



Oadby and Wigston Borough Council

TO COUNCILLOR:

G S Atwal
T Barr
L A Bentley (Chair)
G A Boulter
Mrs L M Broadley (Vice-Chair)

F S Broadley
D M Carter
B Dave
R F Eaton
D A Gamble

Mrs S Z Haq
J Kaufman
Dr T K Khong
Mrs H E Loydall
R E R Morris

Dear Councillor et al

I hereby summon you to attend a meeting of the **DEVELOPMENT CONTROL COMMITTEE** to be held at the **COUNCIL OFFICES, STATION ROAD, WIGSTON** on **THURSDAY, 12 MAY 2016** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices
Wigston
12 May 2016

Mark Hall
Chief Executive

AGENDA UPDATE

PAGE NO'S

9. Agenda Update

1 - 3



Development Control Committee	Thursday, 12 May 2016	Matter for Information
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Title: **Agenda Update**

Author: **Tony Boswell – Interim Planning Control Manager**

The following additional matters have emerged since the preparation of the original published agenda:

Item 1 – Planning Application 00022/TPO – 16 Knighton Rise, Oadby.

(Deferred from your previous meeting to seek additional information from the applicants).

Further to our request, the applicant has consulted with his own arborist and subsidence engineer and responds as follows:

- 1) The role of the tarmac drive in preventing moisture replenishment is unlikely to be significant; the surface is not 100% water resistant and as such, whilst it is not as beneficial to rehydration as bare ground, some water percolation will still occur.
Officer comment: There is no clear scientific evidential basis on which to draw this conclusion. It is no more than a view. A large proportion of the tree's water catchment area is covered in tarmac, which is set on a slope. Water would be likely to run downhill off of this, irrespective of the permeability of the surface.
- 2) Given the topography of the site (gentle slope downhill from rear to front), ground water will still percolate through the soil.
- 3) Irrespective of the above, the issue is really what is happening below the property, not outside its footprint and to this end, we can confirm that the Lime (*Tilia* spp) is rooting below the insured property and as such, irrespective of any effects of the driveway, this tree will retain the capacity to abstract moisture below the insured property.
Officer Comment: It is accepted that roots from the Lime have been found within the trial holes. However, as the lime is in the region of 80 – 100 years old, it has reached maturity and the effect of the tree on desiccation of the soil, as noted elsewhere in the officer report, should not alter greatly from year to year.
- 4) Adverse heave will only occur if the tree significantly pre-dates construction of the property. In this instance we do not consider this scenario arises so we are of the opinion that felling of the Lime will not result in adverse heave damage occurring to the Risk Address
Officer Comment: If the tree has progressively desiccated the subsoil over time, then it is not accepted that the rehydration of the soil as a result of the removal of the tree would not cause heave and potential further movement to the property. Such movement could result in further claims and further expensive remedial work.

In Conclusion; The recommendation to refuse consent for the reason stated remains unchanged.

Item 2 – Planning Application 16/00025/FUL – Abingdon House Special School.

The originally published report reverted to an earlier draft in late preparation, and so the entirety of the RECOMMENDATION was not included correctly. It should read as follows:

“RECOMMENDATION:

(Please note that if an outcome significantly different to this recommendation is resolved, the statutory objection by Sport England might well stand and so the application require notification to the Planning Casework Unit of DCLG – rather than being determined at this meeting).

Subject to the planning conditions listed below:

- A. That authority be delegated to the Interim Planning Control Manager (or Director of Services) to grant conditional planning permission subject to timely completion of an acceptable S106 obligation before the end of August 2016 (or any later date if expedient in light of negotiations towards that end). The S106 obligation to deal with:
 - a. A Community Access Agreement to provide managed public access to various sporting and recreational facilities within the proposed building and the Wigston Academy campus as a whole, to include sports pitches and the existing all weather pitch.
 - b. A financial contribution of £150,000 to enable the funding and delivery of an all weather pitch elsewhere within the Borough (location to be at the entire discretion of OWBC). This may include timely stage payments and interest, to be completed before first occupation of the proposed new school building.
- B. In the event of failure to agree a timely and acceptable planning obligation by the end of August 2016, authority be delegated to the Interim Planning Control Manager to refuse planning permission due to the loss of playing fields and lack of compliance with the objectives of relevant national and local planning policies – as outlined in this report.
- C. Subject to timely completion of point A above, authority be delegated to the Interim Planning Control Manager to favourably determine any S73 application to delete or remove conditions 2 and 3 of planning permission 15/00533/FUL (To dispense with any requirement for the alternative on-site junior grass pitch)”.

Certain of the recommended conditions are also in draft form and will require minor changes of text.

The Country Council's Head of Planning, Historic and Natural Environment also wrote on the 12th of May as follows:

“National Planning Policy (paragraph 72) and the Secretaries of State policy statement on Planning for Schools Development, attaches great importance to providing choice in school places to meet the needs of existing and new communities and states that local planning authorities should give great weight to the need to create, expand or alter schools. Whilst reference is made to NPPF paragraph 72 in your report little is made of the “great weight” that needs to be attached to this type of development. The report only recognises this as a material planning consideration and that the development is very supportable. In contrast, the report relies heavily on paragraph 73 and 74 of the NPPF when it comes to open spaces, sport and recreation. These paragraphs, rightly, have significant relevance but, as you know,

the NPPF needs to be taken into account as a whole. For example, your report states that mitigating the loss of the playing field area and green space is a “priority” of both national and local planning policy. The NPPF does not prioritise this aspect but it is a material planning consideration.

*The County Council recognises the need to meet its planning obligations and ensure that as a result of its actions sports and open space provision for the benefit of the local community is, as far as is practicable, not lost or degraded. At the same time, it must be recognised that the County Council is providing a significant public benefit through the provision of this replacement Special School, at substantial public cost, the benefits of which will be felt beyond the Oadby & Wigston boundaries. I am sure that the members of your Development Control Committee will weigh carefully the local and wider benefits that this scheme brings and the extent to which it offsets the scale of requirements for sports and open space provision. As the report recognises, the County Council is not a commercial organisation and cannot claim viability issues in the same way as other developers. The County Council is keen for the new replacement school to go ahead and supports the recommendation for approval but given the community benefits of the scheme, the County Council’s financial position and the justification of the amount requested, the County Council asks that consideration be given to a lesser contribution being asked for. **For example, a contribution of £100,000 or equivalent towards off-site provision would help lessen the burden on the public purse.***

Your report states that the County Council will “enjoy significant receipts” from the sale of the former site of Birkett House. This statement is incorrect as there is little confidence that the County Council will be able to sell the land since it needs firstly, the consent of the Secretary of State and, secondly, given the intention of the recently published White Paper (Educational Excellence Everywhere, published with the budget in March 2016) to safeguard the existing school estate for future education provision, consent from the Secretary of State is unlikely to be forthcoming”.

End of Update