

Meeting: Planning and Development
Committee

Agenda Item:

Date: 19 February 2025

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

Author – Linda Sparrow

Lead Officer – Ailsa Davis

Contact Officer – Ailsa Davis

1. APPEALS RECEIVED

- 1.1 24/00469/FPH, 7 Milestone Close. Appeal against refusal of planning permission for a single storey front extension.

2. DECISIONS AWAITED

- 2.1 23/00035/ENFAPL, Car park to side of 10 Aintree Way. Appeal against the serving of an Enforcement Notice relating to the erection of a car port.
- 2.2 23/00824/CLEU, 40A Vinters Avenue. Appeal against the refusal to issue a Lawful Development Certificate for the existing use of the premises as 4no. self-contained studio flats. *To be determined following a Public Inquiry on 11th February 2025.*
- 2.3 23/00771/ENF, 40A Vinters Avenue. Appeal against the serving of an Enforcement Notice relating to the development under planning permission reference number 23/00824/CLEU. *To be determined following a Public Inquiry on 11th February 2025.*

3. DECISIONS RECEIVED

- 3.1 21/01025/ENFAPL, 7 Boxfield Green. Appeal against the serving of an Enforcement Notice relating to the development not in accordance with approved plans under planning permission reference number 17/00734/FPH.
- 3.1.1 The Planning Inspector advised by letter that the Enforcement Notice is nullified; subsequently the Council advised the appellant that the Enforcement Notice is withdrawn.
- 3.1.2 The Inspector found that the enforcement notice was not clear as to what formed the breach of planning and failed to advise the appellant clearly and fairly what they have done wrong as required by Section 173(3) of the Town and Country Planning Act 1990 (as amended).
- 3.1.3 Further the Inspector found that the time limits for compliance were not clear as set out in Section 173(9) of the aforementioned Act.
- 3.1.4 The Council agreed to withdraw the Enforcement Notice and is seeking legal advice on re-serving the Notice.

3.2 23/00920/FPM, Land to the west of Lytton Way. Appeal against refusal of planning permission for the variation of condition 1 (approved plans) attached to planning permission reference number 23/00655/FPM to remove undercroft parking areas to blocks 1 to 3 and 5 to 7 to provide 16 additional apartments and to cycle parking provision, communal entrances, refuse stores, plant and equipment, water tanks and storage areas. Alterations to centralised communal area and ancillary facilities layout in block 4, removal of external cycle store adjacent to block 4, addition of 13 parking spaces, amendment to affordable housing mix in block 7.

3.2.1 Main issue

The effect of the loss of the undercroft car parking and the creation of additional parking demand from the proposed flats on highway safety.

3.2.2 Reasons

The appeal scheme would result in a net loss of 30 car parking spaces with an increased demand for parking generated by the additional 16 residential units.

The Inspector found that the site is in a highly sustainable location being close to the Town Centre with a range of transport options available, including public transport, car clubs, and pedestrian routes. Policy IT5 allows for a provision of 25% to 50% of the required provision and at 198 spaces, the appeal scheme provides approximately 26.2% of the required provision which accords with the Parking SPD and Policy IT5.

He also agreed that the parking survey provided identifies available parking in the vicinity of the site and that parking restrictions on neighbouring roads adequately protects local residents. He concluded that there is no evidence before him that off-site car parking would harm highway safety in this instance. As such, he was satisfied that the loss of the undercroft car parking and increased demand from additional residential units would not be harmful to highway safety and the appeal scheme therefore complies with Policies IT5 and SP6 of the Local Plan.

The Inspector imposed a number of conditions, including adherence to the previously approved Construction Management Statement, tree protection measures, materials, compliance with the Energy Strategy, provision of cycle parking, storage of refuse and recycling, and contamination.

3.2.3 Conclusion

The appeal is allowed. The appellant also applied for costs and the decision on this is awaited.