



**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, 24 SEPTEMBER 2020** at **6.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices  
Wigston  
**15 September 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**

**① 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/Cy9\\_1jIXICQ](https://youtu.be/Cy9_1jIXICQ)

### **Remote Meeting Procedure Rules:**

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

**4 - 5**

#### **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**

**6 - 8**

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 (September 2020)**

**9 - 24**

Report of the Development Control Manager

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

**10 - 22**

Report of the Development Control Manager

**For more information, please contact:**

#### **Democratic Services**

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LE18 2DR

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**Development Control Committee  
(Remote Video Conference)**  
Thursday, 24 September 2020

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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, 27 AUGUST 2020**  
**COMMENCING AT 6.05 PM**

**PRESENT (BY REMOTE LINK)**

L A Bentley	Chair
Mrs L M Broadley	Vice-Chair



**COUNCILLORS**

G A Boulter  
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

**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
Miss J Sweeney	Democratic & Electoral Services Officer (Shadowing)
S Tucker	Democratic & Electoral Services Manager / Deputy Monitoring Officer

**OTHERS IN ATTENDANCE (BY REMOTE LINK)**

G S Mann	Public Speaker (Applicant/Agent)
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**11. APOLOGIES FOR ABSENCE**

The meeting was suspended at 6:08 pm to resolve a connection failure to the hosting technology affecting Councillor G A Boulter and was reconvened at 6:14 pm.

An apology for absence was received from Councillor F S Broadley.

**12. APPOINTMENT OF SUBSTITUTES**

None.

**13. DECLARATIONS OF INTEREST**

None.

**14. MINUTES OF THE PREVIOUS MEETING**

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The minutes of the previous meeting held on 25 June 2020 be taken as read, confirmed and signed.**

**15. REPORT OF THE DEVELOPMENT CONTROL MANAGER (AUGUST 2020)**

In accordance with Rule 7.2 of Part 4 of the Constitution, the Chair moved for the order of business to be altered and taken in the order as reflected in the minutes.

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The order of business be altered accordingly.**

**15a. APPLICATION NO. 20/00228/FUL - 2 EASTWAY ROAD, WIGSTON, LEICESTERSHIRE, LE18 1NH**

Mr G Mann spoke upon the application on behalf of the applicant.

The Committee gave consideration to the report (as set out at pages 20 - 26 of the agenda reports pack) with reference to the Officers' Presentation (as set out at slides 12 - 18) which asked it to determine an application for the erection of a two-storey side and rear extension and associated alterations.

It was moved by Councillor J Kaufman, seconded by the Chair and

**UNANIMOUSLY RESOLVED THAT:**

**A condition be added such to the effect that the development provide for at least 1 additional on-site parking spaces resulting in the provision of at least 3 on-site parking spaces all to be retained permanently and made permanently available for parking purposes in association with the dwelling.**

It was moved by Councillor J Kaufman, seconded by the Chair and

**RESOLVED THAT:**

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

<b>Votes For</b>	8
<b>Votes Against</b>	3
<b>Abstentions</b>	0

**15b. APPLICATION NO. 18/00354/FUL - LAND ADJACENT TO 26-28 STATION ROAD, WIGSTON, LEICESTERSHIRE, LE18 2DH**

The Committee gave consideration to the report (as set out at pages 9 - 19 of the agenda reports pack) with reference to the Officers' Presentation (as set out at slides 3 - 11) which asked it to determine an application for the erection of a two to two and half-storey building, providing 12 residential flats (Use Class C3) and a D1 unit with associated access, parking, cycle store, bin store and amenity space.

It was moved by Councillor J Kaufman, seconded by Councillor Mrs H E Loydall and

**UNANIMOUSLY RESOLVED THAT:**

**The application be DEFERRED.**

**16. PLANNING APPEALS SUMMARY UPDATE (2019/20)**

The Committee gave consideration to the report and appendix (as set out on pages 29 - 34 of the public agenda reports pack) which asked it to note the update on appeal decisions received by the Council as Local Planning Authority during 2019/20.

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**That the content of the report and appendix be noted.**

**17. PLANNING ENFORCEMENT ACTIVITY UPDATE (2019/20)**

The Committee gave consideration to the report (as set out on pages 35 - 37 of the public agenda reports pack) which asked it to note the yearly summary of the Council's planning enforcement activity as the Local Planning Authority (LPA) for 2019/20.

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**That the content of the report be noted.**

**THE MEETING CLOSED AT 7.55 PM**



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**Chair**

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**Thursday, 24 September 2020**

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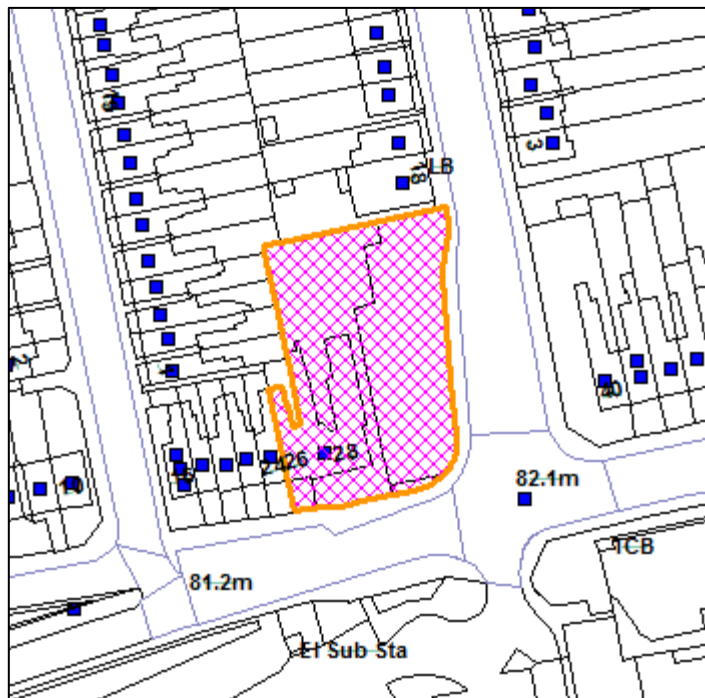
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**Application Number****Address****Report Items****a. 18/00354/FUL**

Land Adjacent to 26-28 Station Road  
Wigston  
Leicestershire  
LE18 2DH

<b>a.</b>	<b>18/00354/FUL</b>	Land Adjacent to 26-28 Station Road Wigston Leicestershire LE18 2DH
	<b>8 August 2018</b>	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 unit within Use Class E of the Use Classes Order with associated access, parking, cycle store, bin store and amenity space (amended)
	<b>Case Officer</b>	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 site's 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 frontage 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.

Following the application being deferred at the Development Control Committee on 27 August 2020, further dialogue has taken place between officers. The agent has confirmed that the applicant wishes the commercial unit forming part of the proposal to fall within Use Class E but exclude being used as a café, restaurant, crèche, health centre and nursery. They have also confirmed that 6 of

**Development Control Committee**

24 September 2020

the parking spaces will be allocated to the proposal in this submission including one for the commercial unit, and that they wish the landscaping to be dealt with by way of pre-commencement condition.

Based on an officer assessment of the submitted plans and subsequent confirmation with the agent the units proposed are as follows:

Flat 1 is a 1-bed, 2 person studio with a floor area of 35.6 square metres;  
Flat 2 is a 1-bed, 2 person studio with a floor area of 37.7 square metres;  
Flat 3 is a 1-bed, 2 person unit with a floor area of 44.8 square metres;  
Flat 4 is a 2-bed, 3 person unit with a floor area of 56 square metres;  
Flat 5 is a 1-bed, 2 person unit with a floor area of 55.7 square metres;  
Flat 6 is a 2-bed, 4 person unit with a floor area of 70 square metres;  
Flat 7 is a 1-bed, 2 person unit with a floor area of 46.5 square metres;  
Flat 8 is a 1-bed, 2 person unit with a floor area of 40.5 square metres;  
Flat 9 is a 1-bed, 2 person unit with a floor area of 40.3 square metres;  
Flat 10 is a 2-bed, 4 person unit with a floor area of 68.5 square metres;  
Flat 11 is a 1-bed, 2 person unit with a floor area of 48.5 square metres, and  
Flat 12 is a 1-bed, 2 person unit with a floor area of 38.5 square metres;

The statutory determination period for this application expired on 7 November 2018 and an extension of time has been agreed with the agent up to and including 30 September 2020.

The application was presented to the Committee on 27 August 2020 where it was deferred in order that the flat sizes could be looked at along side the use of the commercial unit, parking, landscaping and gates serving the access.

### **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.

**Development Control Committee**

24 September 2020

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 onstreet 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.

**Development Control Committee**

24 September 2020

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

#### *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

**Development Control Committee**

24 September 2020

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.

When the application was submitted the commercial unit was proposed to fall within Use Class A1 for retail purposes that at the time, a sequential test was required to be provided and was duly requested resulting in the applicant changing the proposed use of the unit to falling with then Use Class D1. As a result of the changes to the Use Classes Order, which came into force on 1 September 2020, the applicant now wishes the commercial unit to fall within Use Class E but has indicated they would not want it to be used as a café, restaurant, crèche, health centre and nursery. The various uses in this policy are considered acceptable in this location as a result of the changes to the Use Classes Order.

From these reasons it can, therefore, be seen that the re-development of the site to provide for residential dwellings and a unit within Use Class E, excluding those highlighted by the applicant, is appropriate in principle.

### Housing Choices:

The provisions of Local Plan Policy 11 are relevant and seek to ensure that new dwellings provide a range of choices. Supporting text in association with Local Plan Policy 11 sets out that:

“New housing development should not only be ‘fit for purpose’ for its inhabitants, it should also be located in sustainable locations, close by to key services and facilities and should protect and exploit opportunities for sustainable transport use. As well as being situated within sustainable locations, any residential proposals (including change of use, subdivision or new build) will need to reflect the character of the local area and should not be ‘out of place’; for example it would be inappropriate to propose sub-division to flats of an existing residential property in an area characterised by family housing, likewise it would be inappropriate to propose development of a substantial detached dwelling in an area that is predominately characterised by smaller terraced or semi-detached dwellings. Proposals that seek to deliver new homes that are in character within the area it is located will be, in principle, positively supported.”

The supporting text continues in that ‘In particular, proposals for conversion, change of use, and / or sub-division of existing properties into flats / apartments must be of an appropriate size suitable for modern living standards. Given that the Council has recently received a number of proposals for the conversion, change of use, and / or sub-division of existing properties into residential units, which are not of a size that is appropriate for modern living, the Council requires that any proposal for conversion, change of use and / or sub-division takes into account the Governments Technical Housing Standards.’

The Governments Technical Housing Standards are set out in Appendix 2 of the Local Plan and sets out the appropriate size of flats based upon the number of bedrooms and people in each.

It should be noted that Appendix 2 of the Local Plan incorporates the actual Technical Housing Standards document published by the Government which relates to all development including new build dwellings. However, the Council has only adopted the space standards in relation to conversions, sub-division and / or change of use, as set out in the final paragraph of Policy 11 on Housing Choices:

“All residential proposals for conversions, sub-division and / or changes of use will be determined on a case by case basis, and must take into account the Government’s Technical Housing Standards.”

The Government’s Technical Housing Standard is a technical guidance document that is published

by government, but has no statutory standing unless it is adopted as policy within an up to date Local Plan. Policy 11 of the Local Plan was initially drafted so as to apply the Technical Housing Standards to all development, including new build, however, this received objections during the public consultation period from the development industry. The objections were considered by the Planning Inspector at the Local Plan Examination. Whilst the Council was readily able to evidence that space standards were required in relation to conversions, sub-division and / or change of use the Planning Inspector considered that there was insufficient evidence to demonstrate that they were required in relation to new build. As a result, the Inspector required that new build be removed from the Policy.

Therefore, given that Policy 11 of the Local Plan does not set out that the space standards are relevant to new build dwellings, they can only apply as guidance in relation to this application, rather than a policy consideration.

As such officers consider the proposed flats to be acceptable.

#### 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 street scene. 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 interrelationships 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.

### Landscaping:

The plans being considered show areas of hard and soft landscaping that includes the parking area. At the Development Control meeting of 27 August 2020 the Committee indicated they would like details of the proposed landscaping. This has been put to the agent who has confirmed that they wish it to be dealt with by way of a pre-commencement condition. The provision of the details by way of a pre-commencement condition is an acceptable way of dealing with this matter.

### 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.

Following deferral of the application at the Committee meeting of 27 August 2020, the matters of parking, access and positioning of the gates have been raised with Leicestershire County Council, as the Highway Authority, for clarification. At the time of the report being written no response has been received.

It should be noted, however, that condition 4 specifically seeks to prevent gates being sited within 5.5m of the site boundary and has been attached based on the comments already received from the Highway Authority.

### 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

**Development Control Committee**  
24 September 2020

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

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.

**Development Control Committee**

24 September 2020

**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.

**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 turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the 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 E with the exception of as a cafe, restaurant, crèche, day nursery, clinic, health centre or day centre 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
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.

## **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](mailto: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**

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