



**TO COUNCILLOR:**

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

R F Eaton  
D A Gamble  
Miss P V Joshi  
J Kaufman

Miss A Kaur  
C D Kozlowski  
Mrs H E Loydall  
R E R Morris

Dear Sir or Madam

I hereby **SUMMON** you to attend a meeting of the **DEVELOPMENT CONTROL COMMITTEE** to be held at the **NELSON SUITE, LEICESTER RACE COURSE, LEICESTER ROAD, OADBY, LEICESTER, LE2 4AL** on **THURSDAY, 20 MAY 2021** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices  
Wigston  
**12 May 2021**

**Mrs Anne E Court**  
Chief Executive



<u>ITEM NO.</u>	<u>AGENDA</u>	<u>PAGE NO'S</u>
<b>1.</b>	<b>Apologies for Absence</b>  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.	
<b>2.</b>	<b>Appointment of Substitutes</b>  To appoint substitute Members in accordance with Rule 26 of Part 4 of the Constitution and the Substitution Procedure Rules.	
<b>3.</b>	<b>Declarations of Interest</b>  Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.	
<b>4.</b>	<b>Minutes of the Previous Meeting</b>  To read, confirm and sign the minutes of the previous meeting in accordance with Rule 19 of Part 4 of the Constitution.	<b>3 - 4</b>
<b>5.</b>	<b>The Borough Council of Oadby &amp; Wigston (The Oval, Oadby) Tree Preservation Order 2021</b>	<b>5 - 15</b>



**Customer Service Centre:** 40 Bell Street, Wigston, Leicestershire LE18 1AD  
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<b>6.</b>	<b>Report of the Development Control Manager (May 2021)</b>	<b>16 - 57</b>
<b>a.</b>	<b>Application No. 20/00530/FUL - Natsons House, Cornwall Road, Wigston, Leicestershire, LE18 4XH</b>	<b>17 - 22</b>
	Report of the Planning Control Officer	
<b>b.</b>	<b>Application No. 21/00059/FUL - 107 Harborough Road, Oadby, Leicester, LE2 4LG</b>	<b>23 - 30</b>
	Report of the Planning Control Officer	
<b>c.</b>	<b>Application No. 21/00077/COU - 105 Foxhunter Drive, Oadby, Leicester, LE2 5FH</b>	<b>31 - 39</b>
	Report of the Planning Control Officer	
<b>d.</b>	<b>Application No. 21/00090/FUL - 24 Holme Drive, Oadby, Leicester, LE2 4HF</b>	<b>40 - 48</b>
	Report of the Planning Control Officer	
<b>e.</b>	<b>Application No. 21/00097/FUL - Gartree High School, Oadby, Leicester, LE2 5FH</b>	<b>49 - 55</b>
	Report of the Planning Control Officer	
<b>7.</b>	<b>Planning Appeals Summary Update (2020/21)</b>	<b>58 - 62</b>
	Report of the Development Control Manager	
<b>8.</b>	<b>Planning Enforcement Activity Update (2020/21)</b>	<b>63 - 65</b>
	Report of the Development Control Manager	

**For more information, please contact:**

**Democratic Services**  
Oadby and Wigston Borough Council  
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Station Road, Wigston  
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LE18 2DR

**t:** (0116) 257 2775  
**e:** democratic.services@oadby-wigston.gov.uk

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Our audio platform **soundcloud.com/oadbywigstonbc** or smart device with the **'SoundCloud'** app

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD BY  
REMOTE VIDEO CONFERENCE (SEE INSTRUCTIONS BELOW) ON THURSDAY, 25  
FEBRUARY 2021 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  
Mrs S Z Haq  
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)  
Miss E Byrne                      Administrative Assistant (shadowing the Democratic Services Officer)  
D M Gill                             Head of Law & Democracy / Monitoring Officer  
R Redford                          Development Control Manager  
A Thorpe                             Head of Built Environment

**23.      APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Miss P V Joshi.

**24.      APPOINTMENT OF SUBSTITUTES**

None.

**25.      DECLARATIONS OF INTEREST**

None.

**26.      MINUTES OF THE PREVIOUS MEETING**

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The minutes of the previous meeting held on 24 September 2020 be taken as read, confirmed and signed.**

**27.      REPORT OF THE DEVELOPMENT CONTROL MANAGER (FEBRUARY 2021)**

**28a.    APPLICATION NO. 20/00541/FUL - 32 GRANGE ROAD, WIGSTON,  
LEICESTERSHIRE, LE18 1JG**

The Committee gave consideration to the report (as set out at pages 10 - 22 of the agenda reports pack) with reference to the Officers' Presentation (as set out at slides 3 - 10) which asked it to determine an application for the erection of a single storey rear extension.

It was moved by Councillor Mrs S Z Haq, seconded by Councillor J Kaufman and

**UNANIMOUSLY RESOLVED THAT:**

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

**THE MEETING CLOSED AT 6.09 PM**



**Chair**

**Thursday, 20 May 2021**

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



<b>Development Control Committee</b>	<b>Thursday, 20 May 2021</b>	<b>Matter for Information and Decision</b>
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**Report Title:** **The Borough Council of Oadby & Wigston (The Oval, Oadby) Tree Preservation Order 2021**

**Report Author(s):** **Michael Bennetto (Arboricultural Officer)**

<b>Purpose of Report:</b>	The purpose of this report is to seek a decision from the Committee to confirm or otherwise the Borough Council of Oadby & Wigston (The Oval, Oadby) Tree Preservation Order 2021 which was made on the 8 January 2021 ("the Order").
<b>Report Summary:</b>	The Order has been made in consideration of replacing and revoking the old County Council TPO which protected trees at 11 and 12 (The Oval, Oadby), the trees within the new Order cover the trees within the wider area of The Oval which are considered to provide a significant degree of public amenity both in the present and future. The Order should help to ensure that the green verdant nature of the area is maintained. Two letters of representation were received, 1 letter of support and 1 letter of objection. These have been taken in to account within the report below.
<b>Recommendation(s):</b>	<b>That the Borough Council of Oadby &amp; Wigston (The Oval, Oadby) Tree Preservation Order 2021 be confirmed without modification.</b>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	Adrian Thorpe (Head of Built Environment) (0116) 257 2645 <a href="mailto:adrian.thorpe@oadby-wigston.gov.uk">adrian.thorpe@oadby-wigston.gov.uk</a>  Michael Bennetto (Arboricultural Officer) (0116) 257 2697 <a href="mailto:michael.bennetto@oadby-wigston.gov.uk">michael.bennetto@oadby-wigston.gov.uk</a>
<b>Corporate Objectives:</b>	Not applicable.
<b>Vision and Values:</b>	Accountability (V1) Customer Focus (V5)
<b>Report Implications:-</b>	
Legal:	The implications are as set out throughout this report.
Financial:	There are no implications arising from this report.
Corporate Risk Management:	Economy / Regeneration (CR9)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and

	family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account.
Health and Safety:	There are no implications directly arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	All persons interested in the land affected by the Order.
<b>Background Papers:</b>	<ul style="list-style-type: none"> <li>• <a href="#">Oadby and Wigston Borough Council Tree Strategy</a></li> <li>• <a href="#">Town and Country Planning Act 1990 Part VIII, Chapter I, Trees.</a></li> <li>• <a href="#">The Town and Country Planning (Tree Preservation)(England) Regulations 2012</a></li> <li>• <a href="#">Human Rights Act 1998</a></li> <li>• <a href="#">Protocol No. 1 to the European Convention on Human Rights</a></li> </ul>
<b>Appendices:</b>	<b>1.</b> The Borough Council of Oadby & Wigston (The Oval, Oadby) Tree Preservation Order 2021

## **1. Information**

- 1.1 The Order was created following the request of the Leicestershire County Council, Landscape Officer, Andrew Shaw that the old County Council Area TPOs are brought up to date with new OWBC Orders.
- 1.2 A site visit was carried out to assess the County Council Tree Preservation Order (TPO) review. The existing County TPO covers properties at Nos. 11 and 12 The Oval only, the cover provided by the new TPO encompasses significant trees within the wider context of all properties within The Oval estate and includes several trees which were not protected by the County Order.
- 1.3 A provisional Order was made and served on 8 January 2021. In compliance with the regulation, copies of the Order were served on the owners of the property and adjoining neighbours on 8 January 2021.

## **2. Representation**

- 2.1 Two letters of representation have been received: 1 letter of support and 1 letter of objection.
- 2.2 The owner/occupiers of No. 5 The Oval write in support of the Order noting that the areas treescape has gradually been eroding over their 30 year tenure, and that the trees help to support the local ecosystem and wildlife.
- 2.3 The owner/occupier of No. 19 The Oval writes in objection to the Order based on the grounds of:
  - Safety - The resident makes objection that the trees pose potential safety concerns, particularly with regard to worsening weather conditions.

- Leaf litter - The resident makes an objection that there is a significant amount of leaf litter within streets and gardens and that this can pose a risk. Also to cars and pedestrians due to impact on the highway.
- Light - The resident objects on the basis that trees T22, T23, T24, T25 and T26 block natural light and heat from entering the property, and that the trees and consequential light levels are preventative to installing solar panels.

### **3. Officer Comments**

- 3.1 With regard to the objection that the trees pose potential safety concerns, particularly with regard to worsening weather conditions, the trees within this Order remain the property of the owner of the land on which they are sited and not of the Council.
- 3.2 Some of the objections such as leaf litter and loss of light can be categorised as 'causing harm by virtue of their natural characteristics'. The courts expect a reasonable person to accept the fall of leaves etc as a seasonal occurrence over which the tree owner has no control. Concern over the highway should be reported to Leicestershire County Council's Highways Department.
- 3.3 Leaf litter is a natural seasonal process. The amounts of such are regular for this verdant area of the Borough. Excessive leaf fall is not typically deemed sufficient to warrant tree works (see Objective 7 of the Council's Tree Strategy).
- 3.4 With regard to trees, loss of light is not typically considered an actionable nuisance, particularly with older established trees which are appropriate in their growing position and provide a character to the area. While the trees mentioned may act to shield the properties from some warmth, particularly during winter months, their cooling effect in Summer must also be considered as well as the myriad of other benefits trees provide.
- 3.5 Several trees are close to the boundary of adjacent owners. Some of these trees are considered to be within the pavement and are managed and maintained by Leicestershire County Council Highways. These trees' inclusion in the Order is to help prevent inappropriate works being carried out by adjoining land owners as the trees grow and start to straddle the property boundaries.
- 3.6 The trees within this Order remain in the ownership of the land on which they are sited and not of the Council. The tree owners duty is to "take reasonable care to avoid acts or omissions that cause a reasonably foreseeable risk of injury to persons or property".
- 3.7 This is unaffected by the Order, although permission typically needs to be sought from the Local Authority for proposed works to improve a tree(s) safety and safe useful life expectancy are generally considered favourably. Concerns about a trees safety should be expressed to the tree owners for their consideration. Applications for works to trees are free of charge and can be made by any party.
- 3.8 A previous Order was made and issued with regard to Nos. 11 and 12 The Oval, Oadby (under reference no. TPO/0315/TREE). This Order was served on 27 November 2016 however it was not confirmed and allowed to lapse.

### **4. Conclusions and Recommendation**

- 4.1 The Order has been made in consideration of replacing and revoking the old County Council TPO which protected trees at Nos. 11 and 12 (The Oval, Oadby). The trees within the new Order cover the trees within the wider area of The Oval which are considered to provide a significant degree of public amenity both in the present and future. The Order should help

to ensure that the green verdant nature of the area is maintained.

- 4.2 Of the two letters of representation received, there was one letter of support and one letter of objection. The majority of the issues raised in objection can be categorised as causing harm by virtue of their natural characteristics. Fallen leaves do not constitute a nuisance in the legal sense and loss of light does not apply for trees except in the case of certain conifer hedges. The courts expect a reasonable person to accept the fall of leaves etc. as a seasonal occurrence over which the tree owner has no control. The letter of support helps to show that the trees and associated benefits are appreciated in the area.
- 4.3 It is recommended that the Order be confirmed without modification.



## Town and Country Planning Act 1990

**The Borough Council of Oadby & Wigston (The Oval, Oadby)****Tree Preservation Order 2021**

The Borough Council of Oadby & Wigston, in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 hereby make the following Order:-

***Citation***

1. This Order may be cited as The Borough Council of Oadby & Wigston (The Oval, Oadby) Tree Preservation Order 2021

***Interpretation***

2. (1) In this Order "the authority" means the Borough Council of Oadby and Wigston unless the context otherwise requires.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

***Effect***

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to article 14, no person shall-
  - (a) cut down; top; lop; uproot; wilfully damage; or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of, any tree in the Schedule of this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

***Application to trees to be planted pursuant to a condition***

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 8 day of JANUARY 2021.

The Common Seal of the Borough Council of Oadby and Wigston was hereunto affixed in the presence of:-

  
(Head of Law & Democracy)



08/20/21

### **CONFIRMATION OF ORDER**

This Order was confirmed by the Oadby and Wigston Borough Council at its meeting of the Development Control Committee/under delegated powers\* without modification on the      day of      202

Minute Reference:

Officer:

### **CONFIRMATION OF ORDER SUBJECT TO MODIFICATION**

This Order was confirmed by the Oadby and Wigston Borough Council at its meeting of the Development Control Committee/under delegated powers\* on the      day of      20 , subject to the following modifications:

Minute Reference:

Officer:

### **DECISION NOT TO CONFIRM ORDER**

A decision not to confirm this Order was taken by Oadby and Wigston Borough Council at its meeting of the Development Control Committee/under delegated powers\* on the      day of      20 .

Minute Reference:

Officer:



## SCHEDULE

### SPECIFICATION OF TREES

**Trees specified Individually**  
(encircled in black on the map)

Reference on map	Description	Situation
T1	<i>Fagus sylvatica</i> (Common Beach)	South eastern boundary of land at 11 The Oval, Oadby
T2	<i>Fraxinus excelsior</i> (Common Ash)	Within the curtilage of land at 11 The Oval, Oadby
T3	<i>Acer pseudoplatanus</i> (Sycamore)	Northern boundary of land at 11 The Oval, Oadby
T4	<i>Fraxinus excelsior</i> (Common Ash)	Northern boundary of land at 12 The Oval, Oadby
T5	<i>Acer pseudoplatanus</i> (Sycamore)	North western boundary of 12 The Oval, Oadby
T6	<i>Fagus sylvatica</i> (Common Beach)	Western boundary of 12 The Oval, Oadby
T7	<i>Pinus sylvestris</i> (Scots Pine)	Western boundary of 12 The Oval, Oadby
T8	<i>Pinus sylvestris</i> (Scots Pine)	Western boundary of 12 The Oval, Oadby
T9	<i>Acer pseudoplatanus</i> (Sycamore)	Western boundary of 12 The Oval, Oadby
T10	<i>Acer pseudoplatanus</i> (Sycamore)	Western boundary of 12 The Oval, Oadby
T11	<i>Acer pseudoplatanus</i> (Sycamore)	Western boundary of 12 The Oval, Oadby
T12	<i>Acer pseudoplatanus</i> (Sycamore)	Western boundary of 12 The Oval, Oadby
T13	<i>Acer pseudoplatanus</i> (Sycamore)	Western boundary of 12 The Oval, Oadby

T14	<i>Acer pseudoplatanus</i> (Sycamore)	Western boundary of 12 The Oval, Oadby
T15	<i>Chamaecyparis lawsoniana</i> (Lawson Cypress)	Within the curtilage of land at 12 The Oval, Oadby
T16	<i>Chamaecyparis lawsoniana</i> (Lawson Cypress)	Towards the eastern boundary of land at 12 The Oval, Oadby
T17	<i>Chamaecyparis lawsoniana</i> (Lawson Cypress)	Towards the western boundary of land 11 The Oval, Oadby
T18	<i>Acer pseudoplatanus</i> (Sycamore)	Western boundary of 15 The Oval, Oadby
T19	<i>Acer pseudoplatanus</i> (Sycamore)	Western boundary of 15 The Oval, Oadby
T20	<i>Acer pseudoplatanus</i> (Sycamore)	Western boundary of 16 The Oval, Oadby
T21	<i>Acer pseudoplatanus</i> (Sycamore)	Western boundary of 17 The Oval, Oadby
T22	<i>Acer pseudoplatanus</i> (Sycamore)	Western boundary of 20 The Oval, Oadby
T23	<i>Acer pseudoplatanus</i> (Sycamore)	Western boundary of 20 The Oval, Oadby
T24	<i>Tilia</i> sp. (Lime)	Southern boundary of 20 The Oval, Oadby
T25	<i>Aesculus hippocastanum</i> (Horse Chestnut)	21 The Oval, Oadby
T26	<i>Aesculus hippocastanum</i> (Horse Chestnut)	21 The Oval, Oadby
T27	<i>Castanea sativa</i> (Sweet Chestnut)	37 The Oval, Oadby
T28	<i>Fagus sylvatica</i> (Common Beach)	Frontage of 4 The Oval, Oadby
T29	<i>Thuja plicata</i> 'Zebrina' (Western red cedar Zebrina)	Frontage of 9 the Oval, Oadby
T30	<i>Pinus sylvestris</i> (Scots Pine)	Frontage of 9 the Oval, Oadby

T31	Fagus sp. (Beech)	Frontage of 9 the Oval, Oadby
T32	Tilia so. (Lime)	Frontage of 9 the Oval, Oadby

**Trees specified by reference to an Area**

(within a dotted black line on the map)

Reference on map	Description	Situation
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**Groups of Trees**

(within a broken black line on the map)

Reference on map	Description	Situation
G1	Mixed Species (4no. Acer pseudoplatanus (Sycamore) and 1no. Fagus sylvatica (Common Beach)	Northern Boundary of land at 10 The Oval, Oadby
G2	3no. Ilex aquifolium (Common Holly)	Southern boundary of land at 12 The Oval, Oadby
G3	3no. Ilex aquifolium (Common Holly)	Eastern boundary of land at 11 The Oval, Oadby

**Woodlands**

(within a continuous black line on the map)

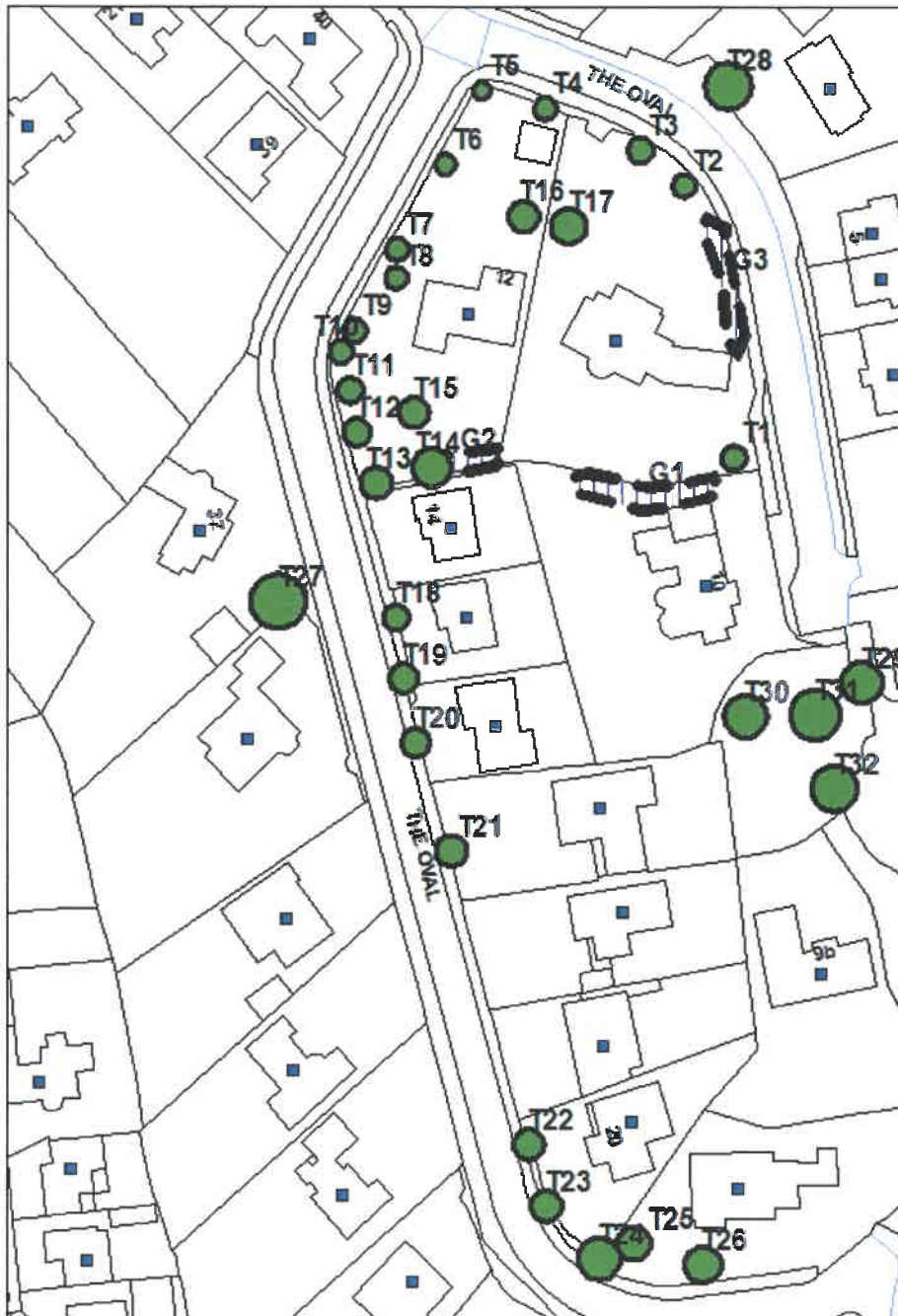
Reference on map	Description	Situation
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Oadby and Wigston Borough Council (The Oval, Oadby)

Tree Preservation Order 2020

Scale 1:1000

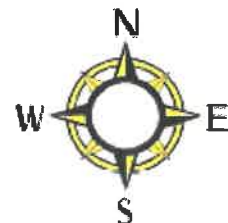
Date 08/01/2021



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08/20/21 a



# Agenda Item 6

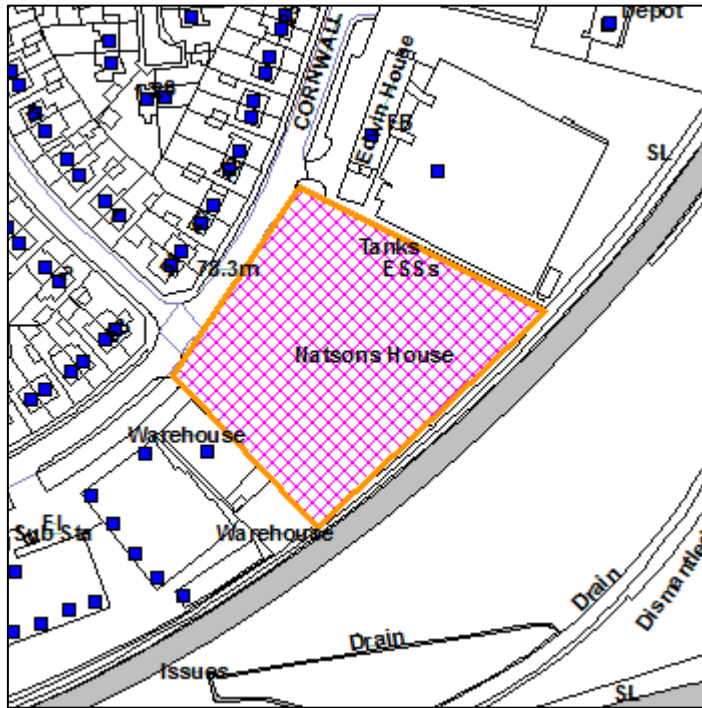
## Application Number Address

### Report Items

- a. **20/00530/FUL** Natsons House  
Cornwall Road  
Wigston  
Leicestershire  
LE18 4XH
  
- b. **21/00059/FUL** 107 Harborough Road  
Oadby  
Leicestershire  
LE2 4LG
  
- c. **21/00077/COU** 105 Foxhunter Drive  
Oadby  
Leicestershire  
LE2 5FH
  
- d. **21/00090/FUL** 24 Holme Drive  
Oadby  
Leicestershire  
LE2 4HF
  
- e. **21/00097/FUL** Gartree High School  
Ridge Way  
Oadby  
Leicester  
Leicestershire  
LE2 5TQ



a.	<b>20/00530/FUL</b>	Natsons House Cornwall Road Wigston Leicestershire LE18 4XH
	<b>27 November 2020</b>	Alterations and extensions at ground and first floor level to side of existing B8 warehouse.
	<b>Case Officer</b>	Michael Smith



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## Site and Location

The application site lies within an identified Employment Area on Cornwall Road and comprises of a large two storey building currently occupied in part by Simple Self Storage Limited but also in part by other commercial operators. Apart from the buildings there are large areas to the front, sides and rear of the building used for parking and deliveries.

Although this side of Cornwall Road is identified as an employment area in the adopted local plan and contains a variety of commercial and industrial premises, on the opposite side of the road lie residential dwellings.

## Description of proposal

The proposal involves the erection of a part single, part two storey extension to the building to form additional storage space and enclose parking/delivery areas. In total this would equate to 352sqm of additional floorspace. The extensions would be sited towards the rear of the site and are designed and would be constructed to match the design and materials of the existing building.

## Relevant Planning History

10/00511/COU Change of use to self-storage accommodation (Use Class B8) – Approved subject to conditions

## Consultations

LCC Highways – the Highway Authority does not consider that the proposal will have a severe impact on the highway. There also appears to be adequate parking on site for the scale of development.

OWDC Environmental Health – No objections subject to conditions limiting the times of construction of the development and when completed the times of the deliveries to the business

## Representations

Neighbours have been informed and a press/site notice placed on the site. As a result 6 letters of objection have been received from the occupiers of nearby residential properties.

- There is already a large volume of large lorries and other traffic going in and out of the site and parking along the road.
- Lorries are regularly waiting on the road outside waiting to get into the site.
- The area cannot sustain any more development without causing more problems for residents.
- This is a residential area with some businesses nearby and not a business area with residents nearby.
- The applicants do not currently obey the hours allowed.
- We were told originally that the industrial estate was for light haulage which it was, as new company's moved in they seem to be able to do what they want.
- The site is also used by several other courier companies to sort their goods without allocation of sufficient off road parking.

Councillors Adams and Boyce have requested that the application be referred to Committee for determination to consider the impact of the development on neighbours.

## **Relevant Planning Policies**

### National Planning Policy Framework

#### Oadby and Wigston Local Plan

Policy 1 – Presumption in Favour of Sustainable Development

Policy 6 – High Quality Design and Materials

Policy 25 – Protecting Identified Employment Areas

#### Supplementary Planning Document.

Identified Employment Land

## **Planning Considerations**

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

- The impact of the proposal on the street scene;
- The impact of the proposal on neighbouring residential properties;
- The impact on the highway.

### The impact of the proposal on the street scene:

The proposal as submitted is for a part single, part two- storey extension to the existing building which will provide additional storage space. The design of the building and the proposed materials would match the design and materials of the existing building. Being sited towards the rear of the site, the extension itself would not have any direct adverse impact on the amenity of nearby residents.

In principle, the site being located within an identified employment area and an existing established use, the proposal is supported by the policies of the Local Plan. As a result it is considered that the extension of the building and the scale and design of the development is acceptable.

### The impact of the proposal on neighbouring residential properties:

The site, together with other commercial and industrial premises along Cornwall Road, and the surrounding area is located in an Identified Employment Area as defined by the adopted Oadby and Wigston Local Plan. This employment area is, however, located close to existing residential properties and as a result residents who were consulted over the proposal have raised concerns about the site and in particular traffic movements associated with the development, the hours of use and the parking of lorries in the nearby area.

The current operations are restricted, a condition imposed when planning consent was originally granted for the use of the site as a self- storage operation. These limit the hours of use as follows:

08.00 – 18.00 Mondays to Fridays

09.00 – 14.00 Saturdays and at no time on Sundays or Bank Holiday

Following the submission of the application and the receipt of representations, officers including the Council's Enforcement Officer visited the site on a number of occasions at various times of the day to seek to ascertain whether the conditions were being complied with. Although it is accepted that this is not a comprehensive assessment of the situation, no evidence was found ~~that~~ of the conditions being breached.

The applicants in support of the proposals have advised that they currently operate within the agreed operating hours and that all incoming delivery vehicles are pre booked and allocated a time slot and advised not to turn up before the 8.00am opening time. The applicants have provided a copy of a flier that is handed to all customers which sets out the opening hours of the business in an attempt to avoid deliveries outside of the authorised hours.

It is also to be considered that other businesses in the area including part of the building not used by Simple Self Storage are not subject to hours of use conditions which would allow them to operate over longer hours and generate traffic movements.

The impact on the highway:

As set out above in relation to the consultee comments received on the application, Leicestershire County Council as Highway Authority has assessed the proposal.

In their response they detail that given the small scale of the development, the Local Highway Authority do not consider it would cause a severe impact on the highway, and as such the proposal does not conflict with paragraph 109 of the National Planning Policy Framework (2019).

They continue and state that there also appears to be adequate parking within the site for the scale of development.

Therefore, while the comments of the local residents are noted, based on the response of the Highway Authority it is considered that the proposal does not have an unacceptable impact on the highway that would justify a refusal being issued on highway grounds.

**Conclusion**

In conclusion, it is accepted that where residential properties exist in close proximity to industrial, business and commercial premises as is the case along Cornwall Road, the possibility will exist that there arises an element of conflict between the two uses. It is, however, difficult in this case to suggest that these premises which are the subject of hours of use restrictions are the sole cause of any parking problems and that the extension of the building as proposed will increase this if subject to the same limitations.

The size and design of the extension itself is satisfactory and the materials to be used in the construction of the building are appropriate and will match the existing building. It is considered that the proposal is acceptable subject to the conditions as set out below.

**Implications Statement**

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

## Recommendation

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 Unless otherwise first approved in writing (by means of a Non-material Amendment/Minor Material Amendment or a new Planning Permission) by the Local Planning Authority the development hereby permitted shall be carried out in accordance with the approved plans and particulars listed in the schedule below.  
Application Form submitted to and received by the Local Planning Authority on 30 November 2020  
Proposed plans and elevations dwg ref: MPD-PL-0914 /01/02 and 02/02 received by the Local Planning Authority on 30 November 2020  
Site location and block plan received by the Local Planning Authority on 30 November 2020  
**Reason:** For the avoidance of doubt as to what is permitted by this permission and in the interests of proper planning.
- 3 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
- 4 The building to which this permission relates shall only be used between the hours of 08.00 - 18.00 Mondays to Fridays and 09.00 - 14.00 Saturdays and at no time of Sundays or Bank holidays.  
**Reason:** In the interests of the amenities of local residents and the locality in general and in compliance with Policy 6 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 You are advised that any amendments to the approved plans will require either a Non-Material amendment application, a Minor Material Amendment application or a new planning application. If this is the case then you should allow at least 8 weeks before the intended start date to gain approval for such amendments. Further advice can be obtained by contacting the Planning Section of the Council on any amendments (internal or external).
- 4 The Application as submitted was, on balance, considered to be acceptable and whilst discussions with the applicant were held to seek a higher quality of development the originally submitted development is not considered to be bad enough to warrant refusal of the application. The Local Planning Authority has therefore acted pro-actively to secure a

sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

If you are aggrieved by the decision of your local planning authority 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.

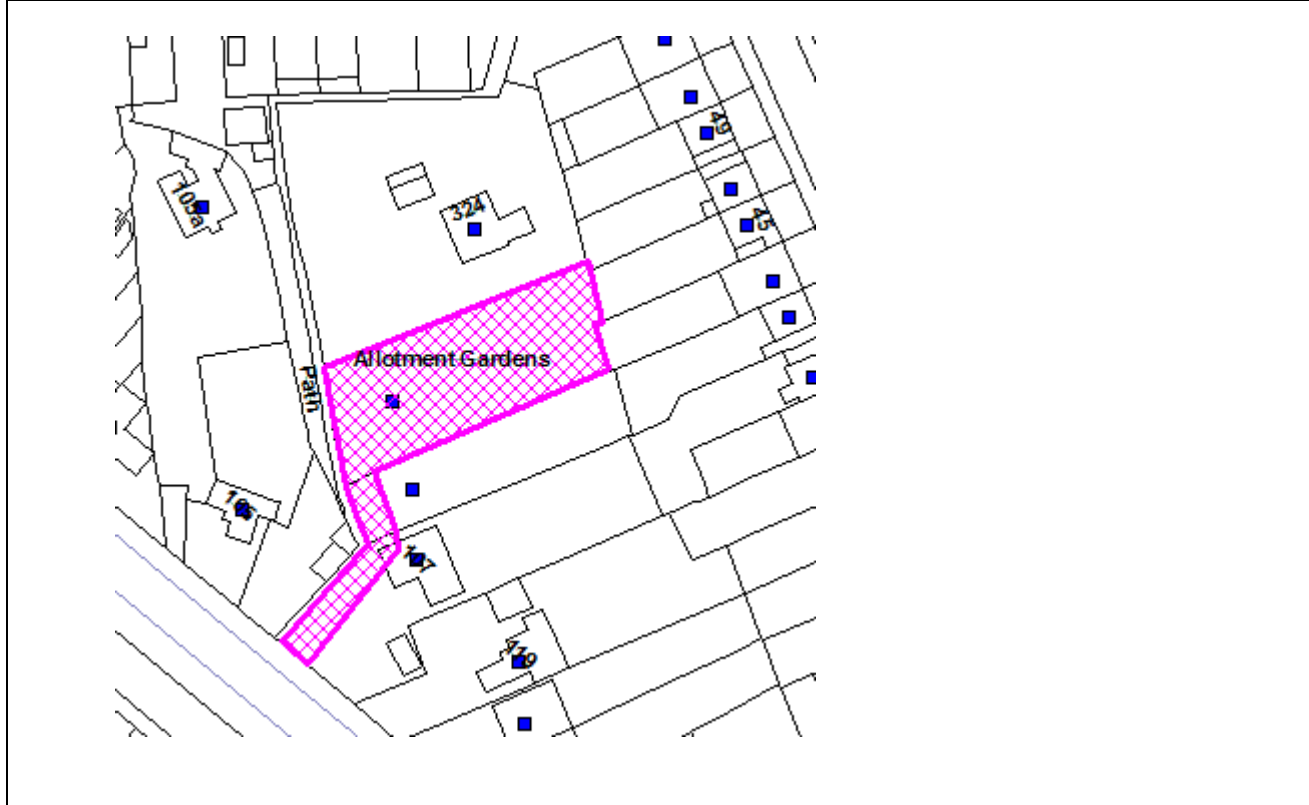
If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further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

<b>b.</b>	<b>21/00059/FUL</b>	107 Harborough Road Oadby Leicestershire LE2 4LG
	<b>10 February 2021</b>	Erection of one, two storey dwelling
	<b>Case Officer</b>	Mrs Tracey Carey



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## **Site and Location**

The site originally comprised a 1960's bungalow within an irregular plot on elevated ground to the north east of, and accessed from Harborough Road, Oadby. However, following the submission and granting of previous permissions 18/00442/FUL and 19/00229/FUL the site has subsequently been extended and divided into three plots, with the recent construction of two dwellings on plots 1 and 2. The third plot is the subject of this application.

The site is surrounded by residential development which primarily fronts the road with the exception of the properties to the north of the site (32a Uplands Road and 105a Harborough Road) which are single storey forms of backland development.

## **Description of proposal**

The application is for the erection of one, two storey dwelling. The scheme has been amended since the original submission due to concerns over the scale, the dominant and overbearing impact when viewed from the neighbouring dwelling, No.32a Uplands Road, and proximity to the boundary. Revised plans have been submitted to address these concerns.

The amended scheme proposes a dwelling sited 1.5m from the boundary of No.32a Uplands Road with the two storey footprint measuring 14.016m long x 8.626m deep with a hipped roof at a maximum height of 7.5m. A single storey garage projects from the front of the dwelling by 6.2m x 3.5m wide and has a gabled roof 4m high. A covered porch area projecting 1.7m x 2.3m with a lean-to roof 3.5m high is proposed adjacent to the garage.

The dwelling comprises a hall, lounge, dining area, breakfast/kitchen, wc and garage at ground floor, four bedrooms (two with en-suite), a landing and bathroom at first floor and is to be constructed in the same brick and tiles as the recently constructed neighbouring property.

In addition to the garage, three parking spaces are proposed at the head of the access drive, to the front of the proposed dwelling.



The statutory determination period for this application expires on the 4 June 2021 and it is intended to issue a decision as soon as practicably possible after the committee meeting.

### **Relevant Planning History**

16/00459/OUT - Proposed residential development - Partial demolition of existing house and the erection of four detached dwellings with amended access to Harborough Road – Refused

17/00118/OUT - Proposed residential development - Demolition of existing house and the erection of two detached houses - Approved

17/00443/OUT - Outline application for demolition of the existing dwelling and the construction of 5 detached dwellings – Refused – Appeal Dismissed

18/00442/FUL – Demolition of existing dwelling and erection of two dwellings and garage with associated works – Approved

19/00229/FUL - Erection of two dwellings and garages – Approved

## Consultations

Leicestershire County Council (Highways) – Incorporated into the report

Cadent Plant Protection – No response received at the time of writing this report

Western Power Distribution – No response received at the time of writing this report

Public Rights of Way - No response received at the time of writing this report

Severn Trent Water Ltd - No response received at the time of writing this report

Planning Policy – (summarised) Although the site wouldn't be defined as 'brownfield land' in the traditional sense, the proposal is for the development of a new residential two storey dwelling on land where the principle of residential development has been set through a previous permission. The Case Officer should be satisfied that the proposed development is of a high quality, will not have a detrimental impact upon the landscape and character of the area, and will not have a detrimental impact upon the residential amenity and privacy of the adjacent dwellings.

Tree Officer - No comments received at the time of writing this report.

## Representations

Neighbours have been informed and a site notice placed with three letters of representation on the original scheme being received which raise the following issues:

- Loss of light, privacy and overshadowing
- Several trees have already been felled to make way for the development depriving us of clean fresh air. Now to view brick and concrete is unacceptable
- Two storey dwelling previously declined, with the development of a bungalow approved. To have the same application for discussion is beyond our understanding
- High density, overdevelopment of site, loss of open aspect.
- According to the deeds, covenant no.4 states 'no building or erection should be done which might grow to be a nuisance or annoyance to the owners or occupiers of any adjoining or neighbouring property'
- Wouldn't it be better to have 2/3 bungalows rather than a 5 bed house to help housing problem and give the retired elderly opportunity to downsize
- We understand land was bought under false pretences that garage will be built for other houses
- Visual impact detrimental to the character of the neighbourhood in terms of its appearance
- Adversely affects residential amenity of neighbouring owners
- Overlooking
- Now the first two properties have been built they seem to have backtracked from a bungalow with rooms in the roof to a two storey dwelling.

At the time of writing this report no representations have been received in respect of the amended scheme. The date for the receipt of comments expired on the 5 May 2021.

This application has been called to Committee by Councillor Mrs Kaufman

## **Relevant Planning Policies**

### National Planning Policy Framework

### Oadby and Wigston Local Plan

Policy 1 – Presumption in Favour of Sustainable Development

Policy 6 – High Quality Design and Materials

Policy 44 – Landscape and Character

### Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document

## **Planning Considerations**

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

- The impact of the proposal on the street scene
- The impact of the proposal on neighbouring residential properties
- Highway Impacts

### The impact of the proposal on the street scene

The proposed dwelling is sited to the north of the two recently constructed two storey gabled dwellings, some 45m from the main Harborough Road and will be obscured to some extent by the existing dwellings fronting Harborough Road. The property is set at a similar level to the adjacent new property and is around 1.3m lower in height with a hipped roof.

It should be noted that planning permission currently exists on the site for a one and a half storey dwelling with three dormer windows to the front. The current proposal is set 1m lower into the site than the previously approved scheme and although two storey is only 0.3m higher than the previous approved one and a half storey dwelling. This is due to the proposal being set at a ground level 1m lower than the previously approved development as well as having a height 0.3m greater than the previous approval from this lower ground level.

Given the siting and design, together with the comparison with the current permission and that the materials proposed will match those of the recently constructed properties it is not considered that the proposal will significantly impact on the character and appearance of the street scene.

### The impact of the proposal on neighbouring residential properties

The proposed dwelling is sited approx. 40m from the rear of the properties on Queen Street (around 16m from their rear boundary) and around 35m from the rear of no.105 Harborough Road (20m from the boundary). The rear elevation of No.105 Harborough Road is angled away from the front elevation of the proposed development and as such no direct overlooking will occur. Furthermore, it should be noted that given the lowering of the ground levels the proposed first floor windows are positioned around 1m lower than the previously approved dormer windows.

The proposed dwelling is sited 1.5m off the boundary of 32A Uplands Road and sits forward of its side/rear elevation. The design of the dwelling is such that the roof closest to the boundary is around 3.5m high, increasing in height as it moves away from the boundary and as such has a lesser impact than the previously approved scheme as it removes a large part of the side gable which would result in development 6.2m high in this location. This revised scheme, together with the lowering of levels (0.83m from the approved scheme and 1.4m lower than No.32A) results in an increase in the overall height of both the previous scheme and the property at no.32A of 0.4m at a distance of 5.5m from the boundary.

The siting of the dwelling is such that the development is between 12m and 16.8m away from the side/rear habitable room windows of No.32A and as such complies with the 45 degree code.

The dwelling is sited approx. 1m from the boundary of the neighbouring new dwelling and projects around 5m beyond its rear elevation. Its siting is such that it complies with the 45 degree code and the amendment from the side gable to hip reduces the impact of the proposed dwelling on this neighbouring property.

In view of the above it is not considered that the proposal would significantly impact on the amenities of neighbouring properties and is, in some respects, a betterment from the previously approved scheme.

#### Highway Impacts

The Highway Authority raised concerns over the original scheme submitted in respect of an over engineered access, lack of details of the site access in relation to the Public Right of Way, no visibility splays being provided and the parking spaces proposed not meeting the minimum length of 5.5m with a minimum 6m manoeuvring space.

Revised plans have been submitted with a view to addressing these concerns and whilst it is noted that the parking spaces have been increased to 5.5m and a 6m manoeuvring space provided no response from the Highway Authority has been received at the time of writing this report and therefore an update will be provided at the Committee meeting.

It should be noted that the parking provision for a four bedroom property is a minimum of three spaces. Three parking spaces have been provided along with a single garage which meets the minimum size required to be considered as a parking space and, therefore, the proposal over provides in terms of parking provision.

It should also be noted that the current permission for a new dwelling on this plot is from the same point of access as that proposed.

#### **Conclusion**

In summary, the proposed development is not considered to harm the character and appearance of the existing street scene, the surrounding area, the amenity of neighbouring residential properties or the safe and efficient use of the highway and is therefore recommended for approval subject to the conditions outlined below and any additional conditions recommended by the Highway Authority.

## Implications Statement

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

## Recommendation

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be constructed using the materials specified on the Application Form, unless alternative materials are agreed in writing by 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 Notwithstanding the provisions of Classes A and B of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended and no windows shall be inserted in the side elevation (north-west) unless planning permission has first been granted by the Local Planning Authority.  
**Reason:** To ensure that the development does not adversely affect the amenities of the neighbouring property 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.
- 4 Prior to the first occupation of the dwelling hereby permitted, a detailed scheme of landscaping 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.
- 5 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.

- 6 Prior to the first occupation of the dwelling hereby permitted the access, parking and turning areas shown on the approved plan shall be provided in a bound material and thereafter made available at all times for their designated purposes.

**Reason:** In the interests of highway safety and in accordance with the aims and objectives of the National Planning Policy Framework and Policy 34 of the Oadby and Wigston Local Plan.

- 7 Unless otherwise first approved in writing (by means of a Non-material Amendment/Minor Material Amendment or a new Planning Permission) by the Local Planning Authority the development hereby permitted shall be carried out in accordance with the approved plans and particulars listed in the schedule below:

Location and Site Plan, Drg No. 101 Rev D received by the Local Planning Authority on 28 April 2021

Floor Plans and Section, Drg No. 102 Rev D received by the Local Planning Authority on 28 April 2021

Elevations, 104 Rev D received by the Local Planning Authority on 28 April 2021

**Reason:** For the avoidance of doubt as to what is permitted by this permission and in the interests of proper planning.

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. If the proposal involves the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Etc. Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.
3. For the avoidance of doubt this permission does not authorise any development outside the application site including any foundation, footings, fascias, eaves, soffits, verges or guttering.
4. You are advised that any amendments to the approved plans will require either a Non-Material amendment application, a Minor Material Amendment application or a new planning application. If this is the case then you should allow at least 8 weeks before the intended start date to gain approval for such amendments. Further advice can be obtained by contacting the Planning Section of the Council on any amendments (internal or external).
5. This permission requires you to submit further details to the Local Planning Authority on the proposal prior to the first occupation of the dwelling. 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.

6. 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.

### **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.

<b>c.</b>	<b>21/00077/COU</b>	105 Foxhunter Drive Oadby Leicestershire LE2 5FH
	<b>15 February 2021</b>	Change of use from residential dwelling (Use class C3) to children's home (Use class C2) for up to 4 young persons.
	<b>Case Officer</b>	Michael Smith



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## Site and Location

The application site is a two storey detached 5 bedroom dwellinghouse located on Foxhunter Drive. Foxhunter Drive and the surrounding roads form part of an established residential area which includes a mixture of detached and semi-detached houses as well as detached and semi-detached bungalows.

Foxhunter Drive offers easy reach to a number of local amenities including shops, supermarkets and eating/drinking establishments within the Oadby Town Centre. The property also benefits from being in the catchment area for local schools as well as excellent local transport and road links.

Although the majority of properties in the immediate area comprise of single family accommodation, No 103 Foxhunter Drive, the property immediately adjacent to the application site which is a large detached property is an established residential care home (Use Class C2) having been granted planning permission in 2011. In addition, officers are aware that a further property, No 13 Mercia Drive, not far from the application site, is also in use as a care home.

## Description of proposal

The proposals involves the change of use of this detached dwellinghouse from a residential dwelling (Use Class C3) to children's home (Use Class C2) for up to 4 young persons. The age group would range from 7 -16 (i.e. school age).

The applicants have indicated that there will be a minimum requirement of 2 support staff on every shift and maximum of 4 support staff on shift at any one time, once fully occupied, while there will also be sleep in staff who will cover the supervision at night time. In addition, the home will also have a management team to support the staff.

## Relevant Planning History

None Relevant

## Consultations

LCC Highways: The drawing number RPD/JAN/2021/0106/01 shows there 4 off street car parking spaces, the LHA can confirm that they are in accordance with paragraph 3.188 of the LHDG. The Design & Access statement states there are to be a minimum of 2 staff members with a maximum of 4 on site, and in addition the home will also have a management team to support the staff.

The Highway Requirements for Development Part 4 states: 'One car space per four bedrooms, plus one car space for each staff member on site.'

However, although there is a shortfall in off street parking provision, LHA cannot demonstrate the proposal will have a severe impact on the public highway.

As such the proposal does not conflict with paragraph 109 of the National Planning Policy Framework (2019).

OWDC Environmental Health: The property should comply with the Council's Amenity Standards details of which can be found on the website.

## Representations

Councillor David Carter requested that the application be referred to Committee for determination to consider the impact of the development on neighbours.

Neighbours have been informed and a site notice placed on the site. As a result 52 letters including 46 objections have been received from the occupiers of surrounding properties.

The reasons for objection can be summarised as follows: -

- Concerned that another care home is being proposed as the next door property is already a care home and another property in the area is already a care home
- The property may be suitable but the location is not. These people need to live amongst other school children of similar ages and not an ageing population.
- The proposal will result in increased noise and traffic including at unsocial hours as staff shifts change either late in the evening or early in the morning.
- There will be increased on street parking and reduced space available as is the case with the next door property.
- Although it is stated that there will be overnight supervision to oversee residents we feel this would not be enough to control movements in or off the site and worse still the potential for unwanted or troublesome friends visiting after hours.
- There is the potential for the repetition of an eyesore that the front of house mess on the adjacent premises created.
- The site is not large enough to accommodate this number of people and therefore activities will spill out into the surrounding area.
- The property itself has major planning flaws for use a residential home including:
  - \* a large flat roof are with easy access from one of the bedroom area that is a potential safety hazard or any age children;
  - \* the proposed downstairs bedroom has a very low ceiling, is poorly ventilated and has little natural light;
  - \* the plan of the interior of the house shows there is insufficient space for adequate staff facilities such as office space, own bathroom/toilet and private space for staff and residents, and
  - \* there is also considered to be less than excellent and extensive amenity space.
- A similar planning application made to Mansfield District Council for conversion to a childrens home was refused because *'the proposed use would be likely to affect the property and its surroundings by virtue of the number of children to be accommodated within the property, the number of staff and the effects of comings and goings from the property and the type of children having emotional and behavioural issues'* The position is even worse in this application due to the proximity of the home for adults with learning difficulties and challenging behaviours at No 103 Foxhunter Drive.

(In respect of the comments contained in point 9 above, the application referred to was an application which sought permission for '*The use for which a certificate of lawful use or development is sought is use of a dwelling-house (Use Class C3) to small scale home for children (Use Class C2)*'.

The decision of the Council to refuse the application was subsequently appealed at which time the Inspector concluded:

*I find that the use of the dwelling-house (Use Class C3) as a small scale home for children (Use Class C2), as proposed, would constitute a material change in the use of the building firmly falling within the scope of s55(1). When LDC application was submitted, express planning permission would have been required.*

This application is different in that it is seeking planning permission for the material change of use as identified by the Planning Inspector).

## **Relevant Planning Policies**

National Planning Policy Framework

Oadby and Wigston Local Plan

Policy 6 – High Quality design and Materials

Policy 11 – Housing Choices

Policy 34 – Car Parking

Leicestershire Highways Design Guide (2018)

## **Planning Considerations**

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

- The impact of the proposal on neighbouring residential properties.

The impact of the proposal on neighbouring residential properties.

No 105 Foxhunter Drive is a 5 bedroom detached two storey dwellinghouse that lies within an established residential area being surrounded by a mixture of detached and semi-detached houses and bungalows.

The property has a frontage that it is proposed would accommodate 4 car parking spaces and has a rear enclosed garden that backs onto open land that forms part of the Leicester Racecourse. It is also flanked by two other properties No 107 Foxhunter Drive a detached residential dwelling and No 103 Foxhunter Drive which is a large detached property and an established care home.

It is proposed that No 105 would be used as a residential care home (Use Class C2) for up to a maximum of four young people resident at the site at any one time. The age group would range from 7 -16 (i.e. school age) and the residents would attend local schools, appropriate to their age and education needs.

The applicants have provided details of the level of care that will be provided on a day to day basis to the residents who would be young people with emotional behavioural difficulties (EBD), and like

many other homes these will be children who may have suffered trauma and poor experiences of parenting that placed them at significant risk of harm.

The staffing support will be in line with the children's supervision requirements, and be focusing on bringing children on a group living basis, thus provided longevity and consistency for the children and home. As a result, there will be a minimum requirement of 2 support staff on every shift and maximum of 4 support staff on shift at any one time, once fully occupied, there will also be sleep in staff who will cover the supervision at night time. In addition, the home will also have a management team to support the staff.

The ratios of staffing will be well balanced with a mixture of skills, experience and qualifications, relevant to ensure the home is able to meet the needs of the children in care, and in line with the children's home regulations 2015. Staff will work on a 1 on 2 off basis to allow them to give continuity to the children in trust and also this will provide staff with a good work life balance, their shift will begin at 7am till 11pm with adequate breaks in between, plus sleep in, followed by 48 hours rest period.

As a result of the neighbour consultation of the proposals 46 objections have been received from local residents who have raised a number of concerns about the proposals as set out in more detail above.

### Planning Policy

Policy 11 of the adopted Oadby and Wigston Local Plan: Housing Choices advises that the Council will support the development of amongst other things specialist case accommodation that meets an identified need and is proposed in appropriate sustainable locations.

In that respect, the applicants have indicated that the reason for the application is that there is a need for this type of accommodation and that whilst they are aware that the adjacent property No 103 Foxhunter Drive registered as Heathcoates (Oadby), may appear to offer the same type of service, this is incorrect. No 105 would only offer placements for children between 6-16 years of age who are classed as having emotional behaviour difficulties whereas Heathcoates (Oadby) offers a completely different service for adults only in respect of Autism, Asper Syndrome, Down Syndrome, Epilepsy, Mental Health Conditions, Learning Disability, Profound & Multiple Learning Difficulties.

The fact that No 103 Foxhunter Drive was granted consent back in 2012 for their care home does not stand as a valid objection as that would imply the demand for Residential Care homes of any type in Leicester has not increased since 2012 which is factually incorrect.

In seeking to clarify the issue of need for this type of establishment, the Council has also consulted with Leicestershire County Council Children's and Family Services who have responded as follows:

*'The County Council doesn't usually respond in detail to individual planning applications such as this. The main reason for this is that we cannot guarantee that we would use/place children and young people in such a provision just because it is located within the County. The way we commission and procure placements is bound by National and Local Contract Procedure Regulations and therefore in order for us to place with any provision, the responsible provider would need to meet a number of checks with us and be part of our local commissioning frameworks (one of these checks would be that the provision passes registration with the regulatory body, Ofsted - and that registration process is not something we can control).'*

*Therefore, whilst the growth of any new provision in the Council is of interest in terms of meeting our local sufficiency needs, the emergence of a new provision doesn't not alone mean that the Council would ever do business with this provision and therefore to endorse a specific provision feels misleading. Furthermore, the Council is also aware that the growth of provisions in the County could mean the number of vulnerable children placed within Leicestershire by other local authorities could grow – this provider could join the commissioning frameworks of other LA's (nationally) who could then chose to place their children/young people in it. This is always a concern to the Council as it could limit our own access to local placements (subject to the commissioning conditions above) but also potentially increases the pressure on local universal services.*

*The other reason that the Council doesn't usually comment on planning applications is that this could be seen to be favouritism of one provider over another; this could lead to challenge from the providers we do work with through our local commissioning frameworks and for whom we would not have supported previous planning applications.'*

In that respect it is difficult to argue that in applying for the planning permission for the change of use the applicants have not in themselves identified a need for this type of accommodation and given the response from the County Council officers consider the proposal have met the requirements of Policy 11 of the Local Plan.

Following this, however, is the consideration as to whether:

- The property itself is suitable for the proposed use; and
- Whether the provision of an additional care home in this location in addition to those properties already existing would cumulatively be sufficient to warrant refusal of planning permission on the grounds of loss of amenity and disturbance to nearby residents

As regards the property itself, it is currently a 5 bedroom dwelling (3 upstairs bedroom and 2 downstairs) with a large frontage that can accommodate 4 cars and an enclosed private garden. Although comments have indicated concern about the design of the property and some of the accommodation within the building, this is not a matter which planning officers can consider. Should planning permission be granted the premises would still require registration by Ofsted who are the regulatory body for such establishments.

Notwithstanding this, a 5 bedroom dwelling could easily be occupied by a family with 4 children and whether the rooms are of a suitable size for the home of this type for a children's home is not a planning issue. Likewise, the garden to the rear of the property has an area of approximately 300sq m in area (20m depth by 15m wide) which is generally in excess of gardens on modern 4/5 bed houses of this size offering family accommodation. On that basis officers believe the size of the rear garden should be adequate for the proposed use.

Although the proposed use would inevitably generate traffic possibly greater than that of a similar size detached family house (i.e. catering for staff shifts and visitors), given that the proposals contain the provision of 4 car parking spaces and the Highway Authority has not raised any objection, officers consider that there are insufficient grounds to refuse the proposal on highways grounds.

Finally, consideration needs to be given to the provision of this property as a care home when other similar establishments exist in the nearby area and the potential cumulative impact that this might have on the area and nearby residents. There is no clear guidance on this issue by which officers can draw on and, therefore, it is a judgement whether the provision of this type of small scale care home seeking to address a particular need would in addition to the existing homes in the near

vicinity change the character of the area and adversely impact on the amenities of existing residents to such a degree as to warrant a refusal of planning permission. Officers have concluded that a recommendation to refuse solely on these grounds would be difficult to sustain. The premises are located in a sustainable location relatively close proximity to local schools and services available within the Oadby Town Centre and the proposal would only accommodate a small number of residents, who due to their age, will have on site supervision by adult staff on a 24 hour basis.

## Conclusion

In conclusion and taking all of the above into consideration officers conclude that there is insufficient evidence warrant the refusal of the proposal and therefore recommend approval subject to conditions.

## Implications Statement

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

## Recommendation

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

- 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.
- Unless otherwise first approved in writing (by means of a Non-material Amendment/Minor Material Amendment or a new Planning Permission) by the Local Planning Authority the development hereby permitted shall be carried out in accordance with the approved plans and particulars listed in the schedule below.  
Application Form submitted to and received by the Local Planning Authority on 15 February 2021  
Proposed plans dwg ref: RPD/JAN/2021/0106/01 received by the Local Planning Authority on 15 February 2021  
Site location and block plan received by the Local Planning Authority on 15 February 2021  
Design and Access Statement by RP Design Limited received by the Local Planning Authority on 15 February 2021  
**Reason:** For the avoidance of doubt as to what is permitted and in the interests of proper planning.
- Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any order revoking and re-enacting that Order, this permission shall relate

to the use of the premises as a Care Home as described in the application 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 Policies 6 and 11 of the Oadby and Wigston Local Plan.

- 4 The maximum number of children accommodate at the premises shall not exceed 4 at any one time.

**Reason:** For the avoidance of doubt and to enable the Local Planning Authority to consider any proposal to increase the number of residents and in accordance with Policy 6 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 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).
- 3 The Application as submitted was considered to be acceptable and therefore discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. 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 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.

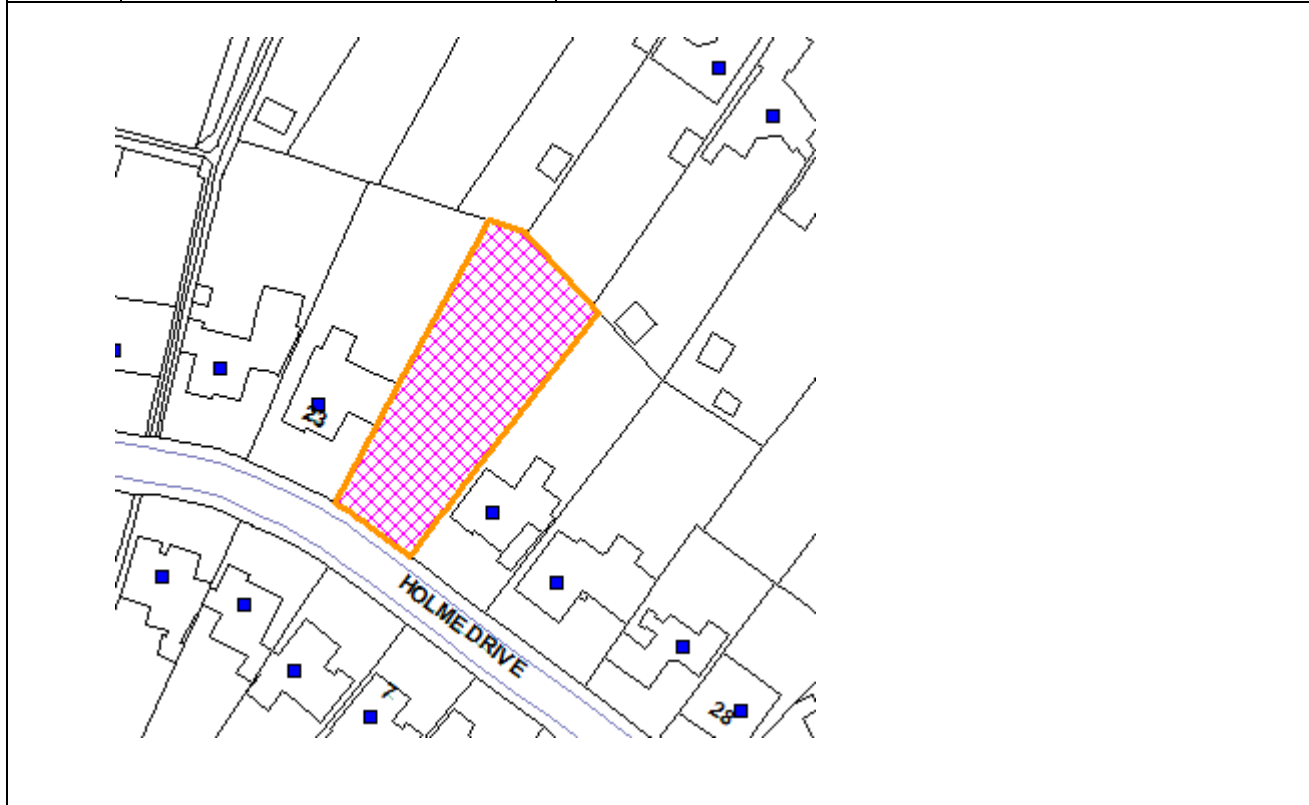
### **Purchase Notices**

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.



d.	21/00090/FUL	24 Holme Drive Oadby Leicestershire LE2 4HF
	22 February 2021	Side and rear extensions plus loft conversion incorporating dormer window to the side
	Case Officer	Mrs Tracey Carey



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## Site and Location

The site is located within a predominantly residential area comprising a mixture of detached and semi-detached single and two storey dwellings of brick and tile construction with elements of render or cladding. Holme Drive is a cul-de-sac with two storey properties dominating the entrance and the western top of the cul-de-sac beyond the public ~~footpath which~~ footpath, which links Holme Drive to Woodfield Road to the south and Manor Road Extension to the north. In between the two storey properties are a group of bungalows each of a similar scale and design.

The application property is a detached bungalow with an attached garage, located on the north-eastern side of Holme Drive and previously extended to the rear.

## Description of proposal

The application as originally submitted was for a side and rear extension, plus a loft conversion incorporating dormer windows to the front, side and rear. The scheme has been amended since the original submission due to concerns over the scale and the introduction of dormer windows to the front and side. The amendments involve the replacement of the side gable with a hip and removal of the front and rear dormer windows.

The single storey side extension replaces the existing garage/store currently in this location and is set back in line with the main front wall and set off the boundary by around 0.3m. The extension measures 4.6m wide x 12.5m deep and has a double hipped roof 4.8m high to the front reducing to 4.3m high to the rear.

The rear extension projects 4.8m beyond the existing rear elevation at ground floor x 11.877m wide and projects 1m out from the existing side (west) elevation for an overall depth of 8.5m. The first floor is above the existing and proposed ground floor elements ~~however~~ however, this is in line with the original side elevation and is 9.595m wide with a gable 6.1m high, continuing the height of the existing roof. In order to maintain the height of the existing roof a lowering of the ground level to the rear (approx. 0.6m) is proposed. The 1m side projection at ground floor has a flat roof. The first floor rear elevation includes a juliet balcony 2m wide. The side elevation (to No.25 Holme Drive) includes a dormer window measuring 1m wide x 2.5m deep x 1.2m high serving an en-suite.

The proposal will provide a new garage, bathroom, utility and kitchen/diner at ground floor and a bedroom with en-suite and walk in wardrobe plus storage space at first floor.

The existing dwelling and proposed extension are to be rendered.

Reference is made within the application to a new boundary ~~treatment,treatment;~~ however, as this is below 1m in height it constitutes permitted development and, therefore, does not require planning permission.

The statutory determination period for this application expires on the 26 May 2021 and it is intended to issue a decision as soon as practicably possible after the committee meeting.

## Relevant Planning History

83/00557/8M – Extension to form lounge, wc and tool shed – Approved

20/00330/FUL - Extensions to front, side and rear plus loft conversion incorporating increase in ridge height, dormer extensions and the erection of a boundary wall and gates – Withdrawn

## Consultations

N/A

## Representations

Neighbours have been informed and a site notice placed with 9 letters of representation being received in respect of the original scheme (plus an identical letter from 5 different households) which raised the following issues:

- Out of keeping, over dominant and will create a considerable change to the existing character of the street
- Will not be subordinate to the existing dwelling
- The visual appearance of the street scene will be considerably altered by the inclusion of the boundary walls, resulting in loss of open aspect. The addition of a boundary wall does not promote social inclusion and community cohesion as required by spatial objective 10 of the Local Plan
- Will set a precedent for bungalows to be converted to houses. With limited amount of bungalows being built, as ageing population increases there will be a shortage of bungalows for someone in need
- As the plans indicate a potential 4/5 bedrooms, parking could be a factor
- 'Store' likely to be bedroom
- Overlooking of windows of Nos 7 and 8 – currently no bungalow have upper floors overlooking onto other properties,
- The single storey aspect creates a distinctive landscape not to be found in most parts of Oadby or Leicester
- The extension is greater than the description and represents an increase in the internal floor area of c350%. The proposal takes the bungalow to a two storey dwelling, substantially more than a simple single storey extension.
- The current design indicates a lack of knowledge of the current Residential Development Supplementary Planning Document. There appears to be naivety on the part of the designer who have ignored the existing street scene and adjacent properties in an attempt to maximise the accommodation provision
- The construction of the new wall to garage implies the intention to use it as habitable accommodation in the future
- The 'store' is likely to alter to accommodate two bedrooms post construction as shown in previous plans. As it is marked as a 'store' there should not be a need to extensive use of dormer windows here
- Loss of vegetation to accommodate parking
- Overshadowing of neighbouring property. Unbalances the property and will be a dominant feature in the row of seven bungalow and contravenes a key point of Council policy which requires development to be visually subordinate
- The Residential Development Supplementary Planning Document emphasises the fact that many dwellings were never intended to be extended by utilising the roof space and the introduction of dormers and skylights illustrates the unattractive features the document describes
- There will be no positive effect on the community of Holme Drive and the local character will be lost
- Loss of light/ loss of privacy
- Continuous development along the boundary, windows could be problematic if boundary wall removed

- Allowing this development would have ramification for the availability of suitable housing for the ageing population. With the lowering of the ground floor and inclusion of steps to the first floor would make this house out of the question for those aging or downsizing.
- The extension will reduce the size of the garden
- The Local Plan recognises that the Borough has a higher than average ageing population – the Borough should protect its bungalow accommodation. This need is recognised in the Local Plan where it specifically mentions the need for, and the historical lack of provision of bungalows and retirement accommodation within the Borough.
- To support their plans they state that nos. 31 and 33 Holme Drive have dormer windows, these are houses not bungalow, so there is no comparison
- The dwellings on this section of Holme Drive are occupied, without exception by retired persons who have selected their homes because of the single storey, open aspect.
- Major earth work required in lowering of ground level will cause disruption to residents by diggers and lorries
- Sash windows are proposed not in keeping with any other properties. Render to wall surfaces where all properties are facing brickwork with inset panels
- Loss of privacy from juliet balcony, a restriction needs to be in place to prevent it becoming a balcony or not installed at all
- Most of my time is at home so we need bright and sunny rooms. The garden is the main source of exercise and fresh air so it is important it is not overlooked.
- The dormer windows are unattractive and out of character with nearby properties
- It would be incomprehensible that approval could be given to replacing an existing bungalow with a two storey house in an area where the Borough Plan is actively supporting the provision of more bungalows. If granted, it would show that the Borough Plan, which was worked upon over many years and produced with full publicity, is valueless in that it is open to blatant disregard. It would indicate that the Council is prepared to pass all manner of proposals.
- Roof height appears excessive and has too many roof lights
- The bungalow occupies ample space at the rear which could be utilised to build a single storey in order to satisfy their needs.

As mentioned above, the plans have been amended and neighbours re-notified. Six individual letters have been received and an identical letter received from 5 individual properties in respect of the revised plans which reiterate the concerns previously raised and add the following:

- The plans have been slightly downsized and the street scene somewhat improved which is welcomed
- Still a two storey extension at the rear
- The plans say no trees to be removed and no extra vehicular access – incorrect, there is one tree to be removed and two sets of gates are shown so there is obviously an extra entrance/exit for cars
- The impact and disruption this building work will have on all of our lives for the next 18 months to 2 years would be disastrous
- Have any of the environmental issues been considered with the major ground works being required
- Still contravenes policy

The date for the receipt of comments expired on the 3 April 2021.

This application has been called to Committee by Councillor Mrs Joshi.

## **Relevant Planning Policies**

### National Planning Policy Framework

### Oadby and Wigston Local Plan

Policy 6 – High Quality Design and Materials

Policy 44 – Landscape Character

### Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document

## **Planning Considerations**

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

- The impact of the proposal on the street scene
- The impact of the proposal on neighbouring residential properties.
- Highway/Access

### The impact of the proposal on the street scene

Holme Drive comprises a mixture of single storey and two storey dwellings. The application site comprises a single storey dwelling sited within the centre of a group of 13 bungalows of a similar scale and design.

The proposed side extension replaces an existing garage and incorporates hipped roofs set between 0.5m and 1m below the main ridge, thus reducing the scale and retaining the single storey visual appearance when viewed within the street scene. There are hipped roofs over the adjacent garages of similar properties to the east and west (however, it is noted that these are set back from the main front wall) as well as on both single storey and two storey properties closer to the entrance of Holme Drive.

The rear extension maintains the height of the existing dwelling (albeit with the lowering of the ground level) and given its location to the rear is not publicly visible within the street scene.

The existing dwelling and other properties within the street incorporate elements of render and the adjacent property, with the exception of a small amount of brickwork to the side is fully rendered. It should also be noted that given the existing render on the property, planning permission would not be required to fully render the existing dwelling.

In view of the above, it is considered that the proposed extension, albeit incorporating accommodation within the roof, is in keeping with the design and scale of the existing dwelling and as such will not significantly impact on the character and appearance of the existing dwelling or the street scene.

### The impact of the proposal on neighbouring residential properties.

The proposed extension projects around 3m beyond the rear of No.23 Holme Drive and is set between 2.5m and 3m from the boundary at ground floor and between 3.5m and 4m at first floor. The orientation is such that the rear elevation of No.23 is angled slightly away from the proposal.

The siting of the proposal in relation to the neighbour's rear window together with the orientation and distance from the boundary is such that the proposal complies with the 45 degree code.

Whilst it is noted that there are high level windows in the neighbour's side elevation these are around 1.5m above ground level, and comprise two rows of obscure glazed blocks (approx. 0.35m x 1m). In any event the adopted Residential Development Supplementary Planning Document is clear in stating that the 45 degree code is only applied to windows to the front and side elevations and does not apply to side windows.

In addition, it is noted that the proposal includes windows along this side elevation, however, two are existing and the other three either face the side elevation of the neighbouring property at a distance of between 2m and 2.3m or the existing boundary fence some 2.8m away.

With regards to No.25 Holme Drive, the single storey side extension projects around 3m beyond the rear wall of No.25 and is around 0.3m off the boundary. The proposed first floor element projects a further 2m and is sited around 3.8m from the boundary. The siting of the proposal in relation to the neighbouring windows is such that the proposal complies with the 45 degree code.

No.25 has a single storey flat roofed extension and conservatory to the rear with windows in the side. The proposed side dormer faces the side/rear garden area of No.25, however, the dormer is sited around 5.2m from the boundary, 12m from the neighbour's extension and serves an en-suite and is therefore likely to be obscure glazed. This will be secured by way of a condition.

There are side windows proposed close to the boundary of No.25 Holme Drive at ground floor which serve a bathroom and utility room, whilst the bathroom is likely to be obscure glazed it is proposed to impose a condition that both side windows be obscure glazed given the proximity to the boundary.

The juliet balcony is sited to the centre of the first floor rear elevation and is approx. 8.2m from the boundary of No.23 and 8m from the boundary of No.25. The siting beyond the rear elevations of the neighbouring properties and distance from the boundaries is such that the view is mainly down the applicant's own garden with some view across the rear bottom areas of the neighbouring gardens.

The properties opposite are in excess of 25m away and the properties to the rear in excess of 60m.

In summary, the proposal complies with the 45 degree code from both neighbouring properties and with the inclusion of the condition highlighted it is not considered that the proposal will significantly impact on the amenity of neighbouring properties.

#### Highway/Access

The proposal increases the number of bedrooms from two to three, however, when applying the Leicestershire County Council parking standards the parking provision for a two bedroom property is the same as for a three bedroom property and, therefore, no additional parking provision is required. Notwithstanding this, the proposal does include a new garage which meets the minimum size required to be considered a parking space and thus the proposal increases the parking provision from that currently provided.

## Conclusion

The proposed development is not considered to harm the character and appearance of the existing property or that of the surroundings, the amenity of neighbouring residential properties or the safe and efficient use of the highway and is, therefore, recommended for approval.

## **Implications Statement**

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

## **Recommendation**

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The proposed render shall match that of the existing building (in terms of texture and overall finished colour) and shall be completed within 2 months of the substantial completion of the development.  
**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 first floor dormer and ground floor windows on the side (east) elevation shall be fitted with obscure glass and shall be of a non-opening design up to a minimum height of 1.7 metres above the internal finished floor level. The windows shall not be replaced or altered without the prior written permission of the Local Planning Authority.  
**Reason:** To safeguard the privacy of occupiers of the adjoining property and in accordance with Policy 6 of the Oadby and Wigston Local Plan.
- 4 Unless otherwise first approved in writing (by means of a Non-material Amendment/Minor Material Amendment or a new Planning Permission) by the Local Planning Authority the development hereby permitted shall be carried out in accordance with the approved plans and particulars listed in the schedule below:

Location and Site Plan, Drg No. 01 Rev B received by the Local Planning Authority on 23 March 2021

Proposed Elevations, Drg No. 06 Rev B received by the Local Planning Authority on 23 March 2021

Proposed Ground Floor Plan, Drg No. 04 received by the Local Planning Authority on 22 February 2021

Proposed Loft Floor Plan, Drg No. 05 Rev B received by the Local Planning Authority on 23 March 2021

Proposed Sections and Street Scene, Drg No. 07 Rev C received by the Local Planning Authority on 23 March 2021

**Reason:** For the avoidance of doubt as to what is permitted by this permission and in the interests of proper planning.

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 If the proposal involves the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Etc. Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.
- 3 For the avoidance of doubt this permission does not authorise any development outside the application site including any foundation, footings, fascias, eaves, soffits, verges or guttering.
- 4 You are advised that any amendments to the approved plans will require either a Non-Material amendment application, a Minor Material Amendment application or a new planning application. If this is the case then you should allow at least 8 weeks before the intended start date to gain approval for such amendments. Further advice can be obtained by contacting the Planning Section of the Council on any amendments (internal or external).
- 5 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.

### **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.

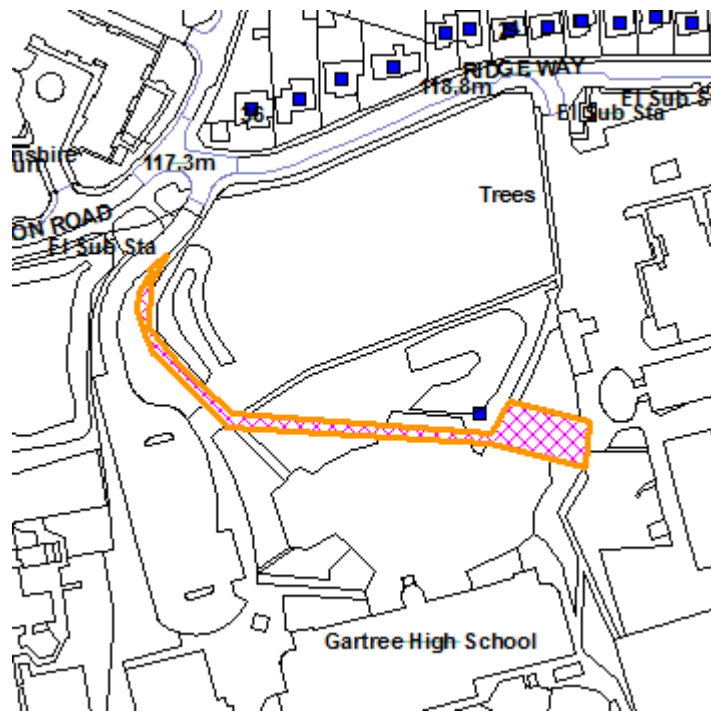
If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further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

e.	21/00097/FUL	Gartree High School Ridge Way Oadby Leicester Leicestershire LE2 5TQ
	11 March 2021	Erection of four classroom teaching block
	Case Officer	Mrs Tracey Carey



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## Site and Location

The site lies to the south of Ridgeway with residential properties to the north. The site is bounded by Brocks Hill Primary School to the west and Beauchamp College to the east. The application site is located on the east side of the school grounds, close to the perimeter of Beauchamp College. The site currently comprises a 16m wide triangular area of amenity grass, situated between a footpath to the front of the main school building and the perimeter fence.

## Description of proposal

The application is for the erection of a four classroom teaching block.

The building measures 10.4m wide x 22.7m long by 6.77m high. The roof has a 1.5 degree duo pitch roof comprising of composite roof panels coated black. At ground floor the walls will be clad in 'Forticrete' blockwork and the first floor will be rendered to match the main school building.

The building will provide four 71.3sqm classrooms, two to each floor, plus lobby and store rooms and a 21sqm staff room on the first floor.

In Autumn 2021, the intake of new pupils to the school will increase by 30, from 155 to 185. The new building will help the school to accommodate the increase in new admissions, age range change from 11-16 and additional GCSE groups.

The statutory determination period for this application expires on the 28 May and it is intended to issue a decision as soon as practicably possible after the committee meeting.

## Relevant Planning History

05/00562/LCC - Erection of new high school, demolition of existing and external works – Approved

11/00144/LCC - Second floor, rear, extension to provide a Conference Room – Approved

14/00134/FUL - Erection of enclosed glazed canopy to South elevation – Approved

## Consultations

Leicestershire County Council (Highways) – Incorporated into the report

OWBC Tree Officer - Incorporated into the report

## Representations

Neighbours have been informed and a site notice placed with two letters of representation being received at the time of writing this report which raise the following issues:

- The uncontrolled expansion of the schools has resulted in chaos in Ridgeway at the beginning and end of the school day. If cars stop they regularly do so parking on the footpath preventing wheelchairs and pushchairs passing. However, they often simply stop in the middle of the road. If this application is passed (and I fully understand its need) it should be an essential condition that the school provide an off-road parking area where children can be picked up and dropped.
- The proposal will increase parking along Ridgeway. This is already a big problem not only on Ridgeway but all the adjoining roads.

One letter in support of the proposal has also been received.

The date for the receipt of comments expires on the 30 April 2021.

This application has been brought to Committee at the request of Councillor Mr Kaufman.

## **Relevant Planning Policies**

### National Planning Policy Framework

### Oadby and Wigston Local Plan

Policy 6 - High Quality Design and Materials

Policy 44 – Landscape and Character

Residential Development Supplementary Planning Document

## **Assessment**

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

1. The impact of the proposal on the street scene
2. The impact of the proposal on neighbouring residential properties
- ~~3.~~ 1. Highway implications

### The impact of the proposal on the street scene

The design of the building is sympathetic to the existing buildings and would be subordinate to the main school building in terms of height and scale. The external materials and colour palette matches that of the main building which has a modern architectural form with large areas of glazing, buff brick and white render elevations.

The proposal is set back from Ridge Way in excess of 100m and would be located near to the site boundary, approx. 10m away from the nearest buildings at neighbouring Beauchamp College and angled away from the boundary. The building is sited to the north of the existing building and pushed back eastwards so as not to interrupt the views of the main building's principal elevation when viewed from Ridge Way.

Policy 6 of the Oadby and Wigston Local Plan provides a list of design criteria for new development, including respecting the existing local and historic character, inclusive design principles and ensuring patterns of development are sympathetic and responsive to their surroundings. The development is, therefore, in accordance with Policy 6 and as such it is considered that the proposal will not significantly impact on the character and appearance of the street scene or the amenity of the adjoining college premises and will be viewed as part of a group of buildings within a similar use.

### The impact of the proposal on neighbouring residential properties

The nearest residential properties are to the north of the site on Ridge Way and are located in excess of 100m from the proposal. Due to the siting adjacent to existing buildings and the distance from properties in Ridge Way it is not considered that the proposal will significantly impact on the residential amenity of surrounding residential properties.

## Highway Issues

The Local Highway Authority have been consulted on the application and do not consider that the addition of 30 students would have a severe impact on the local highway. They have commented that:

*'In accordance with the 'Walking and cycling to school' section of the 'Walking and Cycling Statistics, England:2019' Factsheet provided by the Department of Transport (DfT), 27% of students aged 11-16 travel by private car. This equates to a total of 8 additional trips out of the proposed 30 new pupils which the LHA would not consider to be a severe impact.'*

## Other Matters

The Council's Tree Officer has been consulted on the application and has commented that:

*'the trees are small medium young trees up to 6m tall and comprising of Common Ash (Fraxinus excelsior), field Maple (Acer campestre), Viburnum, Cornus and Oak (Quercus robur). These trees are not of significant consideration.*

*In accordance with s197(a) of the Town and Country Planning Act, it is reasonable that there should be provision for the planting of trees, it would be much preferred to achieve a net gain in tree cover while also broadening the age diversity in the area. I would therefore recommend a condition for requirement of a soft landscaping plan to include tree planting.*

*The proposal does not appear to have a significant impact on the existing tree scape and as such the proposal raises no arboricultural issues.'*

## **Conclusion**

In summary, the proposed development is not considered to harm the character and appearance of the existing building or that of the surroundings, the amenity of neighbouring residential properties or the safe and efficient use of the highway and is, therefore, recommended for approval.

## **Implications Statement**

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

## Recommendation

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the materials specified on the Application Form unless alternative materials are agreed with the Local Planning Authority.  
**Reason:** To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6 and 44 of the Oadby and Wigston Local Plan.
- 3 Prior to the 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.
- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
**Reason:** To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and the occupiers of adjacent buildings and in accordance with the aims and objectives of the National Planning Policy Framework and Policy 44 of the Oadby and Wigston Local Plan.
- 5 No development shall commence on site including any site clearance/preparation works, until a Construction Method Statement has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the construction period.
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading/unloading and storage of plant, materials, oils, fuels and chemicals;
  - c) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
  - d) wheel washing facilities and road cleaning arrangements;
  - e) measures to control the emission of dust during construction;
  - f) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
  - g) measures for the protection of the natural environment;
  - h) hours of construction work, including deliveries and removal of materials;
  - i) full details of any piling techniques to be employed, if relevant;

- j) location of temporary buildings and associated generators, compounds, structures and enclosures;
- k) routing of construction traffic; and
- l) full details of any floodlighting to be installed associated with the construction of the development.

**Reason:** To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 6 Unless otherwise first approved in writing (by means of a Non-material Amendment/Minor Material Amendment or a new Planning Permission) by the Local Planning Authority the development hereby permitted shall be carried out in accordance with the approved plans and particulars listed in the schedule below:

Location and Site Plans, Drawing No. 11249\_1\_003B received by the Local Planning Authority on 11 March 2021

Proposed Elevations, Drawing No. 11249\_1\_002F received by the Local Planning Authority on 26 February 2021

Proposed Floor Plans, Drawing No. 11249\_1\_001E received by the Local Planning Authority on 26 February 2021

Planning Statement Dated 19 April 2021 received by the Local Planning Authority on 19 April 2021

**Reason:** For the avoidance of doubt as to what is permitted by this permission and in the interests of proper planning.

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 If the proposal involves the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Etc. Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.
- 3 For the avoidance of doubt this permission does not authorise any development outside the application site including any foundation, footings, fascias, eaves, soffits, verges or guttering.
- 4 You are advised that any amendments to the approved plans will require either a Non-Material amendment application, a Minor Material Amendment application or a new planning application. If this is the case then you should allow at least 8 weeks before the intended start date to gain approval for such amendments. Further advice can be obtained by contacting the Planning Section of the Council on any amendments (internal or external).
- 5 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.

- 6 The Application as submitted was considered to be acceptable and therefore discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. 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 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. 20/00530/FUL**

**b. 21/00059/FUL**

**c. 21/00077/COU**

**d. 21/00090/FUL**

**e. 21/00097/FUL**

# Agenda Item 7



<b>Development Control Committee</b>	<b>Thursday, 20 May 2021</b>	<b>Matter for Information</b>
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**Report Title:** **Planning Appeals Summary Update (2020/21)**

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

<b>Purpose of Report:</b>	To provide an update on appeal decisions received by the Council as Local Planning Authority (LPA) during 2020/21.
<b>Report Summary:</b>	A total of 5 appeal decisions were received, with 3 dismissed (60%) and 2 allowed (40%). The Council as LPA is therefore above the 30% Government target for appeals being allowed.
<b>Recommendation(s):</b>	<b>That the content of the report and appendix be noted.</b>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	Adrian Thorpe (Head of Built Environment) (0116) 257 2645 <a href="mailto:adrian.thorpe@oadby-wigston.gov.uk">adrian.thorpe@oadby-wigston.gov.uk</a>  Richard Redford (Development Control Manager) (0116) 257 2654 <a href="mailto:richard.redford@oadby-wigston.gov.uk">richard.redford@oadby-wigston.gov.uk</a>
<b>Corporate Objectives:</b>	Building, Protecting and Empowering Communities (CO1) Growing the Borough Economically (CO2) Providing Excellent Services (CO3)
<b>Vision and Values:</b>	"A Stronger Borough Together" (Vision) Accountability (V1) Respect (V2)
<b>Report Implications:-</b>	
Legal:	There are no implications directly arising from this report.  For context only, the Growth and Infrastructure Act 2013 inserted two new provisions into the Town and Country Planning Act (1990) ("the Act"). In particular, section 62A allowed major applications for planning permission, consents and orders to be made directly to the Planning Inspectorate (acting on behalf of the Secretary of State) where a local planning authority has been designated for this purpose.  Under section 62B of the Act, the Secretary of State can designate a Local Planning Authority (LPA) where s/he considers it is not adequately performing its function in determining applications. This includes, amongst other things, where an LPA has not met the threshold for its decisions on applications being overturned at appeal.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Reputation Damage (CR4) Decreasing Financial Resources / Increasing Financial Pressures (CR1)

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.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	None.
<b>Appendices:</b>	<b>1.</b> Appeal Details & Decisions (2020/21)

## **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 higher 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 a reputational risk to the Council. There can also be resource implications where costs are awarded against the Council on an appeal allowed by the Planning Inspectorate. Therefore, particularly due to the low numbers of planning applications handled by the Council, there is a need to ensure that refusals, conditions attached to planning permissions, and enforcement notices, can be robustly defended at appeal.
- 1.4. The purpose of this report is to provide a yearly summary for 2020/21 of those planning applications (including consent based submissions) and planning enforcement related notices which have been challenged at appeal.
- 1.5. 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. 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.

### **3. Planning Appeals in 2020/21**

3.1. **Appendix 1** to this report provides details in respect of relevant planning-related appeals in 2020/21. A total of 5 appeals were determined by PIN's as follows:

- 5 related to planning application decisions of which:
  - 3 were dismissed; and
  - 2 were allowed

3.2. No applications for costs were made against the Council.

3.3. 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:

- 60% dismissed; and
- 40% allowed.

3.4. It can be seen from these figures that the Council is above the 30% Government target for appeals being allowed. In assessing the implications of this, at the time of writing this report the National data has not been published meaning we cannot see how we compare with other councils. However, it is like that where a council has not met the target, the specific circumstances will be taken into consideration.

3.5. In terms of the two appeals that were allowed these related to residential extension developments where the Inspectors views of harm differed slightly from that of Officers in that a different amount of weight was given to the harm associated with the schemes. It is also of note that, in numeric terms, the number of appeals allowed is small.

3.6. There remains however, 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 (2020/21)**

	<b>Appeal Site Location</b>	<b>Description of Development</b>	<b>Case Officer Planning Ref Numbers (Application / Enforcement / Appeal) PINs Reference Number</b>	<b>LPA Decision Date of LPA Decision Del / Com Type of Appeal</b>	<b>Appeal Outcome &amp; Date</b>
<b>1.</b>	Natsons House Cornwall Road Wigston Leicestershire LE18 4XH	Erection of 2.4 metre high fencing behind the existing fence perimeter and along the perimeter of the site, with associated gateway entrances.	Alex Matthews 19/00314/FUL APP/L2440/W/20/3248928	Refused: 09/10/2019 Delegated	Appeal Dismissed – 04 Aug 2020
<b>2.</b>	1 The Yews Oadby Leicestershire LE2 5EF	Erection of a first floor addition to the rear wing with a new roof, an increase in the roof height on the side wing, alterations to the overall roofing, and associated alterations.	Alex Matthews 19/00414/FUL APP/L2440/D/20/3248073	Refused: 09/12/2019 Delegated	Appeal Allowed – 28 July 2020
<b>3.</b>	65 West Avenue, Wigston, Leicester, Leicestershire, LE18 2FD	Single storey ground floor extension of living room, porch and toilet at front and kitchen/dining at rear.	Christina Emmett 20/00191/FUL APP/L2440/D/20/3258367	Refused, 13/05/2020 Delegated	Appeal Allowed – 11/12/2020

<b>4.</b>	67 Orson Drive, Wigston Leicester LE18 2EL	Erection of detached annex to rear	Tracey Carey 20/00387/FUL APP/L2440/D/3265093	Refused 13/10/2020 Delegated	Appeal Dismissed – 11/03/2021
<b>5.</b>	32 Wigston Road, Oadby, Leicestershire LE2 5QB	Erection of proposed 2 x detached dwelling to include landscape and associated parking spaces and boundary treatment.	Alex Matthews / Richard Redford 20/00148/FUL APP/L2440/W/20/3264054	Refused 03/05/2020 Delegated	Appeal Dismissed – 11/03/2021

# Agenda Item 8



<b>Development Control Committee</b>	<b>Thursday, 20 May 2021</b>	<b>Matter for Information</b>
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**Report Title:** **Planning Enforcement Activity Report (2020/2021)**

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

<b>Purpose of Report:</b>	To provide a yearly summary of the Council's planning enforcement activity as the Local Planning Authority (LPA) for 2020/21.
<b>Report Summary:</b>	During the period 1 April 2020 until 31 March 2021, the enforcement activity that has taken place is as follows 181 new cases were registered. 11 formal notices were served comprising a mixture of Enforcement Notices and Section 215 Notices. Of the Enforcement Notices served, none were appealed.
<b>Recommendation(s):</b>	<b>That the content of the report be noted.</b>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>Adrian Thorpe (Head of Built Environment) (0116) 257 2645 <a href="mailto:adrian.thorpe@oadby-wigston.gov.uk">adrian.thorpe@oadby-wigston.gov.uk</a></p> <p>Richard Redford (Development Control Manager) (0116) 257 2654 <a href="mailto:richard.redford@oadby-wigston.gov.uk">richard.redford@oadby-wigston.gov.uk</a></p> <p>Chris Glover (Planning Enforcement Officer) (0116) 257 2733 <a href="mailto:chris.glover@oadby-wigston.gov.uk">chris.glover@oadby-wigston.gov.uk</a></p>
<b>Corporate Objectives:</b>	Building, Protecting and Empowering Communities (CO1) Growing the Borough Economically (CO2) Providing Excellent Services (CO3)
<b>Vision and Values:</b>	"A Stronger Borough Together" (Vision) Accountability (V1) Respect (V2) Teamwork (V3) Customer Focus (V5)
<b>Report Implications:-</b>	
Legal:	There are no implications directly arising from this report.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Decreasing Financial Resources / Increasing Financial Pressures (CR1) Regulatory Governance (CR6) Economy / Regeneration (CR9)
Equalities and Equalities Assessment (EA):	There are no implications directly arising from this report. EA not applicable.
Human Rights:	There are no implications directly arising from this report.

Health and Safety:	There are no implications directly arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	None.
<b>Appendices:</b>	None.

## 1. Background

- 1.1 At the meeting of the Development Control Committee on 27 August 2020, 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 2020 until 31 March 2021, the enforcement activity that has taken place is as follows:
- Number of new cases registered in the period: 181
  - Number of cases closed in the period: 94
  - Number of cases currently logged: 449
- 2.2 A total of 83 active enforcement cases from the period 1<sup>st</sup> April 2019 to 31 March 2020 were carried into the period 1<sup>st</sup> April 2020 until 31<sup>st</sup> March 2021.
- 2.3 In respect of the number of cases currently logged, 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. In addition, a recent audit of our enforcement database highlighted a number of cases 'pending consideration' dating back to 2004. There is work in progress to bring the database up to date, as many of these cases will have already been resolved.
- 2.4 During the period 1 April 2020 to 31 March 2021, an overall total of 11 formal notices were served comprising a mixture of Enforcement Notices and Section 215 Notices. Of the Enforcement Notices served, none were appealed.
- 2.5 The number of outstanding enforcement cases has marginally increased from last year by a total of 3 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 18 retrospective planning applications being received to regularise breaches of control.
- 2.7 No formal complaints were registered against enforcement based issues.
- 2.8 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.