



TO COUNCILLOR:

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

J K Ford
C S Gore
G G Hunt
P Joshi
R V Joshi

C D Kozlowski
C J R Martin
R E R Morris
I K Ridley

I summon you to attend the following meeting for the transaction of the business in the agenda below.

Meeting: Development Control Committee
Date & Time: Thursday, 28 September 2023, 7.00 pm
Venue: Civic Suite 2, Brocks Hill Council Offices, Washbrook Lane, Oadby, Leicester, LE2 5JJ
Contact: Democratic Services
t: (0116) 257 2775
e: democratic.services@oadby-wigston.gov.uk

Yours faithfully

Council Offices
Oadby
19 September 2023

Anne E Court
Chief Executive



Meeting ID: 2542

ITEM NO.

AGENDA

PAGE NO'S

Meeting Live Broadcast | Information and Link

This meeting will be broadcast live.

Press & Public Access:

A direct link to the live broadcast of the meeting's proceedings on the Council's Civico platform is below.

<https://civico.net/oadby-wigston/18010-Development-Control-Committee>

1. Apologies for Absence

To receive apologies for absence from Members to determine the quorum of the meeting in accordance with Rule 7 of Part 4 of the Constitution.



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OadbyWigstonBC



@Oadby_Wigston

2. Appointment of Substitutes

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

3. Declarations of Interest

Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.

4. Minutes of the Previous Meeting

3 - 5

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

5. Report of the Planning Policy and Development Manager (September 2023)

6 - 32

a. Application No. 22/00187/FUL - Land To East Of Ash Lodge, Stoughton Drive South, Oadby, Leicestershire, LE2 2NG

Report of the Principal Development Control Officer

b. Application No. 23/00044/OUT - 86 Station Road, Wigston, Leicestershire, LE18 2DJ

Report of the Development Management Planning Officer

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Agenda Item 4

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT
CIVIC SUITE 2, BROCKS HILL COUNCIL OFFICES, WASHBROOK LANE, OADBY,
LEICESTER, LE2 5JJ ON THURSDAY, 27 JULY 2023 COMMENCING AT 7.00 PM**

PRESENT

L A Bentley Chair
L M Broadley Vice-Chair



Meeting ID: 2522

COUNCILLORS

S S Athwal
G A Boulter
J K Ford
C S Gore
S Z Haq
P Joshi
J Kaufman
C D Kozlowski
C J R Martin
R E R Morris

OFFICERS IN ATTENDANCE

S J Ball Legal & Democratic Services Manager / Deputy Monitoring Officer
T Carey Senior Development Control Officer
J Carr Planning Policy and Development Manager
J Cosgrove Development Management Planning Officer
H Ingar Solicitor
A Thorpe Head of Built Environment

7. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillors F S Broadley, G G Hunt, N V Joshi, I K Ridley.

8. APPOINTMENT OF SUBSTITUTES

Councillors S Z Haq and J Kaufman substituted for Councillors G G Hunt and I K Ridley respectively.

9. DECLARATIONS OF INTEREST

None.

10. MINUTES OF THE PREVIOUS MEETING

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The minutes of the previous meeting held on 29 June 2023 be taken as read,

confirmed and signed.

In accordance with Rule 6.3 of Part 4 of the Constitution, the Chair moved for the order of business to be altered and taken in the order as reflected in the minutes.

By general affirmation of the meeting, it was

RESOLVED THAT:

The order of business be altered, accordingly.

11. REPORT OF THE PLANNING POLICY AND DEVELOPMENT MANAGER (JULY 2023)

11a. APPLICATION NO. 22/00245/FUL - ASDA, LEICESTER ROAD, OADBY, LEICESTERSHIRE, LE2 4AH

The Committee gave consideration of the report (as set out on pages 10 - 20 of the agenda reports pack), which asked it to determine the erection of a single storey building for mixed restaurant and hot food takeaway, incorporating a dedicated drive-thru facility and the associated reconfiguration of the existing car park layout and landscaping.

Mr David Howat addressed the Committee in objection to the application.

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

RESOLVED THAT:

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

Votes For: 8
Votes Against: 1
Abstentions: 2

11b. APPLICATION NO. 23/00212/VAC - BROCKS HILL VISITOR CENTRE AND COUNTRY PARK, WASHBROOK LANE, OADBY, LEICESTERSHIRE, LE2 5JJ

The Committee gave consideration of the report (as set out on pages 21 – 27 of the agenda reports pack), which asked it to determine the variation of condition 5 of planning permission 22/00037/FUL to amend current operating hours of between 09:00 and 16:00hrs on Saturday, Sunday and Bank Holiday to 07:00 - 22:00hrs to reflect Monday-Friday operating times.

It was moved by the Chair and seconded by L M Broadley and

UNANIMOUSLY RESOLVED THAT:

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

12. PLANNING ENFORCEMENT AND APPEALS ANNUAL SUMMARY REPORT

(2022/23)

The Committee gave consideration of the report (as set out on pages 5 - 8 of the agenda reports pack), which asked it to note an annual update / summary in relation to Planning Enforcement activity and Planning Appeals for the 2022-2023 monitoring year.

By general affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The contents of the report be noted.

THE MEETING CLOSED AT 8.24 pm

Agenda Item 5

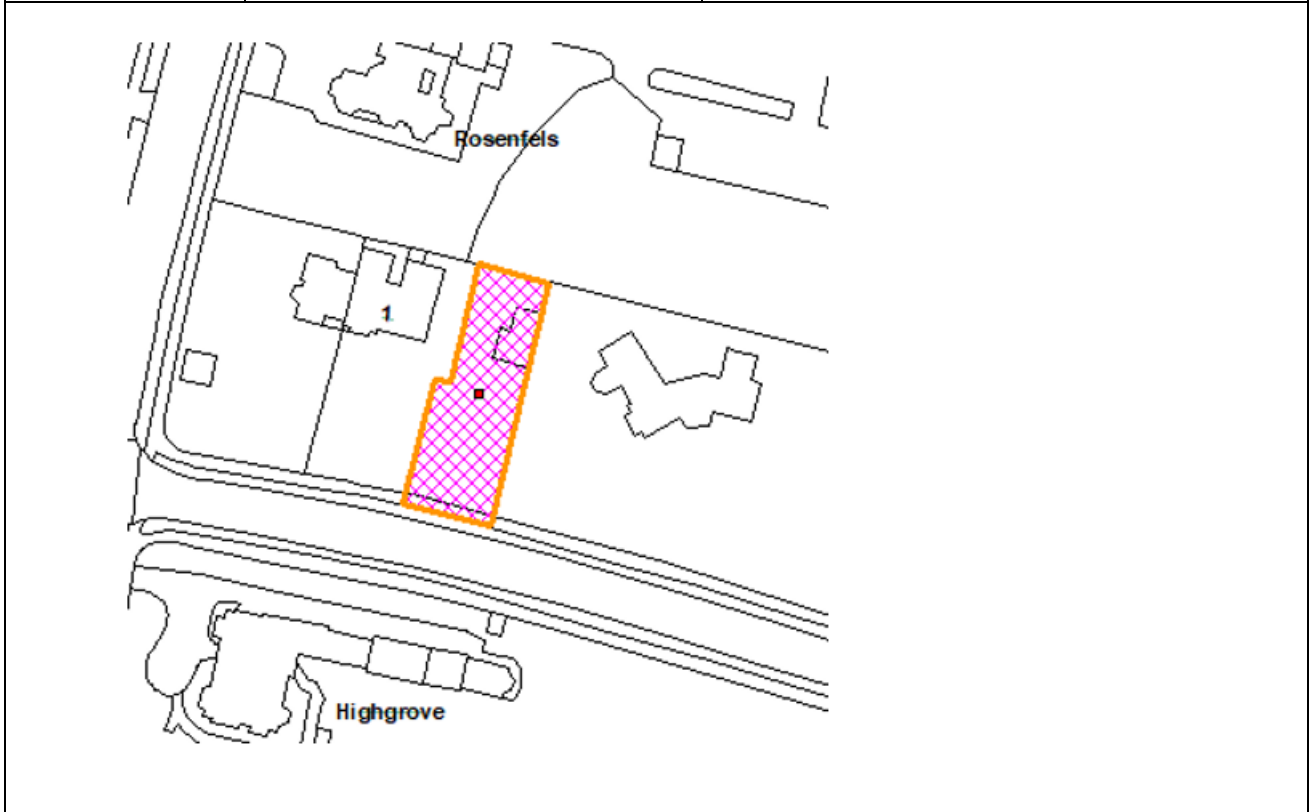
Application Number

Address

Report Items

- | | |
|-----------------|---|
| a. 22/00187/FUL | Land To East Of
Ash Lodge
Stoughton Drive South
Oadby
Leicestershire
LE2 2NG |
| b. 23/00044/OUT | 86 Station Road
Wigston
Leicestershire
LE18 2DJ |

a.	22/00187/FUL	Land To East Of Ash Lodge Stoughton Drive South Oadby Leicestershire LE2 2NG
	12 May 2022	Demolition of existing coach house and erection of a new dwelling plus replacement gate piers and gates
	Case Officer	Mrs Tracey Carey



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Site and Location

The site is located within the Oadby Hill Top and Meadowcourt Conservation Area, within the Oadby Arboretum Landscape Character Area and is characterised by substantial dwellings in large plots. The site is situated on the northern side of Southmeads Road located between two existing detached dwellings, Ash Lodge and Whitewings.

The site is a vacant plot of land, with an area of hard surfacing at the top (north) of the site, and is separated from the neighbouring properties by a hedge and a wall. A former brick built coach house occupies the north eastern corner of the site, with a flank wall running along the eastern boundary. This is primarily single storey however the north end of the coach house contains a first floor area with fixed ladder access.

Description of proposal

The application is for the demolition of the existing coach house and erection of a new dwelling plus replacement gate piers and gates.

The proposed dwelling is 'L' shaped varying in width from around 12m to 6.2m and in depth from around 16m to 6.3m with a maximum height of 7.8m. The dwelling is in the main two storey however there is a room in the main roof space with a dormer window to the rear and a one and a half storey element to the front with a side facing dormer. The dwelling will be constructed in a mixture of render and bricks with plain roof tiles.

The existing access will be retained and increased with new brick piers (approx. 2.0m high) and a pedestrian gate and 1.8m high hardwood vehicular sliding gates at the entrance.

The proposal will require the removal of one (Cypress) tree along the side boundary to facilitate the development and approximately 1m of hedge to allow for wider access. Two dead Laburnum trees (along the frontage) are to be removed for arboricultural management.

The statutory determination period for this application expires on the 6 October 2023 and it is intended to issue a decision as soon as practicably possible after the committee meeting.

Relevant Planning History

19/00203/FUL - Partial demolition of existing coach house and erection of a new dwelling plus replacement gate piers and gates - Approved

18/00245/FUL - Demolition (in part) of existing coach house and erection of a new dwelling plus replacement gate piers and gates - Refused

05/0549/FUL - New dwelling incorporating existing garage and outbuildings - Withdrawn

95/0538/8M - New dwelling incorporating existing garage and outbuildings - Approved

Consultations

Leicestershire County Council (Highways) – Refer to standing advice.

Conservation Officer – Incorporated into the report.

Leicestershire County Council (Ecology) – Incorporated into the report

Oadby Civic Society – No comments received.

OWBC Planning Policy – Incorporated into the report.

OWBC Tree Officer – Incorporated into the report.

Representations

Neighbours have been informed and a press/site notice placed with two letter of representation being received (from the same property) at the time of writing this report which raise the following issues:

- * We note the previous permission has lapsed. While the basic proposal to build a four bedroom house is unchanged, there are important differences including the demolition of the existing Coach House and a significant change in the 'massing' of the proposed new structure.
- * The Coach House and strip of land were detached from Ash Lodge when it was sold. We are against demolition because the building lies within the Meadowcourt and Hill Top Conservation Area, and is one of the last of the original coach houses for the houses built along Stoughton Drive South in the first decade of the twentieth century. It is increasingly clear that the demolition of any building significantly increases the carbon footprint of the development. The owner should examine alternatives, such as underpinning the structure or improving the site drainage.
- * The case for the demolition of the Coach House is based on what appears to be a flawed assumption, the structural engineer's claim that the water table is high. We think this is unlikely. It is certainly not true of the property to the east. Furthermore, the Coach House is built on a slope which drops steadily until it reaches the A6 to the south, and the Topographical Site Survey undertaken by Axis Surveys in February 2018 suggests a drop of a metre from the coach house to Southmeads Road.
- * A major feature of the Meadowcourt and Hill Top Conservation Area is the development of large houses on large plots, particularly in Southmeads Road. We believe the massing and size of the proposed development on a small plot between two existing large houses on large plots will be a significant and detrimental change to one of the principal and acknowledged features of the Conservation Area.
- * The new plans include the addition of a fourth bedroom in the roof space which will add significantly to the 'massing' of the building. If this large house on a small plot is given planning permission what is to prevent other owners applying for permission to 'infill' their house plots?
- * We hope that if planning consent is given there would be strict conditions to protect the trees and historic box hedge along the common boundary. It is difficult to see how the demolition of an existing wall and the construction of a new wall could be achieved without damage. We would hope the developers would be required to produce a method statement on how they would avoid damaging the trees and historic hedge.
- * We note that the planning application admits that the site has been used for the storage of commercial vehicles by the present owners. This is presumably in violation of the planning regulations.
- * The covering letter from the Applicant states that a structural engineer has found that the coach house foundations are inadequate. No copy of the structural engineering report forms part of the application.
- * The developer of the site does not appear to be aware of the TPOs on the trees at the back of the property which are on University land, but overhang the site in this application.

The following comments were submitted following additional documents provided:

- * Policies 11, 15 and 40 cited in the Design and Access Statement and Heritage Impact Assessment do not support the case.
- * Adverse effect and loss of amenity to adjacent or nearby properties.
- * Only 3 of the 25 trees are on the applicant's plot.
- * Loss of light and reduction in neighbouring owner's enjoyment of their garden and significant impact on the living areas.
- * Disturbance of adjacent properties if coach house demolished.
- * The coach house is one of the historic assets of the Borough.
- * The points in policy 41 are compromised to some degree by the proposed development.

- * It is surprising that the discovery of inadequate foundations was not made before. Demolition is not the only solution, the structure can be underpinned or a steel framework inserted within the structure.
- * Contrary to what is argued the site is part of a residential curtilage of Ash Lodge and though separated from the house for around 25 years it has continued to act in the streetscape as providing space visually between Ash Lodge and White Wings. This will be lost by the proposed development. The length of time that the plot has been artificially separated from Ash Lodge does not support the argument the proposed development would not involve the subdivision of a plot or building on a residential curtilage. It is just that the separation took place 24 years ago rather than recently.
- * The claim that the development of the site would "make use of a vacant piece of land that currently brings little visual or environmental benefit to the surroundings. The quality of this dwelling could be seen as a positive enhancement, not just a neutral effect on the Conservation Area" is dishonest. The present appearance is the record of the neglect of the site by the owners. The only exception was the commercial use of the site alluded to in the planning application, when the brick hardcore was laid and the plot was used to store commercial vehicles, presumably without planning permission.
- * I note that under clause 8.4 "it is adjudged that the existing garage is of little, if any, intrinsic merit within its context and so replacing it with a dwelling of this quality will have a positive contribution on the Conservation Area". Who was qualified to make this judgement? I am a Fellow of the Royal Historical Society, and an honorary Vice-President and former Editor of the Leicestershire Archaeological & Historical Society's Transactions, and a current Committee Member, and therefore a historian and local historian extremely well qualified to make such an assessment. The Coach-House is the original Coach-House for Ash Lodge built in about 1904. It is one of the last of the original coach-houses for the houses built along Stoughton Drive South in the first decade of the twentieth century. In my opinion it is therefore significant in recording an important feature of the houses built along Stoughton Drive South, which otherwise have not survived. I would point out that English Heritage increasingly includes vernacular buildings of a modest nature on its registers because of their significance to our heritage.
- * The Arboricultural Assessment is largely satisfactory and any planning permission should include the conditions to protect the surrounding trees. It should be noted, however, that the survey was undertaken during a period of record temperatures and when there had been no rainfall for weeks. The trees were undoubtedly stressed as a result, but all on the eastern boundary of the plot flowered in the spring. There is one dead branch of a cherry tree overhanging the applicant's property. The Survey was only undertaken from the site and therefore does not take account of all the trees on the proposed boundary. A fresh survey would be necessary before development begins and the findings subject to the same conditions. T08 appears to be missing from the report and there is a further tree which has been overlooked.
- * The previous planning consent was given on the basis of the retention of the existing Coach-House with many caveats due to the sensitivity of the site and the principles involving a large development on a small site. The application to demolish the Coach-House is a major change and should determine that the application is rejected.
- * It is worth repeating the statement made by the Council when planning permission was refused to the owners in 2018 (see 18/00245/FUL): "Furthermore, the application if approved would create a precedent for applications of a similar nature which would be difficult to resist and which would seriously detract from the character and appearance of the area." This is clearly a large house on a small plot and does not meet the characteristics of the Conservation Area of large houses on large plots. If the Council intends to maintain and enforce the conditions of the Conservation Area, the previous planning permission for development of the site should be reversed.

The application has been called to Committee by Councillor Priti Joshi.

Relevant Planning Policies

National Planning Policy Framework

Oadby and Wigston Local Plan

Policy 6 – High Quality Design and Materials
Policy 15 – Urban Infill Development
Policy 40 – Culture and Historic Environment Assets
Policy 41 – Conservation Areas
Policy 44 – Landscape and Character

Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document
Conservation Areas Supplementary Planning Document
Landscape Character Assessment

Planning Considerations

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

- * Principle of development
- * The impact of the proposal on the character and appearance of the area
- * The impact of the proposal on neighbouring residential properties

Principle of development

The land is located within the Leicester Principle Urban Area (PUA), Oadby Hill Top and Meadowcourt Conservation Area as defined by the Conservation Areas SPD, and, within the Oadby Arboretum Urban Character Area (Oiii) as defined in the Borough Council's Landscape Character Assessment (2018). Whilst the site is located within the Oadby Hill Top and Meadowcourt Conservation Area, there is no policy that seeks to preclude development in such designated areas, although development is required to respect the character and appearance of the surroundings (policies 40, 41 and 44).

The site previously formed part of the residential curtilage / garden land to Rosecourt, prior to the merging of Ash Lodge and Rosecourt in 1995. As part of the 1995 application to convert Ash Lodge and Rose Court back to a single dwelling the site formed a new building plot for a 5 bed dwelling including the demolition of the existing coach house. The site has not been used as garden land since that time, the proposed development does not therefore entail the subdivision of an existing plot or building on residential curtilage as the principle of a building plot has been established since 1995. Since that time three applications have been made to develop the plot, the latest being in 2019 and only expiring in July last year (2022).

The impact of the proposal on the character and appearance of the area

It should be noted that the 1995 permission granted consent for the demolition of the coach house.

Planning permission was granted in 2019 for the erection of a new dwelling incorporating external walls of the existing coach house. The current proposal involves the erection of a virtually identical dwelling but with the demolition of the existing coach house, as opposed to partial demolition as set out in the 2019 approval.

The design and building to plot ratio were negotiated through the previous planning permissions. It should also be noted that the 2019 permission was determined under the current Local Plan policies (2019) and there have been no changes in local policy since that time.

The current proposal has an identical footprint to the previous application and is virtually identical in siting, scale and appearance, with the exception of a 1.45m increase in the elevation along the eastern boundary to enclose the side of the covered area proposed to the front.

A Structural Engineer's Report has been submitted in support of the application which notes the following in respect of the existing coach house building:

- * The external walls are showing signs of weathering, in particular the northern and southern facing walls;
- * The tiled roof covering is showing signs of damage when viewed from ground level which appears to be allowing water ingress to damage the roof structure;
- * The timber roof covering over the single storey extension is showing signs of significant damage due to water ingress. The timber roof covering and joists have rotted away leaving the building open to the elements;
- * The ceiling plaster in the garage was noted to have been damaged/ fallen away in numerous places which is likely to have been caused by rainwater ingress;
- * Numerous damp patches and dilapidation of the ceiling plaster was noted within the garage;
- * The single storey extension adjacent to the west facing wall appears to have separated away from the main building, with a gap clearly visible between the masonry walls;
- * The steel beam used to create the opening between the garage and single storey extension appears to have significant surface rust which may be leading to section loss of the steel beam;
- * The northern perimeter wall was slightly out of plumb when checked with a levelling staff;
- * The south facing boundary wall has bowed significantly when measured with a levelling staff;
- * The timber rafters to the main roof appear to have rotated at the ends and significant vegetation was noted to be growing within the gaps of the timber roof rafters externally;
- * The timber wall plate was not visible internally or externally.

Although now expired, the report notes that in order to have implemented the 2019 permission a significant portion of the structure would have needed to be removed. This would have weakened the remaining structure and given its current condition would have had, as a minimum, needed to be strengthened, if not fully demolished and rebuilt.

In view of the above findings, from a structural perspective, the report concludes that *'the proposed scheme will benefit greatly from demolition and rebuild. This will give the structure the longevity and strength it requires to perform satisfactorily to the current design standards. Perhaps a harmonious approach will be to align both the conservation and structural requirements by demolishing and reusing the brickwork as part of the works'*.

In addition, a Foundation survey has been submitted in support of the proposal and a trial hole has been excavated as part of that survey. Reference is also made in the foundation report to the Arboricultural Survey Impact Assessment, according to the Arboricultural Survey Impact Assessment, pile foundations would be most suitable for the proposed development.

The Foundation report indicates that *'the existing coach house has corbelled masonry foundations. The proposed foundation of the new build is to use piles. This means there will be a differential movement between the piles and corbelled footing.'* The report therefore recommends that *'the coach house should be demolished and rebuilt on piles so that the foundations are uniform'*.

The Council's Building Control Surveyor has considered the reports and has made the following comments:

It is apparent, that this structure is built from traditional materials and to be noted particularly is the fact that lime mortar was used. Lime mortar has allowed the building/structure to be able to withstand the movement from the changing ground conditions over the years, the growth of trees

which has changed the water content of the subsoil with the structure able to move without failure hence the deterioration of the masonry walls along with normal weathering and lack of maintenance.

Some of the modern materials that have been introduced over the years, alterations allowing the building to be serviceable over time have possibly expediated the deterioration of the structure as they tend to add an unwelcome "stiffening" to what is a flexible structure brought about from the traditional materials used in the original construction. The lack of maintenance to the building, particularly the roof, has led to the rotting of timbers and the overall deterioration of the internal finishes of the building in general.

Given the report and witnessing the structure from the neighbouring property, during a visit last year for building control issues, I can conclude with the recommendations of the report. Unless reasons can be provided for the retention of the structure/building then the most economical solution would be to demolish it, salvage the materials and re-use/recycle them in an appropriate manner to show and reflect the original building.

With regards to the Building Control Officer's comments, the relevant tests do not put economic solutions above the requirement of paragraphs 202 and 203 of the National Planning Policy Framework to weigh the level of harm to significance brought about by the proposal against public benefits and loss of significance. The cost implications of retaining the structure are not a material consideration.

The Conservation Officer has been consulted on the proposal and the subsequent reports and has made the following comments:

It is clear that Ash Lodge is the principle building on the site and possesses greater significance than the coach house. However, the significance in the coach house is derived from its purpose as an ancillary building that was constructed at the same time as Ash Lodge to provide some form of function or service, although the subdivision of the land (for some 25 years) has severed that previous functional relationship between the two buildings.

In considering the current request to demolish the coach house it is pertinent to note that the previously approved scheme did not enable any significance the coach house retains to be readily appreciated and its loss should be considered towards the lower end of the less than substantial spectrum.

Some of the harm associated with its removal could be reduced, and possibly outweighed by the benefit associated with the new dwelling, by accurately reconstructing, using the existing material, the walls of the coach house which were indicated to remain as part of the previous approved design.

On the whole, I think that the survey undertaken by the applicant gives a fair appraisal of the building's general condition, but the absence of an interrogative survey leaves it open to interpretation as to whether the building could be salvaged and incorporated into the fabric of the new dwelling. The report does acknowledge that the partial demolition of the building is likely to weaken the remaining parts that were intended for retention and also states that the foundations of the building are shallow and would require strengthening. This is not my area of expertise, so I will be guided by the report author who surveyed the building on these points.

On inspection of the building, there was evidence of a dividing bay in the Coach House and tethering stations, presumably for securing horses overnight. In addition, there were other original features within the building such as the fireplace in the tool shed and the ladder to the roof space and it is a shame that these will be lost.

I disagree with the submitted Heritage Impact Assessment that there will be no harm on the significance of the locally listed Ash Lodge or the significance of the Conservation Area, and I do

consider the degree of harm to fall within the lower end of the scale of less than substantial. However, given the previous approval and the fact that the any parts of the eastern flank wall of building that were intended to be retained are unlikely to be discernible as a result of the proposed development, it would be difficult to formulate a convincing argument to resist the proposal on heritage grounds, especially as the principle of development has already been established by a historic permission.

Most walls of the new dwelling are to be rendered, but there are areas where brick is proposed – notably the plinth to the dwelling’s footprint, but also to the single storey projection on the rear (northern) and the entirety of the eastern elevations. There are likely to be a sufficient number of salvageable bricks which, if carefully demolished, cleaned and stored, could be incorporated into the fabric of the new building using the same Flemish bonding pattern.

If this could be secured by way of a suitably worded condition then this might represent the best compromise that can be achieved on this scheme.

As indicated by the Conservation Officer, the previous approved scheme did not enable any significance the coach house retains to be readily appreciated due to the siting of the retained walls being along the eastern boundary (fronting White Wings) and incorporated within the rear elevations of the new dwelling.

A traditional palette of materials is proposed including the re-use of bricks from the coach house. It is proposed that the bricks be individually removed by precisely drilling along the length of mortar, separating each individual brick and extracting via a masons chisel. Any unsupported brickwork would be suitably supported with scaffold to ensure the maximum extraction of original building material. Any brickwork with sprawling is to be ‘flipped’ so that the external face of the brickwork is presentable. Mortar that is still deposited to the original extracted brick is to be chiselled and cleaned using suitable method. According to the submitted documents, the percentage of brickwork to be visible as part of the new development is a small proportion of the brickwork that is available to use currently.

Visually, the current scheme would look identical to the previous approval as the coach house walls previously proposed for retention on the eastern and northern elevations will be re-built using the existing bricks from the coach house. In addition the existing bricks will be used to create the brick plinth on all elevations as well as the additional brickwork proposed on the eastern elevation, neither of which were included on the previous scheme. As a result of the current revised scheme, more of the existing coach house will be appreciated than that of the previous approved scheme.

It should also be noted, given the finding of the structural report, that had planning permission 19/00203/FUL been implemented there was a likelihood that unanticipated problems with the existing building would have arisen which could ultimately have resulted in the demolition of the structure, meaning the opportunity to salvage and re-use the bricks would have been missed, thus removing any witness to the existing coach house.

In addition to the proposed dwelling, the existing access is to be widened and includes the removal of an existing brick pier and the erection of 2 new brick piers at a maximum height of 2.0m, a hardwood vertical boarded 1m wide pedestrian gate and a 3.5m vehicular sliding gate both 1.8m high. In design terms the new boundary treatment is similar to existing and whilst it is wider to incorporate a pedestrian access it is not considered that this would significantly detract from the character and appearance of the conservation area.

The impact of the proposal on neighbouring residential properties.

The proposed dwelling replaces the existing coach house along the boundary of the adjacent property (Whitewings), and will be approx. 6m longer projecting southwards. The new dwelling has a hipped roof height of around 7.8m where it replaces the existing building (around 1.5m higher than

the existing) reducing in height to 5.6m for the remainder of the building along this boundary. Whilst there are currently windows in the existing building along the eastern boundary, with the exception of a small roof light there are no windows proposed along this boundary.

The main element of the proposed dwelling sits slightly behind Ash Lodge to the west of the site with a one and a half storey element projecting further forward than Ash Lodge but in line with the corner of the neighbouring property to the west (White Wings). The front projecting element has a side facing dormer window which fronts the front/side garden area of Ash Lodge however given the distance (11m) it is not considered that this would significantly impact on the amenities of this property. It should also be noted that no objection have been received from this neighbour.

Due to its siting and distance the proposal complies with the 45 degree code from both neighbouring properties.

It should be noted that the design and siting in relation to neighbouring properties has been assessed through the previous permission and as a result the proposal raises no issues in terms of residential amenity.

Trees

The trees along the northern boundary are covered by a Tree Preservation Order (TPO), however these are outside the application site boundary (within the curtilage of Rosenfel, University of Leicester). The site itself is within a Conservation Area.

The Council's Arboriculturalist has been consulted and has made the following comments in respect of the Arboricultural Report and Arboricultural Impact Assessment (AIA) submitted.

'Overall the proposed development appears reasonable with regard to trees. The visual amenity value of the tree is not necessarily significantly impacted, however by changing the land use and making the building a dwelling the innate risk associated is substantially increased, there will likely be significant pressure for future tree works.

Provided that the Arboricultural documents provided are adhered to in full, I have no significant objection to the proposal.

Due to the soils clay plasticity and proximity of the trees, I would require foundation details be provided prior to the start of construction.

Subject to appropriate conditions the proposal raises no arboricultural issues.

Ecology

A Preliminary Ecological Appraisal and a Bat Survey have been submitted and the County Ecologist consulted.

No evidence of badgers was found, and the Ecologist has confirmed that there will be no need for further surveys for this species.

The Ecologist also confirmed the bat report is acceptable; no evidence of bats emerging was found and the report concludes the roost found is likely to be a summer roost for a low number of males or non-breeding females.

Mitigation for the loss of the roost will be needed as well as a European Protected Species (EPS) licence. Mitigation should take the form of replacement bat roosts to compensate for the loss. The EPS licence may also impose additional mitigation requirements.

The provision of replacement roosts can be obtained via a planning condition and will need to be suitable for cavity dwelling Brown long-eared bats. In addition, the Ecologist has recommended as an enhancement, that two bat boxes suitable for crevice dwelling Pipistrelle bats be provided. This can also be obtained via a planning condition.

Two bird boxes are proposed on the west elevation.

Highways/Access

The Highway Authority have been consulted and raise no significant objection.

For a dwelling with four bedrooms, three parking spaces are required. The plan submitted shows three parking spaces within the site.

It should be noted that the parking arrangements, access and proposed front boundary treatments are identical to those approved on the previous permission.

The proposal therefore raises no highway issues.

Conclusion

In view of the recent lapsed permission and that there have been no significant changes in planning policy together with the contents of the structural report and the intention to re-use the existing bricks within the scheme, it is not considered that the proposal will significantly harm the character and appearance of the surrounding area, and will, to some extent, pay more homage to the existing structure than the previous permission. In addition, the proposal will not significantly impact on 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 in the report.

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 Prior to the commencement of development details of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

Development Control Committee
28 September 2023

Reason: To safeguard the character and appearance of the Oadby Hill Top and Meadowcourt Conservation Area and in accordance with the aims and objectives of the National Planning Policy Framework, Local Plan Policies 6, 40, 41 and 44 and the Conservation Areas Supplementary Planning Document.

- 3 The proposed render (including the finished colour) shall be completed within 2 months of the substantial completion of the development.

Reason: To safeguard the character and appearance of the building and the Oadby Hill Top and Meadowcourt Road Conservation Area and in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6, 40, 41 and 44 of the Oadby and Wigston Local Plan.

- 4 Notwithstanding the submitted plans, the proposed brickwork within the new dwelling shall be carried out re-using the existing (coach house) building's bricks unless it is demonstrated to the satisfaction of the Local Planning Authority that the quantity or condition of the existing bricks renders them unsuitable for re-use. Should the existing bricks be deemed unsuitable for re-use, prior to any above ground construction, a sample of a matching brick, or other reclaimed brick, showing the proposed colour(s), texture and proposed coursing, bonding and pointing/re-pointing shall be submitted for approval in writing by the Local Planning Authority. The proposed works shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the Oadby Hill Top/Meadowcourt Conservation Area and the building in general and in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6, 40, 41 and 44 of the Oadby and Wigston Local Plan and the Conservation Areas Supplementary Planning Document.

- 5 Notwithstanding the submitted details, prior to the commencement of development detailed drawings of all new and replacement external joinery (which shall be timber flush casements) at a minimum scale of 1:20 and sections to a minimum scale of 1:5 together with details of the proposed finish shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and windows and doors shall not be subsequently replaced with any alternative type without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character and appearance of the Oadby Hill Top and Meadowcourt Conservation Area and in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6, 40, 41 and 44 of the Oadby and Wigston Local Plan and the Conservation Areas Supplementary Planning Document.

- 6 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.

- 7 The Arboricultural Method Statement (Ref: 22-07-0001) and Tree Protection Plan (DTPP-22-07-001) submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in (section 5 of report) of the Draft Arboricultural Method Statement (Ref: 22-07-0001), by a suitably qualified tree specialist. Arboricultural supervision must also extend to include the siting and installation of the boundary fence posts that are proposed within the RPA of the trees which has potential to damage significant structural roots.

Reason: To safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with Objective 26 of the OWBC Tree Strategy, Policy 37 and policy 44 of the Local Plan.

- 8 Prior to the commencement of development, a Method Statement for foundation construction and provision of an Arboricultural site supervision programme shall be submitted to and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To safeguard the appearance and future well-being of the tree(s) and to ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site in accordance with Policy 44 of the Oadby and Wigston Local Plan.

- 9 No excavation or raising or lowering of levels within the prescribed root protection area of retained trees shall be carried out.

Reason: To safeguard the appearance and future well-being of the tree(s) and to ensure adequate measures are taken to preserve trees and hedges and their root systems in accordance with Policy 44 of the Oadby and Wigston Local Plan.

- 10 Prior to the commencement of development, details for the mitigation for the loss of the bat roost shall be provided. This shall be in the form of replacement bat roosts. The roosts need to be suitable for cavity dwelling Brown Long-eared bats and as an enhancement, at least two bat boxes suitable for crevice dwelling Pipistrelle bats shall be provided. The development only shall be carried out in accordance with the approved details.

Reason: To ensure adequate mitigation measures are provided and in accordance with the aims and objectives of the National Planning Policy Framework and Policy 37 of the Oadby and Wigston Local Plan

- 11 Notwithstanding the submitted details, prior to the commencement of development a scheme for the disposal of foul sewage and surface water drainage for the site (based on sustainable drainage principles) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the first dwelling and, unless otherwise first agreed in writing by the Local Planning Authority, shall be maintained as such for the life of the development.

Reason: To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment as recommended by Severn Trent Water Limited and in accordance with the aims and objectives of the National Planning Policy Framework.

- 12 Unless otherwise first agreed in writing by the Local Planning Authority all materials resulting from the demolition works (excluding the bricks to be re-used) shall be removed from the site within two months of the demolition and the site shall be left in a clean and tidy condition.

Reason: To safeguard the character and appearance of the Oadby Hill Top and Meadowcourt Conservation Area and in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6, 40, 41 and 44 of the Oadby and Wigston Local Plan and the Conservation Areas Supplementary Planning Document.

- 13 Unless otherwise first agreed in writing by the Local Planning Authority all guttering and downpipes shall have a black finish, and all guttering shall be fixed direct to the brickwork on rise and fall metal brackets.

Reason: To safeguard the character and appearance of the Oadby Hill Top and Meadowcourt Conservation Area and in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6, 40, 41 and 44 of the Oadby and Wigston Local Plan and the Conservation Areas Supplementary Planning Document.

- 14 Unless otherwise first agreed in writing by the Local Planning Authority all plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the buildings.

Reason: To safeguard the character and appearance of the Oadby Hill Top and Meadowcourt Conservation Area and in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6, 40, 41 and 44 of the Oadby and Wigston Local Plan and the Conservation Areas Supplementary Planning Document.

- 15 Prior to the first occupation of the building hereby granted permission the access and parking 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: As recommended by Leicestershire County Council (Highways) 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.

- 16 Notwithstanding the provisions of Classes A, B, C, and E 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 (including any alterations to its roof), no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the dwelling unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the character and appearance of the building and its surroundings and that of the Oadby Hill Top and Meadowcourt Road Conservation Area and in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6, 40, 41 and 44 of the Oadby and Wigston Local Plan and Conservation Area Supplementary Planning Document.

- 17 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:

Proposed Site Plan, Drg No 2022/05/124 Page 1 of 12
Proposed Ground Floor Plan, Drg No 2022/05/124 Page 3 of 12
Proposed First Floor and Loft Floor Plan, Drg No 2022/05/124 Page 4 of 12
Proposed Roof Plan, Drg No 2022/05/124 Page 5 of 12
Proposed Fencing and Gates, Drg No 2022/05/124 Page 6 of 12
Proposed Elevations, Drg No 2022/05/124 Page 7 of 12

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 Applicant is advised that each car parking space shall measure a minimum of 2.4 metres in width by 4.8 metres in length with any access isles being a minimum of 6 metres in width.
- 7 The applicant is advised that no demolition works or associated works or operations should take place on the site except between the hours of 8.00am and 6.00pm Monday to Friday, 9.00am to 2.00pm on Saturday and at no time on Sundays or Bank Holidays.
- 8 The applicant is advised that works shall not start until an European Protected Species (EPS) Licence is obtained. This can be applied for after planning permission is received. Please note that the EPS licence may impose additional mitigation requirements.
- 9 Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. Therefore, should birds or bats be present, works should be deferred until the late summer/autumn.
- 10 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/appeal-planning-decision>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

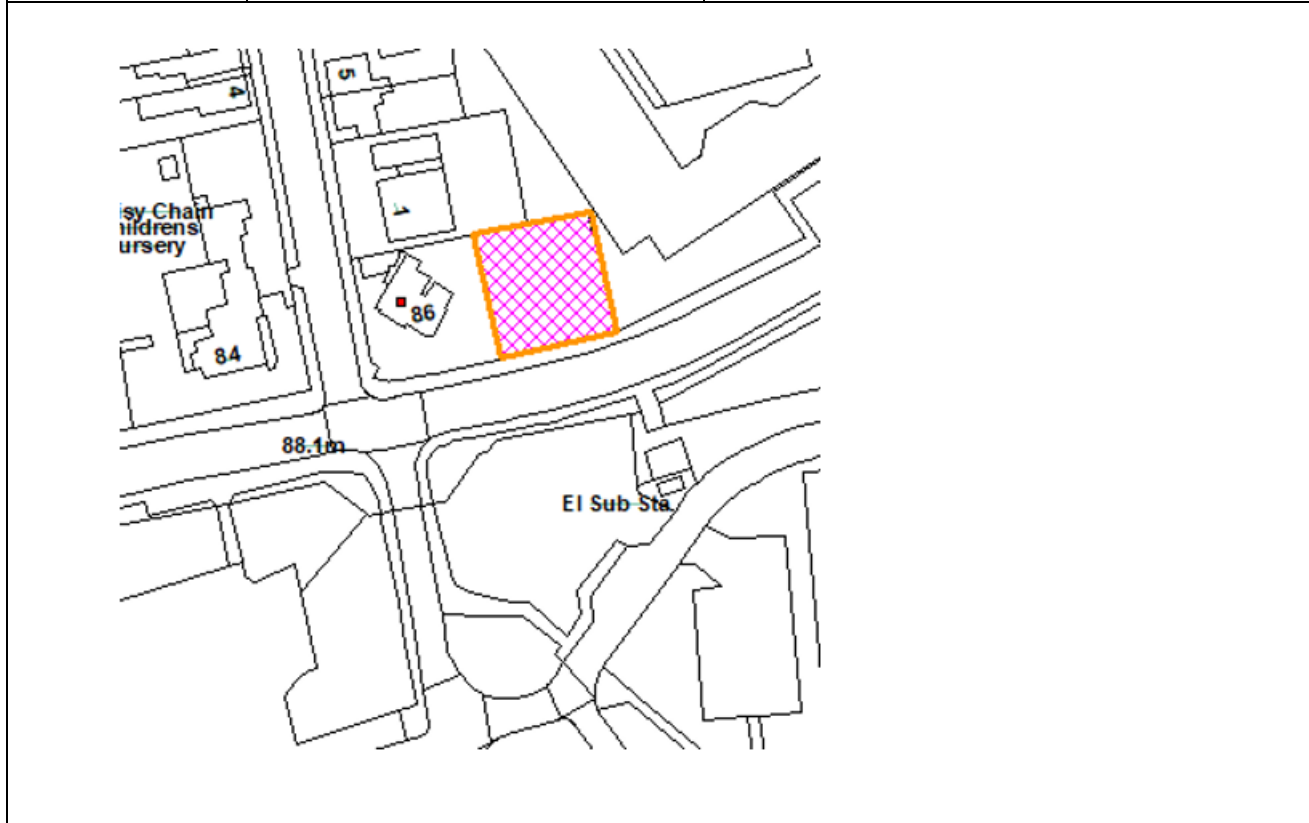
If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

b.	23/00044/OUT	86 Station Road Wigston Leicestershire LE18 2DJ
	2 February 2023	Outline application for one dwelling with associated parking
	Case Officer	John Cosgrove



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Site and Location

The application site is located on the North side of Station Road in Wigston, and forms part of the rear garden of the dwelling known as No. 86 Station Road. The site benefits from a historic access onto the highway on Station Road, though the dropped kerb would appear to have been lost over time. There are residential properties to the North, and West with the car park for a medical facility being located to the East, with Wigston Academy and Wigston College being located to the South of the Site. The site is not within a Conservation Area and does not contain or adversely impact on the setting of any Listed Buildings. There are no protected trees within the site, and it is not considered that the proposal would impact on the habitat of any protected species. There are no other relevant planning constraints.

Description of proposal

The application seeks outline planning permission will all matters other than access reserved for the erection of a detached dwellinghouse with associated parking and landscaping.

The statutory determination period for this application expires on the 4 October 2023 and it is intended to issue a decision as soon as practicably possible after the committee meeting.

Relevant Planning History

PREAPP/22/00024 - Building of two semi-detached houses and one bungalow – Response provided: 15.06.2022.

The pre-application submission was revised following officer advice to consist of a scheme for a pair of semi-detached dwellings with the Council's Planning Policy Officers suggesting that a single dwelling would be most appropriate in this location. Overall, the pre-application advice given was positive and suggested that the residential development of the land for a single dwelling or a pair of modest semi-detached dwellings would likely be acceptable subject to the provision of a suitable access onto the highway.

Consultations

Leicestershire County Council (Highways) The Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required to provide final highway advice on this application. The Highways Authority have requested the submission of evidence of the historic access and have questioned the available vehicular visibility splays on the basis that a portion of Northeast bound splays could be over 3rd party land.

Wigston Civic Society: No response or objections received at the time of drafting this report.

OWBC Environmental Health: No specific comments or objections to outline application, note that details of refuse storage and collection arrangements and a detailed construction management plan would be required with any future reserved matters or full planning application.

OWBC Planning Policy: The revised scheme is welcomed. Provided the Case Officer is satisfied that the proposal respects the local character of the area, and that this proposal does not represent over-development the site, and, that the scheme at least satisfies the expectations of Leicestershire County Council's Highways Authority in accordance with the latest Leicestershire Highways Design Guide, Planning Policy would have no further comments.

OWBC Tree Officer: The application site is characterised with by a green border and a few young/early mature trees. Along the frontage is a well-maintained privet hedge with 3 trees consisting of one Ash tree (*Fraxinus excelsior*) and 2 red oak trees (*Quercus rubra*). In order to

make the entrance and required site lines there is a small amount of hedge to remove, this should not significantly affect the amenity of the site. The three trees along the road frontage do provide some good greening to the area, as the trees are young/early-mature their removal might be more reasonably mitigated for. I do not have any significant arboricultural objections to the principle of this outline application. On reserved matters I would expect to see: Tree survey (in the absence of pre-application discussions) Tree retention/removal plan (finalized) Retained trees and Root Protection Areas (RPAs) shown on proposed layout, Strategic hard and soft landscape design, including species and location of new tree planting, footpaths, Arboricultural impact assessment in accordance with BS5837:2012 - Trees in relation to design, demolition and construction – recommendations. If the reserved matters application were to be permitted, in addition to the information above, in order to ensure construction works and material storage etc. are kept clear of the trees I would request provision of a Tree Protection Plan and Arboricultural Method Statement (by condition) to also include any special engineering within the RPA of retained trees, to be discharged and implemented prior to the start of construction, this should be adequate to fulfil arboricultural requirements in this instance.

Representations

Neighbours have been informed and a site notice placed with no letters of representation being received at the time of writing this report. The date for the receipt of comments expired on the 3 August 2023.

Relevant Planning Policies

National Planning Policy Framework

A revised National Planning Policy Framework was published in September 2023, the application has been assessed against this most recent version of the framework and is considered to accord with its provisions.

Oadby and Wigston Local Plan

Policy 1 – Presumption in Favour of Sustainable Development
Policy 6 – High Quality Design and Materials
Policy 11 – Housing Choices
Policy 12 – Housing Density
Policy 15 – Urban Infill Development
Policy 34 – Car Parking
Policy 37 – Biodiversity and Geodiversity
Policy 39 – Sustainable Drainage and Surface Water
Policy 44 – Landscape and Character

Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document
Leicestershire Highways Design Guide
Landscape Character Appraisal

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 of the proposal on Highway Safety
The Impact of the proposal on trees and biodiversity

The impact of the proposal on the street scene

The application seeks outline planning permission for the subdivision of the existing plot at no.86 Station Road and the erection of a dwelling on the rear portion of the garden. No. 86 Station Road benefits from a generous corner plot that is considerably larger than those of the neighbouring dwellings.

The plot is currently enclosed by a mature hedge containing a number of trees and broken towards the rear of the plot by an existing access gate and a short section of brick wall. The frontage on this section of Station Road is largely unbroken hedging and it is considered that subject to the submission and approval of details of a scheme of boundary treatment the introduction of a dwelling and residential access constructed from suitable materials would not have a significant detrimental impact on the character and appearance of the site or the street scene and would integrate well with and respect the overall character of the area.

While any proposed dwelling on this site would need to be in keeping with its surroundings in terms of scale, positioning and materials the indicative layout shown on the submitted plans is considered acceptable and as the application is made for outline planning permission with all matters other than access reserved, the design elements of the proposal would fall to be considered under a future reserved matters application.

With regard to the above the principle of a dwelling in this location within the street scene can be considered acceptable in design terms and therefore subject to approval of a future reserved matters application no objections are raised at outline stage with regard to the design elements of Policies: 6, 15 and 44 of the Oadby and Wigston Local Plan.

The impact of the proposal on neighbouring residential properties.

The application proposes the subdivision of the existing plot at no. 86 Station Road and the erection of a dwelling on the rear portion of the garden.

The host dwelling would retain 195.89 square metres of private amenity space which is considered sufficient to serve the needs of the existing dwelling, while the indicative layout suggests that the proposed dwelling would if constructed at the indicated scale benefit from 97.74 square metres of private amenity space which is considered sufficient to serve the needs of the proposed dwelling. It is noted that there are residential properties to the North and West of the site with the dwelling to the West no. 86 Station Road being orientated at an angle to the proposed site, with the dwelling to the North no. 1 Manor Street being single storey and positioned to the West of the application plot, and it is not considered that either of these existing dwellings would have a significant detrimental impact on the amenity of any future occupants of the proposed dwelling by way of overlooking or overshadowing.

While it is recognised that there would be the potential for windows at first floor level in the proposed dwelling to overlook the gardens of adjacent dwellings it is noted that the application is made for outline permission with all matters other than access reserved and that any potential overlooking issues could be designed out of any future scheme or addressed by way of suitably worded conditions.

With regard to the above, the principle of a dwelling on this site can be considered acceptable in amenity terms and therefore subject to approval of a future reserved matters application no objections are raised at outline stage with regard to the amenity elements of Policies: 6 and 44 of the Oadby and Wigston Local Plan.

The Impact of the proposal on Highway Safety

The application proposes the reopening and intensification of the use of a historic access onto the highway to serve a residential dwelling on the North side of Station Road which is a Classified B Road subject to a 20 mile per hour speed limit at school times and a 30 mile per hour speed limit at other times. The roadway is subject to parking restrictions by way of double yellow lines on both sides of the carriageway.

Traffic speeds are further restricted by a signal-controlled pedestrian crossing to the West of the site and by traffic accessing and egressing the junction with Manor Street to the West and the access to Birkett House School to the South-West and utilising the access to the medical facilities to the East. The Highways Authority were consulted on the application and have stated that they do not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required to provide final highway advice on this application. The Highways Authority requested the submission of evidence of the historic access and have questioned the available vehicular visibility splays on the basis that while the South-west splays are acceptable a portion of the North-east bound splays could be over 3rd party land. However, the applicant has submitted photographic evidence that the access is indeed historic and while the access does not appear to be heavily used it was clearly evident upon visiting the site. Furthermore, the potential obstruction to the North-east bound splays is minimal and would appear to consist of a section of hedgerow adjacent to the access that has been allowed to overgrow the highway and it is considered that acceptable visibility splays are achievable and can be secured by way of a suitably worded condition. While it is noted that this section of Station Road is subject to heavy traffic that may prove inconvenient to any future occupants the site, with regard to Paragraph 111 of the NPPF it is not considered that a residential access in this location would have a significant detrimental impact on highway safety or on the wider road network and therefore the refusal of outline planning consent on highways grounds is not considered reasonable on this occasion. It is also of note that an adequate quantum of parking and turning space to serve the proposed dwelling can be accommodated on site.

Therefore, having regard to the above and subject to conditions requiring the submission and approval of details of the finalised access design and the achievable pedestrian and vehicular visibility splays the proposed development can be considered acceptable in highways terms and therefore no objections are raised with regard to the provisions of Policy: 34 of the Oadby and Wigston Local Plan.

The Impact of the proposal on trees and biodiversity

The application site consists of garden land with limited Ecological value that does not contain any known protected species, and it is not considered that the proposed development would have any unacceptable Ecological Impacts. However, it is noted that the application site is surrounded by mature hedgerows containing a number of trees. The councils Tree Officer was consulted on the application and has stated that they have no objections to the proposal at outline stage, however they would expect any future application for approval of reserved matters to be supported by a Tree Survey, a Tree Protection Plan and an Arboricultural Method Statement along with details of the proposed Hard and Soft Landscaping to include any replacement planting that may be necessary.

As the application is made for outline consent with all matters other than access reserved, it is not considered reasonable or necessary to impose conditions requiring the submission and approval of the above Arboricultural information at this stage as these matters would be considered under a future reserved matters application.

Having regard to the above the proposed development can be considered acceptable at outline stage in Ecological and Arboricultural terms and therefore subject to the approval of a future reserved matters application no objections are raised with regard to the provisions of Policies: 37 and 44 of the Oadby and Wigston Local Plan.

Conclusion

The proposed development can be considered acceptable in principle and subject to the approval of details of a future reserved matters application it is considered that the proposed development would not have a significant detrimental impact on the character and appearance of the site or the wider area, or on the amenity of neighbouring properties.

While it is recognised that the application would result in the intensified use of a largely disused historic access onto Station Road, subject to conditions requiring the submission and approval of details of the boundary treatments, visibility splays and approval of the design of the mouth of the access and having regard to the provisions of Paragraph 111 of the NPPF it is not considered that the adverse impacts of the proposal on highway safety or the wider road network would be sufficiently severe to justify the refusal of planning consent on this occasion.

Therefore, having regard to the above, the proposed development is considered to accord with the provisions of the relevant development plan policies and therefore, it is recommended that planning permission be granted subject to the conditions detailed 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 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990.
- 2 The development shall commence within two years following the final approval of the reserved matters.
Reason: To conform with Section 92 (2) (b) of the Town and Country Planning Act 1990.
- 3 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.

Drawing No: 03 Rev: A, Entitled: Location Plan, Dated: 01.02.23, and received by the Local Planning Authority on the 02.02.2023.

Drawing No: 653/05, Entitled: Proposed single dwelling option, Dated: 06.05.23 and received by the Local Planning Authority on the 06.06.23.

Drawing No: 653/05, Rev: A, Entitled: Proposed single dwelling option, Dated: 06.05.23 and received by the Local Planning Authority on the 13.07.23.

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

- 4 Notwithstanding the details shown on the indicative plans hereby approved, prior to the commencement of development above slab level a detailed plan (or plans) indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed prior to the first occupation of the dwelling to which it relates.

Reason: To ensure that adequate boundary treatment is provided to safeguard the visual amenities of the area, the amenities of the future occupiers of the dwelling and the occupiers of adjoining properties 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 Prior to the first occupation of the dwelling hereby granted permission pedestrian visibility splays of 2.0 metres by 2.0 metres shall be provided each side of the access with nothing placed or allowed to remain forward of the said splays that exceeds 600mm in height above the adjacent carriageway unless otherwise first agreed in writing by the Local Planning Authority.

Reason: As recommended by Leicestershire County Council (Highways) in the interests of highway (and pedestrian) 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.

- 6 Prior to the first occupation of the dwelling hereby granted permission details of the vehicular visibility splays of 2.5 metres by 43 metres where achievable shall be provided each side of the access with nothing placed or allowed to remain forward of the said splays that exceeds 600mm in height above the adjacent carriageway unless otherwise first agreed in writing by the Local Planning Authority.

Reason: As recommended by Leicestershire County Council (Highways) 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 No development above slab level shall commence until a Construction Traffic Management Plan to include details of a timetable and method for the delivery and storage of materials and measures for dealing with works traffic has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the amenity of the occupants of neighbouring properties and the safety and convenience of users of the adjacent highway. To comply with the provisions of Policies: 6 and 44 of the Oadby and Wigston Local Plan and the NPPF.

- 8 Prior to the commencement of development above slab level full details of the proposed access and parking areas shall be submitted to and approved in writing by the Local Planning Authority. The Approved details shall be provided in a bound material (with the parking bays marked out on the ground) and any gates shall be designed and installed to open inwards prior to the first occupation of the building and thereafter shall be made available at all times for their designated purposes.

Reason: As recommended by Leicestershire County Council (Highways) 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.

- 9 Prior to the first use or occupation of the development hereby permitted details of the waste and recycling storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the amenity of any future occupants of the site and in the interests of highway safety. To comply with the provisions of Policies: 6 and 44 of the Oadby and Wigston Local Plan.

Note(s) to Applicant :

- 1 You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.
- 2 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 Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. Therefore, should birds or bats be present, works should be deferred until the late summer/autumn.
- 6 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Leicestershire County Council's Southern Area Manager - (telephone 0116 3052202).
- 7 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/appeal-planning-decision>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

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

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

BACKGROUND PAPERS

- a. 22/00187/FUL

- b. 23/00044/OUT

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