off-street parking spaces (17/00360/FUL) - Approved

Consultations:

OWBC Building Control – No objections

Comment that a Building Regulations Full Plans application is required.

OWBC Environmental Health – No comments

Have no comments to make on the proposal.

OWBC Housing - No comments received

OWBC Operations and Streetscene – No comments received.

OWBC Planning Policy - Comment

Due to the proposed provision of an A1 / A2 unit a sequential assessment is required for the proposal which will require affordable housing and open space contributions if approved through a Section 106 legal agreement. This is on the basis of the cumulative number of dwellings taking account of this proposal and that at 28 Station Road – the adjacent site – which is in the applicant's ownership with the permission and subsequent conversion taking place in 2017 and 2018.

OWBC Tree Officer – Comment

Has no objection to the removal of trees on the site but any approval will require a landscaping scheme to be provided and implemented.

Leicestershire County Council (Contributions) – Comment

No contributions are required in respect of Civic Amenities or Libraries.

Leicestershire County Council (Ecology) – No objections

Have no objections to the proposal with no surveys or mitigation required.

Leicestershire County Council (Education) – Comment

No education contributions are required (comments included in those received from Contributions)

Leicestershire County Council (Highways) – No Objection

Following an initial holding objection where they did not consider the application as submitted fully assesses the highway impact of the proposed development and further information is required and without this information they are unable to provide a final highway response on the matter, following the receipt of amended plans they have no objections.

Based on the amended plans they state that in their view the residual cumulative impacts of the development can be mitigated against and are not considered severe in accordance with the NPPF.

Leicestershire County Council (Lead Local Flood Authority) – No comments received

East Midlands Ambulance Service – No comments received

East Leicestershire & Rutland CCG – No comments received

NHS England – No contributions required

Leicestershire Fire & Rescue – No comments received

Leicestershire Police - No comments received

Severn Trent Water – No comments received

Western Power Distribution – No comments received

Wigston Civic Society – Object

The 2 and half storey element is an over-development of the site; the building is of a bulky appearance; none of the floor areas of the flats appear to meet minimum recommended floor standards; in-sufficient parking provision; 8 to 10 Long Street cannot be used as a precedent; no on-street parking provision on either Station Road or Pullman Street adjacent to the site; the A1 or A2 unit could attract visitors for which there is no parking provision and its conversion to residential could lead to further parking issues.

Representations:

The application is presented before the Planning Committee at the request of 1)Cllr Boulter on the grounds of over-development, parking and the size of the flats, and 2)Cllr Bentley on the grounds of the removal of the significant tree.

Neighbours have been informed with a site notice placed around the site. The application has also been advertised in the press. The date for the receipt of comments expired on the 17 September 2018.

No letters of correspondence have been received.

Relevant Planning Policies:

National Planning Policy Framework

Oadby & Wigston Local Plan

Policy 1	:	Presumption in favour of Sustainable Development
Policy 6	:	High Quality Design and Materials
Policy 9	:	Open Space, Sport and Recreational Facilities
Policy 11	:	Housing Choices
Policy 13	:	Affordable Housing
Policy 15	:	Urban Infill Development
Policy 22	:	Delivering Retail
Policy 34	:	Car Parking
Policy 44	:	Landscape and Character
Policy 46	:	Infrastructure and Developer Contributions

Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document (2019)

Developer Contributions SPD (2019)

Playing Pitch Strategy

Planning Considerations:

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

- * The principle of development;
- * Design and appearance;
- * Amenity;
- * Parking and highway; and
- * Contributions

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The principle of development:

In respect of the principle of development, the provisions of the NPPF are relevant alongside the requirements of Local Plan policies 1 and 15.

Local Plan policy 1 details that all development must take account of the broad aims of sustainable development contributing to a better quality of life while contributing to improving social, economic and environmental conditions in the Borough.

Policy 15 of the Local Plan relates specifically to infill development, detailing that urban infill development is classed as occurring on sites within the defined urban area. Further, the policy details that "Within the urban areas of the Borough, proposals for infill development on previously developed land that are of high quality design, improve the character of the locale, do not have any adverse effect on/or loss of amenity to adjacent properties or nearby properties, and do not cause unacceptable noise, will in principle be supported." before going on to set out that proposal "...would also need to illustrate high quality design and use of materials that are consistent with the character of the area and the existing properties in the direct area."

The application site itself is located within the defined Principal Urban Area, surrounded predominantly by other residential dwellings although with an A1 retail unit adjacent to the site on Pullman Road. Opposite the site is a leisure centre while the local centres of South Wigston and Wigston are approximately 10 minutes and 20 minutes walk away respectively. Formerly a parking area for an adjacent office building that has been converted to residential (see history section above), the site is now no longer required to provide dedicated parking spaces.

From these reasons it can, therefore, be seen that the re-development of the site to provide for residential dwellings and a D1 unit is appropriate in principle.

Design and appearance:

Due to the site's location on the corner of Station Road and Pullman Road as well as the falling ground levels, the site is visible within the area.

The proposed building has been laid out in a manner that follows the building line of both streets resulting in the provision of some green areas to the front of the building. This layout has also resulted in a court-yard style area of amenity to the rear of the building beside the cycle storage area, access and parking provision. This layout arrangement is such that it can be seen to be reflective of and respectful to the area in terms of character, appearance and streetscene. Furthermore, the D1 unit is situated between the existing A1 retail unit (outside of the site) and the access road into the site that along with its ground floor location provides an element of separation from the residential flats that form part of the proposal.

The building has been designed and laid out in a manner that draws on existing features in the immediate area. Openings are at regular intervals as exists in both streets that the site is located on while their proportions and sizes draw from the immediately visible area. Furthermore, its height matches that on Station Road and while the proposed height on Pullman Road is greater than the shop it will be adjacent to, it is not unduly tall or excessive so as to be out of keeping with the character or appearance of the locality. Within the Pullman Street elevation the ridgeline covers a number of different levels and includes dormer windows which add to break up the massing, bulk and expanse of the building alongside the opening and vehicular access point into / out of the site. These contribute, in officers views, to a breaking up of the proposal in an appropriate manner.

Further, the design and appearance of the units include bay windows and varying materials within the building that is drawn from the streets that the proposal is located on so contributing to a design, character and appearance appropriate to and in-keeping with the locality.

Vehicular and pedestrian access points from the front of the site into the rear portion of the site have also been included contributing to a sense of permeability contributing to the scheme.

Overall, therefore, the design, layout and appearance of the proposal is considered to be acceptable and in accordance with policy requirements.

Amenity:

The layout and orientation of the proposal alongside the location of its opening are such that the significant majority of windows and doors serving the proposed flats face onto either Pullman Road or Station Road. This arrangement is such that the openings are in positions considered to be a reasonable distance from neighbouring and surrounding sites. Furthermore, the locations and inter-relationships of the openings within the development site are such that there will be no inter-looking as well. The location of these openings is such that they will not result in any overlooking or loss of privacy that would justify a refusal being issued.

Due to the site currently and previously having been used for car parking purposes the introduction of the proposal would, due to its location, obviously result in some loss of light. However, it is considered that the loss of light to the 3 closest properties affected would not be sufficient to justify a refusal on the grounds of the location of the proposed building and the distance to the 3 closest properties.

Parking and highway:

In relation to the initial submission Leicestershire County Council, as the Highway Authority, raised issue in respect of visibility in relation to the proposed site access. Resultantly, the necessary changes were included within the amended plans provided to the satisfaction of the Highway Authority. They have also commented that the internal arrangements, while remaining private, incorporates adequate parking provision and cycle parking provision in accordance with their adopted standards in a manner that is acceptable subject to conditions being attached to any approval.

The parking spaces shown would be split between the proposed development and the existing flats on the adjacent site. Given the site's location in close proximity to both Wigston and South Wigston town centres and bus routes thereto, it is considered the parking provision is acceptable alongside the cycle provision.

Contributions:

Adopted policies within the Local Plan are such that contributions are required for major developments as well as cumulatively where a number of developments take place on adjoining land in the same ownership. This application itself constitutes a major development but also needs to be looked at in the context of the adjacent site where a conversion to flats has been approved and implemented where the ownership is the same.

This development and the adjacent approval are of a nature whereby contributions are required in respect of affordable housing as well as open space.

In respect of open space, the applicant has agreed to pay the financial contribution required.

With regards to the affordable housing contribution, the required provision would have been 2 units which was put to the applicant through their agent. In response to this viability has been put forward and, following independent assessment, the applicant has agreed to make a financial contribution towards affordable housing provision off-site.

As such, with regards to contributions the proposal complies with adopted policy.

Conclusion

In conclusion it can be seen that the uses on the site is acceptable while the proposal is considered to be of an acceptable design and appearance that will not impact upon the public highway with contributions in respect of affordable housing and open space being required. As such the proposal is considered to be acceptable subject to a Section 106 legal agreement and 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:

Subject to the completion of a suitable Section 106 Agreement and for the reasons set out in the above report, **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 hereby approved shall be carried out in accordance with the following documents and plans:

Application forms submitted to and received by the Local Planning Authority on 7 August 2018;

Design and Access Statement submitted to and received by the Local Planning Authority on 14 December 2018;

Drawing titled 'Proposed Site Plan - A1' numbered 996/03C dated 28 November 2018 submitted to and received by the Local Planning Authority on 30 November 2018;

Drawing titled 'Proposed Second Floor & Roof Plan - A1' numbered 996/05B dated 28 November 2018 submitted to and received by the Local Planning Authority on 30 November 2018;

Drawing titled 'Proposed Elevations A, B, F & G - A1' numbered 996/06B dated 28 November 2018 submitted to and received by the Local Planning Authority on 30 November 2018;

Drawing titled 'Proposed Elevations C, D & E - A1' numbered 996/07B dated 28 November 2018 submitted to and received by the Local Planning Authority on 30 November 2018;

Drawing titled 'Pullman Road Street Scene Elevation - A1' numbered 996/08B dated 28 November 2018 submitted to and received by the Local Planning Authority on 30 November 2018;

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Drawing titled 'Station Road Street Scene - A1' numbered 996/09B dated 28 November 2018 submitted to and received by the Local Planning Authority on 30 November 2018;
Drawing titled 'Proposed Ground & First Floor Plans - A1' numbered 996/04C dated 2 April 2019 submitted to and received by the Local Planning Authority on 10 April 2019.

Reason: For the avoidance of doubt and to ensure the development is carried out in accordance with the documents and drawings considered and found to be acceptable in accordance with the NPPF and adopted Local Plan policies.

- 3 No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
Reason: To reduce the possibility of deleterious materials being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactorily roads and lead to on-street parking problems in the area.
- 4 Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5.5 metres of the highway boundary unless hung to open away from the boundary.
Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Framework.
- 5 No part of the development hereby permitted shall be occupied until such time as 2.0 metres by 2.0 metres pedestrian visibility plays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway and, once provided, shall be so maintained in perpetuity.
Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework.
- 6 No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.
Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework.
- 7 No part of the development hereby permitted shall be occupied until such time as the access arrangements generally shown on drawing numbered 996/04C submitted to and received by the Local Planning Authority on 10 April 2019 have been implemented in full.
Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of highway safety and in accordance with the National Planning Policy Framework.
- 8 The development hereby permitted shall not be occupied until such time as the parking (vehicular and cycle) and turning facilities have been implemented in accordance with the drawing numbered 996/04C submitted to and received by the Local Planning Authority on 10 April 2019. Thereafter the on-site parking provision shall be so maintained.

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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 in the interests of highway safety and in accordance with the National Planning Policy Framework.

- 9 The development hereby approved shall be carried out in accordance with those set out and specified in the approved Planning Application forms submitted to and received by the Local Planning Authority on 7 August 2018.

Reason: For the avoidance of doubt and to ensure the development is constructed of materials considered by the Local Planning Authority to be acceptable 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.

- 10 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 and Policy 44 of the Oadby and Wigston Local Plan.

- 11 All planting, seeding or turving comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling 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 and Policy 44 of the Oadby and Wigston Local Plan.

- 12 No external lighting shall be installed until full details of the lighting, to include locations and details on levels of illumination, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

Reason: In the interest of protecting neighbouring amenity.

- 13 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, the Use Class D1 unit shown on approved drawing numbered 996/04C shall only be used for purposes within Use Class D1 with the exception of as a crèche, day nursery, non-residential education and place of worship and for no other purpose.

Reason: To ensure any future use of the premises does not adversely affect the amenities of the locality in accordance with the NPPF and Local Plan policy 22.

- 14 The D1 use hereby permitted and as shown on approved drawing numbered 996/04C shall not be open to customers outside the following times:

Monday to Friday	09:00 and 17:00
Saturdays	09:00 and 17:00

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Sundays and Bank Holidays 09:00 and 17:00

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

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 This permission requires you to submit further details to the Local Planning Authority on the proposal prior to the commencement of works on site. There is a fee payable to the Local Planning Authority when a request is made for the discharge of one or more conditions on the same permission or for confirmation of compliance with a condition or conditions. At the time of writing, the fee is payable per written request to discharge conditions not per condition and therefore any number of conditions may be included on a single request. The fee for such a request associated with this permission (at the time of this decision notice) is £116. The fee must be paid when the request is made. The Local Planning Authority has a statutory period of 8 weeks for the determination of such requests.
- 5 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.
- 6 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.
- 7 In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval 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.
- 8 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.

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Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission 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 can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but 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.

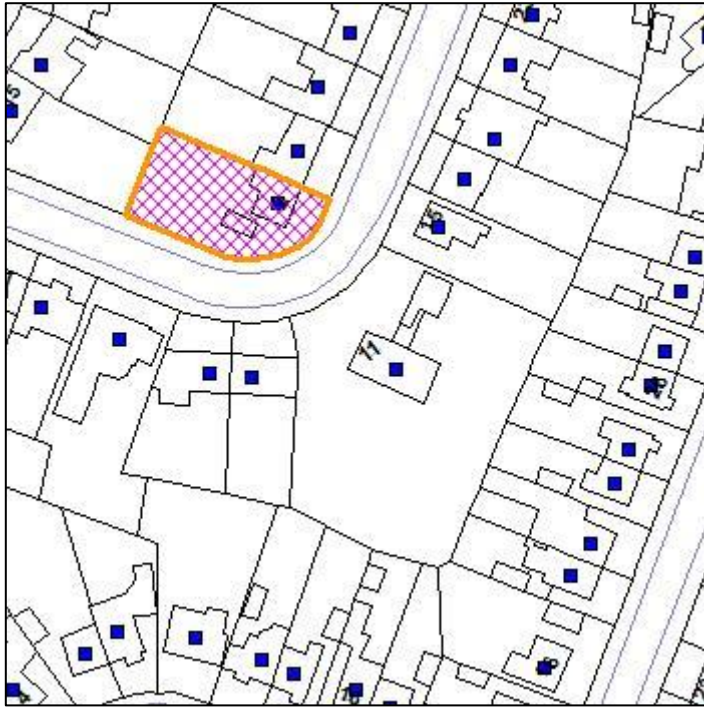
If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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.	20/00228/FUL	2 Eastway Road Wigston Leicestershire LE18 1NH
	9 June 2020	Erection of a two storey side and rear extension, and associated alterations [Re-submission of 20/00034/FUL].
	Case Officer	Richard Redford



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Site and Location:

The site is occupied by a two-storey semi-detached dwelling with single storey detached garage and porch to the front. Located on a 90-degree bend in Eastway Road, the front and rear gardens both adjoin the rear edge of the footpath beside the road. Constructed of brick and roof tiles, ground levels fall from the rear to the front of the site and it has parking onsite for 3 vehicles to the front and side including the garage which would be demolished to make way for the proposal. It is surrounded by semi-detached dwellings of similar designs and materials some of which have been extended.

Description of proposal:

As submitted planning permission is sought for a two-storey side and rear extension that would see the existing garage building demolished. The submitted plans show the existing garage and porch demolished to make way for the proposal that will have a footprint measuring 4.3m wide by 11.2m deep while being 5m high to eaves level and 7.3m high to the top of the hipped pitched roof. As proposed it will be attached to the side of the existing dwelling, set back 1m from the main front wall of the dwelling and extend back so that its rear wall will end in-line with the single storey rear projection being implemented in accordance with the approved rear projection under ref 19/00500/HPA. To be constructed of materials to match the existing dwelling, and extension being implemented, there will be two on-site parking spaces to the front of and parallel with the main front wall of the dwelling.

Amended plans have been provided, following a request by officers, amending the submission at first floor level to be a depth of 6.5m (reduced by 4.7m) and thus also changing the rear element of this proposal to be single storey in height that will be 2.6m high to eaves and 3.5 to the top of the dual pitched roof.

Further amended plans had been requested and provided re-positioning one of the 2 proposed on-site parking spaces so that they are both fully contained within the application site as opposed to one of the spaces partly overhanging the footpath.

The statutory determination period for this application expires on the 31 August 2020 following an extension of time having been agreed and it is intended to issue a decision as soon as practicably possible after the Committee meeting.

Cllr F Broadley has requested the application be brought before the Committee for determination as the proposal appears to be overdevelopment of the plot and out of keeping with the street scene.

Relevant Planning History:

19/00500/HPA - Proposed single storey extension to the rear extending 6.0 metres beyond the rear wall of the original dwelling house (at a maximum height of 4.0 metres with an eaves height of 3.0 metres) – Householder Prior Approval Not Required 12 January 2020

20/00034/FUL - Erection of single storey front, side extension; two storey side, rear extension and alterations – Withdrawn 16 March 2020

Consultations:

Leicestershire County Council (Highway Authority) – comment:
Comment that consideration should be given to the following in accordance with the Leicestershire Highway Design Guide (LHDG) with consideration of the use of porous, hardbound material to

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ensure surface water does not drain onto the public highway. They also acknowledge the fact that the access does not fully comply with LHDG standards and is an existing situation but that careful consideration should be given to the dimensions of the car parking spaces provided and, in-line with LHDG standards for a three bedroom dwelling, there should be two car parking spaces provided and they should be a minimum of 5m x 2.4m.

Representations:

Neighbours have been informed and a site notice placed.

4 letters of objection from 4 properties in respect of the original neighbour notification with the reasons for objection can be summarised as follows: -

- * No noticeable or meaningful difference created by moving the proposed 2-storey side extension backwards 1m;
- * loss of light to the neighbouring property;
- * is too big and makes the dwelling larger by two thirds;
- * neighbour will be unable to clean and maintain their property including their conservatory;
- * the front garden depth not being sufficient to park as shown on the submitted plans;
- * no room to manoeuvre cars into such a position with one car yet alone two.
- * the suggestion that boundary walls of the property will be demolished leading to cars parking on the pavement and on the corner, which will be dangerous, or cars will leave the property across pavements and not by the current drop kerb to the property;
- * have been accidents on the corner (a) our front fence was hit by a vehicle; (b) the lamp-post outside our house was struck by a vehicle, which necessitated the movement of the lamp-post back into the vertical; and (c) the fence of No. 11 was destroyed by a vehicle that left the road. There have also been 'near-miss' incidents;
- * the corner of Eastway Road is quite constricted, and during the winter is subject to icing as it does not receive daytime sun. If the drop kerb is repositioned onto the corner, which most of the time would have restricted parking as our neighbours have motor vehicles parked on the road outside numbers 7 and 9;
- * vehicles exiting from this new position will be largely unseen by drivers coming down the road, and indeed there will be a restriction of view from anyone pulling off from the frontage of the property, especially if they are obliged to reverse into the road. The current drop kerb access to the property permits a clear view both left and right;
- * the proposed extension seems oversized in side elevation and overall the complete construction seems disproportionately sized, over-large, compared to the current size of the building creating a wall effect casting a large shadow into the road in summer months, with drivers in late evening confronted by direct sunlight as they round the corner due to the height and width of the property;
- * as the road side side-elevation is south facing there will be a severe impact on the gardens to the north of the extension, which will be robbed of light and it is worth pointing out that all the gardens in the area are very wet, with poor ground water drainage as evident in adjoining gardens. At a time when we are supposed to consider environmental impacts we would suggest that a large built over area may have an impact on ground water drainage. It is likely that excavations made on the site will fill with water from groundwater sources. The lack of daytime (south) sunlight on the garden of no 2 will make it very wet, and it is likely that the adjoining property will be similarly impacted. Properties in Eastway Road suffered a power loss about two years ago due to shorting caused by water ingress into the power supply. This necessitated a renewal of ground cables and a new access cable pit at the top of Eastway Road. A large property may have impact on ground water management;
- * it is understood that the position of the present garage is set back from the front elevation of the house, was deliberate, so as not to restrict vision for drivers coming down Eastway Road as they

approach the corner upon which No. 2 is built and surprise therefore that the proposed extension can be built forward of the position of the garage frontage, as there will be a restriction of view, this is likely to result in an accident; and

- * surprise that as there is a move towards electric vehicles that a council would sanction the demolition of a garage, which in future would serve as a point for recharging a vehicle.

Following the receipt of the amended plans reducing the size of the first floor element of the proposal, further neighbour consultation was undertaken with a further 3 letters have been received from those who previously commented reiterating their objections.

A letter was also received from Wigston Civic Society but subsequently withdrawn as it was not worded correctly and related to another site.

Relevant Planning Policies

National Planning Policy Framework

Oadby and Wigston Local Plan:

Policy 6	-	High quality design and materials
Policy 44	-	Landscape and character

Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document

Planning Considerations:

The main issues to consider in the determination of this application relate to design, appearance, amenity and parking.

Design and appearance:

Due to the location of the site on a 90-degree bend in Eastway Road, as submitted the depth, scale, bulk and massing of the proposal would be very prominent in the street scene. The nature and extent of the proposals depth, scale, bulk and massing would be out of keeping with, and detrimental to, the character and appearance of the area. Further, the design and appearance would add an unacceptable overdeveloped appearance on this prominent location.

As a result of these factors, amended plans were requested and provided by the agent. The amendments requested and provided result in the depth of the first floor element being reduced by over 4m. This reduction in both the depth and height has the effect of substantially reducing the scale, bulk and massing of the proposal in this visible corner location. Further, the provision of a dual pitched roof over the resultant ground floor rear extension ensures that this element has a positive contribution to the area.

The proposal is set off the boundary contributing to the scale, bulk and massing having a reduced impact on the street scene while the use of matching materials will ensure it fits in with the character and appearance of the area.

In both the originally submitted form and the amended form, the proposal will see the dwelling remain a three-bed dwelling.

Amenity:

The proposal has been designed and laid out in a manner so that windows and openings face the front or rear of the site with a ground floor door and window located in the flank wall facing towards

Eastway Road. The positioning of these windows and the door are such that there will not be any overlooking or loss of privacy to neighbouring and surrounding dwellings.

Further, the reduction in the depth of the first floor rear element to project 1.3m beyond the existing original rear wall is such that it will not intersect the notional 45-degree line from neighbouring windows.

Overall, in respect of neighbouring amenity, the proposal complies with the provisions of not only policies 6 and 44, but also the requirements and contents of the Residential Design Supplementary Planning Document.

Highways:

In their comments the highway authority have referred officers to current standards while also drawing their attention to the size of on-site parking spaces against that they are required to be.

The parking provision shown on the submitted plans is in-line with current requirements as set out in the Leicestershire Highway Design Guide (LHDG). This is due to the dwelling remaining a three-bed dwelling.

In the form originally submitted, the depth of the area to the front of the dwelling where the parking is shown to be located is of insufficient depth to allow the 2 parking spaces to be sited beside each other. Part of one of the spaces would overhang the footpath. It should be noted, however, that the Highway Authority has not objected to the proposal.

Amended plans have been requested and provided showing one of these 2 parking spaces re-located within the site, so that both are provided within the site but not extending beyond the site boundary. A condition requiring these be provided prior to the first use of the extension is considered necessary in order to ensure the required on-site parking provision is provided and retained.

As such officers are satisfied that the proposal would not impact on highway safety in a manner that would be unacceptable.

Conclusion

It is, therefore, recommended that the proposal be **APPROVED** 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 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 The parking spaces shown on the approved plans shall be provided prior to the completion of the extensions hereby approved and retained permanently thereafter for parking purposes in association with the extended dwelling.
Reason: To ensure sufficient on-site parking is provided and subsequently retained for use in association with the extended dwelling in the interest of highway safety.
- 4 The development hereby approved shall be carried out in accordance with the following plans and documents:

Application forms submitted to and received by the Local Planning Authority on 6 June 2020; Drawings numbered 2020/06/131/C 2 of 8, 2020/06/131/C 4 of 8, 2020/06/131/C 5 of 8, 2020/06/131/C 6 of 8 and 2020/06/131/C 7 of 8 all submitted to and received by the Local Planning Authority on 10 July 2020.

Reason: To ensure the development is carried out in accordance with the plans and documents found to be acceptable and for the avoidance of doubt.

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 In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application and this has

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resulted in the approval 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 to refuse permission 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 this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but 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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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. 18/00354/FUL

b. 20/00228/FUL

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Agenda Item 6



Development Control Committee	Thursday, 27 August 2020	Matter for Information
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Report Title: **Planning Appeals Summary Update (2019/20)**

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

Purpose of Report:	To provide an update on appeal decisions received by the Council as Local Planning Authority (LPA) during 2019/20.
Report Summary:	A total of 14 appeal decisions were received, with 12 dismissed (86%) and 2 allowed (14%). The Council as LPA is therefore below the 30% Government target for appeals being allowed.
Recommendation(s):	That the content of the report and appendix be noted.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	<p>Stephen Hinds (Deputy Chief Executive) (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk</p> <p>Adrian Thorpe (Head of Built Environment) (0116) 257 2645 adrian.thorpe@oadby-wigston.gov.uk</p> <p>Richard Redford (Development Control Manager) (0116) 257 2654 richard.redford@oadby-wigston.gov.uk</p>
Corporate Objectives:	<p>Building, Protecting and Empowering Communities (CO1)</p> <p>Growing the Borough Economically (CO2)</p> <p>Providing Excellent Services (CO3)</p>
Vision and Values:	<p>"A Stronger Borough Together" (Vision)</p> <p>Accountability (V1)</p> <p>Respect (V2)</p>
Report Implications:-	
Legal:	There are no implications directly arising from this report.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	<p>Reputation Damage (CR4)</p> <p>Decreasing Financial Resources / Increasing Financial Pressures (CR1)</p>
Equalities and Equalities Assessment (EA):	There are no implications 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.
Statutory Officers' Comments:-	

Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	None.
Appendices:	1. Appeal Details & Decisions (2019/20)

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. There is therefore a reputational risk to 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. Our low number of applications is relevant as a small number of appeals being allowed could result in more than 30% of appeals being allowed thus resulting in the Council being open to being placed in special measures.
- 1.5. The purpose of this report is to provide a yearly summary for 2019/20 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 PI, 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. There is therefore a financial risk to the Council.

3. Planning Appeals in 2019/20

- 3.1. **Appendix 1** to this report provides details in respect of relevant planning-related appeals in 2019/20. A total of 14 appeals were determined by PIN's as follows:

- 14 related to planning application decisions of which:
 - 12 were dismissed; and
 - 2 were allowed

- 3.2. One application for costs was made against the Council which was allowed 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:

- 86% dismissed; and
- 14% allowed.

- 4.2. It can be seen from these figures that the Council is below 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 & Decisions (2019/20)

	Appeal Site Location	Description of Development	Case Officer Planning Ref Numbers (Application / Enforcement / Appeal) PINs Reference Number	LPA Decision Date of LPA Decision Del / Com Type of Appeal	Appeal Outcome & Date
1.	64 Fairfield Street Wigston Leicestershire LE18 4SL	Erection of porch to front.	Tracey Carey 18/00419/FUL 19/00007/COND APP/L2440/W/19/3220333	Approved w/c 07/12/2018 Approved Delegated	Dismissed 05/06/2019
2.	11 Brixham Drive Wigston Leicestershire LE18 1BJ	Erection of a double storey side and single storey rear extension.	Alex Matthews 18/00349/FUL 19/00008/HAS APP/L2440/D/19/3220317	Refused 29/10/2019 Delegated	Dismissed 24/05/2019
3.	Land To Rear Of 22 Highcroft Road Oadby Leicestershire LE2 4RS	Demolition of detached single garage and the erection of a new 2 bed bungalow with integrated garage [Resubmission of 17/00435/FUL].	Alex Matthews 18/00342/FUL 19/00005/REF APP/L2440/W/19/3222925	Refused 05/10/2018 Delegated	Dismissed 06/06/2019
4.	142 Saffron Road Wigston Leicestershire LE18 4UP	Retention of two storey side and rear extensions plus the porch and canopy across the frontage.	Tracey Carey 18/00543/FUL 19/00010/HAS APP/L2440/D/19/3224735	Refused 01/02/2019 Delegated	Dismissed 05/09/2019
5.	165 Oadby Road	Installation of new vehicular access	Tracey Carey	Refused	Dismissed

	Wigston Leicestershire LE18 3RQ		18/00441/FUL 19/00006/REF APP/L2440/D/19/3221385	08/11/2018 Delegated	10/07/2019
6.	9 Palfreyman Lane Oadby Leicestershire LE2 4UR	Certificate of Lawfulness for proposed use for a beauty salon from one room within the property	Tracey Carey 18/00019/CLP 19/00004/REF APP/L2440/W/18/3211672	Refused 15/03/2018 Delegated	Dismissed 07/06/2019
7.	33 Blaby Road Wigston Leicestershire LE18 4PA	Erection of a one bedroom flat and storage at the rear of the existing shop.	Alex Matthews 19/00034/FUL 19/00011/REF APP/L2440/W/19/3227035	Refused 20/03/2019 Delegated	Dismissed 02/08/2019
8.	50 Briar Meads Oadby Leicester Leicestershire LE2 5WD	Single storey rear extension and two storey side extension (Resubmission of 18/00297/FUL).	Tony Boswell 18/00539/FUL 19/00009/HAS APP/L2440/D/19/3225332	Refused 29/01/2019 Delegated	Dismissed 31/07/2019
9.	69 Laude 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 18/00560/FUL 19/00012/NONDET APP/L2440/W/19/3226284	Not determined	Dismissed 15/10/2019
10.	33B Canal Street South Wigston Leicester LE18 4PL	The retention of a single dwelling at first floor and the adaptation to create an additional first floor flat	Tracey Carey 19/00163/FUL 19/00015/REF APP/L2440/W/19/3233950	Refused 13/06/2019 Delegated	Dismissed 31/10/2019

11.	53 Falmouth Drive Wigston Leicestershire LE18 2HJ	Outline application including access, layout and scale for the demolition of a single garage and the erection of a new dwellinghouse.	Alex Matthews 19/00186/OUT 19/00014/REF APP/L2440/W/19/3233503	Refused 27/06/2019 Delegated	Dismissed 01/10/2019
12.	1 Church Nook Wigston Leicestershire LE18 3RA	Change of use of existing annexe to residential dwelling including subdivision of the existing plot.	Tracey Carey 19/00176/COU 19/00016/REF APP/L2440/W/19/3238443	Refusal 12/06/2019 Delegated	Dismissed 26/03/2020
13.	Unit C 15 Mandervell Road Oadby Leicestershire LE2 5LQ	Change of use from storage and distribution (Use Class B8) to a gym (Use Class D2) (renewal of 17/00038/COU)	Richard Redford 19/00216/COU 19/00018/COND APP/L2440/W/19/3240662	Approved 18/10/2019 Committee	Allowed 24/02/2020 (Full costs awarded against LPA)
14.	6 Ringwood Close Wigston Leicestershire LE18 2JL	Two Storey side & rear extension (revised scheme) front porch and internal alterations	Christina Emmett 19/00195/FUL 19/00017/HAS APP/L2440/D/19/3236988	Refused 24/06/2019 Delegated	Allowed 04/02/2020

Agenda Item 7



Development Control Committee	Thursday, 27 August 2020	Matter for Information
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Report Title: **Planning Enforcement Activity Report (2019/2020)**

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

Purpose of Report:	To provide a yearly summary of the Council's planning enforcement activity as the Local Planning Authority (LPA) for 2019/20.
Report Summary:	<p>During the period 1 April 2019 until 31 March 2020, the enforcement activity that has taken place is as follows:</p> <p>Number of new cases registered in the period: 178 Number of cases closed in the period: 148 Number of live cases currently on-hand: 144</p>
Recommendation(s):	That the content of the report be noted.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	<p>Stephen Hinds (Deputy Chief Executive) (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk</p> <p>Adrian Thorpe (Head of Built Environment) (0116) 257 2645 adrian.thorpe@oadby-wigston.gov.uk</p> <p>Richard Redford (Development Control Manager) (0116) 257 2654 richard.redford@oadby-wigston.gov.uk</p> <p>Chris Glover (Planning Enforcement Officer) (0116) 257 2733 chris.glover@oadby-wigston.gov.uk</p>
Corporate Objectives:	<p>Building, Protecting and Empowering Communities (CO1) Growing the Borough Economically (CO2) Providing Excellent Services (CO3)</p>
Vision and Values:	<p>"A Stronger Borough Together" (Vision) Accountability (V1) Respect (V2) Teamwork (V3) Customer Focus (V5)</p>
Report Implications:-	
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.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	None.
Appendices:	None.

1. Background

- 1.1 At the meeting of the Development Control Committee on 27 June 2019, 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 2019 until 31 March 2020, the enforcement activity that has taken place is as follows:
 - Number of new cases registered in the period: 178
 - Number of cases closed in the period: 148
 - Number of live cases currently on-hand: 144
- 2.2 In respect of the number of live cases currently on-hand, although the number is relatively high, this is due in part to not all current cases being worked on as some are being monitored while corresponding planning applications are dealt with.
- 2.3 During the period 1 April 2019 to 31 March 2020, an overall total of 5 formal notices were served comprising a mixture of Enforcement Notices and Section 215 Notices. Of the Enforcement Notices served, none were appealed.
- 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 now occurs in a timely manner following years of negotiations.
- 2.5 The number of outstanding enforcement cases has also increased from last year by a total of

30 due to a combination of the number of complaints received, the nature of the breaches being investigated, 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 to find appropriate resolutions to breaches without the need for formal action to be taken.

- 2.6 Action taken by the Planning Enforcement Officer during this period has also led to a number of retrospective planning applications being received to regularise breaches of control.
- 2.7 In respect of the corporate risks identified, these relate to where formal action is taken on which the person(s) who are served with notices have a right of appeal. Where this right of appeal is acted upon, there would be the potential for an award of costs against the Council. This is mitigated against, as far as practicable, by continuing to work in a professional manner alongside Legal Officers to minimise the potential for awards against the Council.

3. Conclusion

- 3.1 There has been a decrease in the numbers of enforcement complaints received in 2019/20 from those received in 2018/19, along with a decrease in the number of cases closed but an increase in cases currently in hand. These are due to more accurate reporting and a combination of factors including cross-department working and on-going dialogue seeking proactive approaches to resolving breaches to reduce the need for formal action to be taken.