



Oadby and Wigston Borough Council

TO COUNCILLOR:

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

D M Carter
B Dave
R E Fahey
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, 15 DECEMBER 2016** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices
Wigston
07 December 2016

Mark Hall
Chief Executive

AGENDA

PAGE NO'S

1. Apologies for Absence

2. Appointment of Substitutes

To appoint substitute Members in accordance with Rule 4 of Part 4 of the Constitution.

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 held on 17 November 2016

To read, confirm and sign the minutes of the previous meeting in accordance with Rule 17 of Part 4 of the Constitution.

Members are advised that the Minutes of the Development Control Committee held on Thursday, 17 November 2016 shall stand as an item referred to the next meeting of the Committee due to be held on Thursday, 19 January 2017.

5. Petitions and Deputations

To receive any Petitions and, or, Deputations in accordance with Rule 24 of Part 4 of the Constitution.

- | | | |
|-----------|---|----------------|
| 6. | The Borough Council of Oadby & Wigston (Land At Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL) Tree Preservation Order 2016 | 1 - 14 |
| 7. | Report of the Planning Control Manager | 15 - 26 |



| | | |
|--|---------------------------------------|----------------------------|
| Development Control Committee | Thursday, 15 December 2016 | Matter for Decision |
|--|---------------------------------------|----------------------------|

Title: **The Borough Council of Oadby & Wigston (Land at Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL) Tree Preservation Order 2016**

Author: **Henry Pearson (Arboricultural Officer)**

1. Introduction

This report is to request the Committee to approve confirmation of The Borough Council of Oadby & Wigston (Land at Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL) Tree Preservation Order 2016.

2. Recommendations

That The Borough Council of Oadby & Wigston (Land at Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL) Tree Preservation Order 2016 is confirmed.

3. Information

- 3.1 The Tree Preservation Order (TPO) has been under consideration by Council Officers and members of the public for some time. The site is located adjacent to the railway lines west of Saffron Road, South Wigston. On the site is a large commercial building of very little aesthetic value. The trees around the building create a green screen to soften the look of the building. The TPO was served in response to local residents contacting the Council regarding tree works on the site, though it was originally served as an area TPO. A further site visit and survey was carried out on 23 November 2016. During the course of this visit, all of the trees on site were surveyed and mapped. This has facilitated the identification of trees on site suitable for protection.
- 3.2 The trees selected for protection are those that adhere to the original brief of the TPO. The trees which screen and soften the view do so not only from Saffron Road but also from the units to the rear. The trees omitted from the TPO include those in and around the car park which are of poor quality and form, and do not have sufficient amenity value: this includes some trees to the rear of the building to which public view is restricted.
- 3.3 The original area TPO was served on 20 September 2016 with the 28 day consultation period lapsing on 18 October 2016. The modification prior to confirmation does not require re-consultation as the TPO has not be modified significantly.

Background Documents:-
None.

Email: henry.pearson@oadby-wigston.gov.uk

Tel: (0116) 257 2697

| Implications | |
|-----------------------|---|
| Financial (HP) | There are no significant implications. |
| Legal (SB) | All legal requirements have been fulfilled. |

| | |
|------------------------|--|
| Risk (HP) | There are no significant implications. |
| Equalities (HP) | There are no significant implications. |
| | Equality Assessment:- |
| | <input type="checkbox"/> Initial Screening <input type="checkbox"/> Full Assessment <input checked="" type="checkbox"/> Not Applicable |

THE BOROUGH COUNCIL OF OADBY & WIGSTON (LAND AT DRAPER HOUSE, 51 SAFFRON ROAD, WIGSTON, LEICESTERSHIRE, LE18 4UL) TREE PRESERVATION ORDER 2016

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

Citation

1. This Order may be cited as **The Borough Council of Oadby and Wigston (Land at Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL) Tree Preservation Order 2016.**

Interpretation

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

Effect

3. (1) Subject to article 5, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to article 4, no person shall-
 - (a) cut down;
 - (b) top;
 - (c) lop;
 - (d) uproot;
 - (e) wilfully damage; or
 - (f) wilfully destroy;any tree to which an order relates, or shall cause or permit the carrying out of any of the activities in sub-paragraphs (a) to (f) to such a tree, except with the written consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

Exceptions

4. (1) Nothing in article 3 shall prevent-
 - (a) the cutting down, topping, lopping or uprooting of a tree-
 - (i) which is dead;
 - (ii) in compliance with any obligation imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance;
 - (iii) by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary-
 - (aa) in the interests of the safe operation of the undertaking;
 - (bb) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker;
 - (cc) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
 - (iv) where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders or schemes);
 - (v) where that work is urgently necessary for national security purposes;
 - (vi) where that tree is cultivated for the production of fruit in the course of a business or trade and such work is in the interests of that business or trade;
 - (vii) so far as such work is necessary to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (iii)(cc), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Town and Country Planning Act 1990 (control over development), or deemed to have been granted (whether for the purposes of that Part or otherwise);

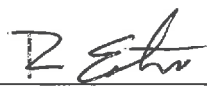
- (viii) by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995; or
 - (ix) by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" shall have the same meanings as in section 72(1) of the Land Drainage Act 1991 (interpretation);
 - (b) the removal of dead branches from a living tree;
 - (c) the cutting down, uprooting, topping or lopping of a tree, to the extent that such works are urgently necessary to remove an immediate risk of serious harm, or to such other extent as agreed in writing by the authority prior to the works being undertaken;
 - (d) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit; or
 - (e) without prejudice to sub-paragraph (a)(ii), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989 (other powers etc of licence holders - felling and lopping of trees etc).
- (2) Where paragraphs (1)(a)(i) or (1)(c) apply, notice in writing of the proposed activities shall be given to the authority-
- (a) in the case of works urgently necessary to remove an immediate risk of serious harm, as soon as practicable after the works become necessary; and
 - (b) in any other case at least five working days prior to the date on which the works are to be commenced.
- (3) In paragraph (1), "statutory undertaker" means any of the following-
- (a) a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power;
 - (b) a relevant airport operator (within the meaning of Part V of the Airports Act 1986 (status of certain airport operators as statutory undertakers, etc));
 - (c) the holder of a licence under section 6 of the Electricity Act 1989 (licences authorising supply, etc);
 - (d) a gas transporter;
 - (e) an operator to whom the telecommunications code (set out in Schedule 2 to the Telecommunications Act 1984) applies;
 - (f) a water or sewerage undertaker;
 - (g) the Civil Aviation Authority, a body acting on behalf of that authority or a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services);
 - (h) a universal postal service provider in connection with the provision of a universal postal service.

Application to trees to be planted pursuant to a condition

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

Dated this 14 day of SEPTEMBER 2016

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

x 

 (Mayor)



 (Head of Corporate Resources)
 DIRECTOR OF SERVICES



CONFIRMATION OF ORDER

This Order was confirmed by the Oadby and Wigston Borough Council at its meeting of the Development Control Committee without modification on the day of 2016

Minute Reference:

CONFIRMATION OF ORDER SUBJECT TO MODIFICATION

This Order was confirmed by the Oadby and Wigston Borough Council at its meeting of the Development Control Committee, on the day of 2016, subject to the following modifications:

Minute Reference:

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Oadby and Wigston Borough Council at its meeting of the Development Control Committee on the day of 2016.

Minute Reference:

SCHEDULE

SPECIFICATION OF TREES

Trees specified by reference to an area
(within a dotted black line on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--|---|
| A1 | The trees (of whatever species) within the area marked A1 on the map | To the west of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |

**The Borough Council of Oadby & Wigston
 (TPO - Land at Draper House, 51 Saffron Road, Wigston,
 Leicestershire, LE18 4UL) Tree Preservation Order 2016**



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R. E. H.
June 2016

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SCHEDULE

SPECIFICATION OF TREES

Trees specified by reference to an area
(within a dashed black line on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|-------------------------|---|
| G1 | 30No. Mixed Broadleaved | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |

Trees specified individually
(encircled in black on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|---|
| 1 | Fraxinus excelsior | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 2 | Fraxinus excelsior | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 3 | Acer saccharinum | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 4 | Acer saccharinum | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 5 | Acer saccharinum | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |

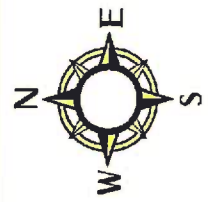
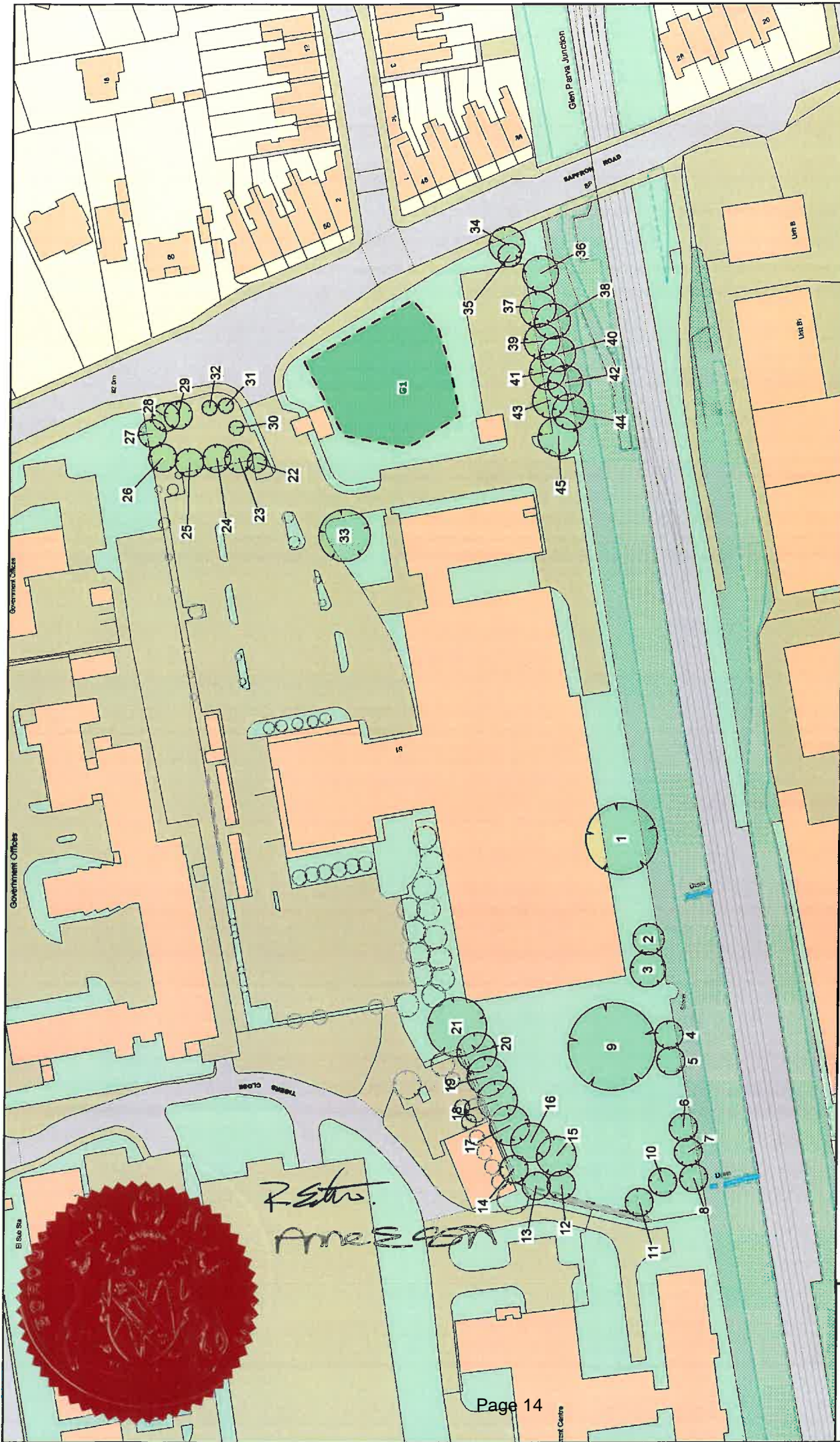
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| 6 | Acer saccharinum | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 7 | Acer saccharinum | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 8 | Acer saccharinum | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 9 | Acer saccharinum | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 10 | Acer saccharinum | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 11 | Acer saccharinum | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 12 | Acer saccharinum | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 13 | Acer saccharinum | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 14 | Acer saccharinum | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, |

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| | | LE18 4UL |
| 15 | Acer saccharinum | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 16 | Acer saccharinum | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 17 | Acer saccharinum | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 18 | Acer saccharinum | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 19 | Acer saccharinum | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 20 | Acer saccharinum | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 21 | Tilia cordata | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 22 | Acer saccharinum | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |

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| 23 | Acer platanoides | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 24 | Acer platanoides | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 25 | Acer platanoides | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 26 | Acer platanoides | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 27 | Acer platanoides | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 28 | Acer platanoides | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 29 | Acer platanoides | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 30 | Crataegus spp. | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 31 | Crataegus spp. | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, |

| | | |
|----|----------------------------|---|
| | | LE18 4UL |
| 32 | <i>Crataegus</i> spp. | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 33 | <i>Quercus rubra</i> | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 34 | <i>Acer pseudoplatanus</i> | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 35 | <i>Sorbus aria</i> | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 36 | <i>Acer pseudoplatanus</i> | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 37 | <i>Acer pseudoplatanus</i> | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 38 | <i>Acer pseudoplatanus</i> | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 39 | <i>Acer pseudoplatanus</i> | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |

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| 40 | Acer pseudoplatanus | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 41 | Acer pseudoplatanus | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 42 | Acer pseudoplatanus | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 43 | Acer pseudoplatanus | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 44 | Acer pseudoplatanus | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |
| 45 | Acer pseudoplatanus | To the West of Saffron Road, Wigston, Leicestershire and within the curtilage of Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL |



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|-------|------------|
| Scale | 1:1250 |
| Date | 25/11/2016 |

The Borough Council of Oadby and Wigston (Land at Draper House, 51 Saffron Road, Wigston, Leicestershire, LE18 4UL) Tree Preservation Order 2016

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R. S. ...
Anne S. ...

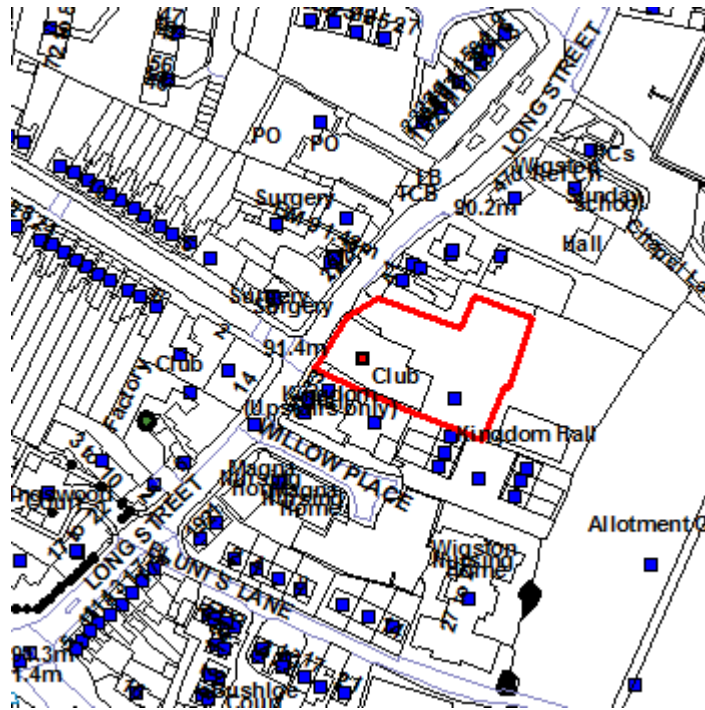


| Application Number | Address |
|---------------------------|----------------|
|---------------------------|----------------|

Report Items

- | | |
|-----------------|---|
| 1. 16/00024/FUL | 39 Long Street Wigston Leicestershire LE18 2AJ |
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|----|-----------------|---|
| 1. | 16/00024/FUL | 39 Long Street Wigston Leicestershire LE18 2AJ |
| | 1 February 2016 | Existing building to be demolished and replaced by a block of flats (two bedroom) and 8 terrace houses (3 bedroom). Refuse and bike storage on site with 18 parking bays. |
| | CASE OFFICER | Jon Imber |



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Site and Location

The application site consists of a vacant working men's club and an associated car park at 37-39 Long Street, Wigston. The site lies approximately 200 metres south-west of Wigston town centre.

The working men's club on the site dates from the mid to late 19th Century. It is a predominantly red brick structure with a slate roof, although its front elevation has been somewhat unsympathetically finished in off-white render.

Surrounding land uses include a hairdressing salon and a dwelling to the north-west, a dental practice and associated car park to the north, commercial units and residential properties to the south and a place of worship to the east.

The site is enclosed by a variety of boundary treatments including a brick wall of approximately 2 metres in height to the north-west, metal railings approximately one metre in height to the north, palisade fencing and a 1.5 metre high brick wall to the east and a wall approximately 2 metres in height to the boundary with the dwellings to the south. The remainder of the southern boundary is demarcated by the existing building on the site. There is no formal boundary treatment across the Long Street frontage.

The site is relatively flat. It sits approximately one metre above the level of the dental surgery car park to the north.

The site is accessed off Long Street. The access is shared with the place of worship to the east.

The site lies within The Lanes Conservation Area. The nearest listed buildings are the Grade I listed All Saints Church approximately 170 metres to the south-west, the Grade II listed Wigston Reform Church approximately 75 metres to the north-east and the Grade II listed Avenue House 20 metres to the west.

There are no specific designations affecting the property identified within either the Saved Local Plan or the Core Strategy.

Description of proposal

The application proposes the demolition of the working men's club and the erection of a block of flats and 8 terraced houses together with associated parking facilities.

The proposed block of flats fronts Long Street. It is a three storey flat roofed structure which contains a total of 12 two bedroom units. The building measures approximately 9.14 metres high. It has a width of approximately 23.2 metres and a depth of 15 metres. The block of flats is sited off the boundary with the commercial units to the south of the site, which will expose part of its north elevation.

The flats include internal provision for the storage of refuse and bicycles.

The proposed terraced dwellings are two and a half storey three bedroom properties. They are arranged in a staggered row towards the eastern boundary of the site, set back from Long Street to the rear of the proposed block of flats across the frontage. The dwellings measure 5.5 metres high to eaves and 9.1 metres high to ridge. They have a width of 4.7 metres and a depth of 9.8 metres. The dwellings are served by private rear gardens which back on to the place of worship to the east of the site.

An area of dedicated off-street parking is to be provided between the block of flats and the terraced dwellings. It contains a total of 15 surface parking spaces arranged in two rows. A further two parking spaces are to be provided alongside the dwelling on the northern end of the terrace.

It is proposed to utilise the existing site access onto Long Street.

The statutory determination period for the applications expired on the 5th May 2016, and it is intended to issue a decision as soon as practicably possible after the committee meeting.

Relevant Planning History

09/00196/CON: Conservation Area Consent for demolition of part of single storey rear projection – Approved 18th August 2009

09/00197/FUL: Change of Use from Working Men’s Club (Use Class D2) to Public House and Restaurant (Use Classes A3 and A4) plus first floor rear extension, new canopy to side and alterations to external elevations – Approved 18th August 2009

Consultations

Historic England – Has identified the existing working men’s club as a building which makes a positive contribution to the conservation area, the total loss of which will result in harm to the significance of this designated heritage asset. The proposed block of flats creates an over-bearing relationship to its immediate surroundings and its architectural treatment is not of any particular quality and does not reflect the local distinctiveness of the conservation area. The proposal would harm the significance of the conservation area, and the setting of nearby Grade I and II listed buildings. Historic England does not consider that the scheme is justified in heritage terms and does not support the application.

Leicestershire County Council (Heritage Team) – Does not consider that the applicant has provided a strong reasoned justification for the demolition of the existing building. Raises concerns regarding the visual impact of the contrived access arrangements, the central car parking area, the roof lights on the front elevation of the proposed terraces and the treatment of the end gable of the neighbouring building.

Leicestershire County Council (Contributions Team) – Requests £24,065.72 towards education and £600 towards libraries. The Civic Amenity Site at Oadby will be able to meet the needs of the development and as such no contribution is requested.

Leicestershire County Council (Highways) - There is insufficient information submitted with this application to enable a full, reasoned Highway Authority response to be given. Further details are needed. A revised layout / parking drawing is required addressing issues of the possible impact of the development on the road network, highway safety and capacity and the sustainability of the development.

Representations

Neighbours have been informed and a notice placed with one letter of representation being received at the time of writing this report.

The date for the receipt of comments expired on the 5th May 2016.

The reasons for objection can be summarised as follows: -

- The access road is owned by the Trustees of the Kingdom Hall and the applicant has a right of way over it. However, agreement would need to be reached in order for the applicant to use the additional areas shown in the application.
- There is insufficient parking provision within the scheme.
- The Kingdom Hall would be screened from view which could compromise security. Enhanced security measures should be required.
- Sufficient space should be left to maintain boundary fencing.
- A footpath should be provided in the applicant’s land alongside the access road.
- The scheme should be amended to widen the access road to the Kingdom Hall.
- The bin store must be properly managed and fit for purpose.

Relevant Planning Policies

National Planning Policy Framework

In particular Sections 6, 7 and 12

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Oadby & Wigston Core Strategy

Core Strategy Policy 1: Spatial Strategy

Core Strategy Policy 4: Sustainable Transport & Accessibility

Core Strategy Policy 14: Design and Construction

Core Strategy Policy 15: Landscape and Character

Oadby and Wigston Local Plan

Landscape Proposal 1: Design of new development subject to criteria.

Supplementary Planning Document/Other Guidance

Conservation Areas Supplementary Planning Document

Residential Development Supplementary Planning Document

Planning Considerations

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

- The principle of residential development in this location
- The impact of the proposal upon the character and appearance of The Lanes Conservation Area and the setting of nearby listed buildings
- The impact of the proposal on neighbouring residential properties.
- The impact of the proposal upon the safe and efficient use of the highway network

The principle of residential development in this location

One of the core principles of the National Planning Policy Framework is that planning should proactively drive and support sustainable economic development to deliver the homes that the country needs.

Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. It explains that in the context of decision taking, this means approving proposals that accord with the development plan without delay. Paragraph 49 of the NPPF reaffirms that housing applications should be viewed in accordance with the presumption in favour of sustainable development.

Core Strategy Policy 1 prioritises development within the Leicester Principal Urban Area to regenerate the centres of Oadby, Wigston, South Wigston and their associated communities.

The application proposes the erection of new residential properties upon previously developed land within the Leicester Principal Urban area. The site lies within an area containing a mixture of residential and commercial properties. It is sustainably located within walking distance of a range of services and facilities in the town centre. The proposal would contribute towards the Government's key aim of delivering new housing in a sustainable location as set out in Paragraph 17 of the NPPF. In accordance with Core Strategy Policy 1, and the presumption in favour of sustainable development set out in Paragraphs 14 and 49 of the NPPF, the broad principle of residential development on the site is therefore considered acceptable.

The impact of the proposal upon the character and appearance of The Lanes Conservation Area and the setting of nearby listed buildings

Policy 14 of the Core Strategy relates to design and construction. It requires that new development respects local character and patterns of development, is sympathetic to its surroundings, and contributes towards creating buildings and places that are attractive with their own distinct identity.

Policy 15 of the Core Strategy requires new development to reflect the prevailing quality, character and features of the landscape and townscape. It encourages the preservation and enhancement of the character and appearance of the Borough's Conservation Areas and listed buildings.

Paragraph 132 of the National Planning Policy Framework states "*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or*

development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

Paragraph 134 *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.*

The proposals involve the demolition of a substantial and historic building within The Lanes Conservation area, which is a designated heritage asset. Paragraph 138 of the NPPF acknowledges that not all aspects of a conservation area will necessarily contribute to its significance. The building is specifically mentioned within the Conservation Area appraisal as being one of the oldest working men’s clubs in the United Kingdom, which suggests significance to the social and historic development of Wigston. Whilst it is noted that it is of historic significance, the frontage of the building has been unsympathetically altered, which has eroded much of its traditional character. In the officer’s opinion the building does not therefore currently contribute positively towards the character or appearance of the conservation area.

The building has been empty for some time, principally because the applicant has not been able to find a viable use for it. Whilst no evidence of marketing has been submitted alongside this application, the planning history of the building demonstrates that alternative uses have been actively pursued, but unfortunately without interest from the market. If the building remains empty, it is highly likely that its condition will deteriorate resulting in harm to the character and appearance of the conservation area. The building has become a target for vandals and the applicant is increasingly concerned regarding its security, particularly given the recent fire on the opposite side of the road. Retaining the structure without an active use is not therefore desirable.

The building was designed very much with its specific function in mind and does not lend itself particularly well to alternative uses. Retention and re-use of the building is not therefore a viable option in this instance. The building lacks window and door openings and conversion to residential use would involve significant disruption to the traditional fabric of the building such that its character would be further eroded.

In this instance it is considered that demolition and replacement of the building, whilst regrettable, is the only viable option.

The demolition of the former working men’s club would expose part of the north elevation of the adjoining commercial building. The finish of the north elevation of the commercial building is an unknown quantity but it is possible that it is not finished in facing brickwork given that it was never intended to be visible. This wall lies outside of the applicants control and as such opportunities for remediation are limited. The proposals have therefore been designed to screen the end elevation of the neighbouring building.

Paragraph 16.15 of the Conservation Areas SPD states that in order to be acceptable, the design of any new building in The Lanes Conservation Area will need to respect its character by being of an appropriate mass and scale to avoid dominating the existing mainly two storey properties and/or to maintain an appropriate juxtaposition of scales, and respect prevalent architectural detailing.

Surrounding buildings are predominantly two or two-and-a-half storeys in height, creating a continuous and harmonious urban form. The scheme as originally submitted proposed a pitched roof over the three storey block of flats, which resulted in a building significantly taller than those in its immediate vicinity. Following concerns raised by Historic England and the County Conservation Officer, the scheme was amended to that now being considered.

Although the proposed block of flats remains three storeys high, its flat roof keeps its overall height comparable to that of two and a half storey buildings in the immediate vicinity. The proposed three storey block of flats would not therefore present an unduly prominent feature in the street scene, and would not have an overbearing relationship with its immediate surroundings.

Paragraph 60 of the NPPF makes it clear that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

The proposed flats and dwellings have a contemporary character and appearance, which in accordance with Paragraph 60 of the NPPF is considered an acceptable design approach. The surrounding area features buildings of varied ages and architectural styles, and the proposed development will contribute positively towards that mixture.

The area between the two new buildings taken up by what the submitted plans suggest to be a bland and unattractive car park. Should members be minded to approve the proposals it is recommended that a condition requiring the submission and approval of alternative details of car parking, including a detailed landscaping scheme to soften its impact, be submitted for approval.

On balance, it is not therefore considered that the proposals would harm the character or appearance of the conservation area or the setting of nearby listed buildings.

The impact of the proposal on neighbouring residential properties

Section 4 of the Council's Residential Development Supplementary Planning Document seeks to ensure that new development is designed so that it does not unacceptably affect the amenities enjoyed by the occupiers of neighbouring dwellings, particularly through loss of daylight or privacy.

The application site lies within a predominantly commercial area. However, there are neighbouring residential properties at Willow Place to the south of the site and at 43 Long Street to the north.

The proposals are sufficiently distant from principal windows serving 43 Long Street to avoid resulting in unacceptable loss of daylight or privacy.

The dwelling on Willow Place immediately south of the site has a blank side elevation. There are windows on its rear elevation, and the proposed terrace encroaches into a 45 degree splay taken from the centre of those windows. However, the terrace lies to the north of Willow Place and as such the proposals will not result in an unacceptable loss of sunlight.

Whilst the provision of new residential units on the site could lead to a slight increase in noise and disturbance, this would remain commensurate with that reasonably expected from residential properties, and would not be inherently incompatible with established residential uses in the area.

The impact of the proposal upon the safe and efficient use of the highway network

Policy 4 of the Core Strategy states that development should be designed to enhance the safety of pedestrians and road users.

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The comments of the Highway Authority are noted. However, the key issue with regard to highway implications is whether the proposals would result in a severe impact upon the highway network. In assessing the impact of the proposals, consideration must be given to the established use of the site. Although the former working men's club is currently vacant, it could be brought back into use without the need for a further application. This fallback position should be given considerable weight in the determination of the application. According to the County Council's standards, the established use of the site has a higher parking requirement than that associated with the proposed dwellings. As such it is reasonable to assume that the proposed dwellings would result in fewer trips to and from the site. Given that the proposals utilise the same access as the former working men's club, it follows that the proposed residential properties would have a lesser impact upon the safe and efficient use of the highway network than the established use of the site. In accordance with Paragraph 32 of the NPPF resisting these proposals on the grounds of impact upon the safe and efficient use of the highway network could not therefore be substantiated.

The County Council's parking standards require a minimum provision of 1 ½ spaces per dwelling with 2 bedrooms or less, and 2 spaces per 3 bedroom dwelling. This gives a total requirement of 34 parking spaces associated with the development. The proposals provide 17 spaces and as such fall short of that requirement.

However, the application site is sustainably located. It is situated on the edge of the Wigston town centre which contains a range of services and facilities. The site lies within comfortable walking distance of these services and facilities. Furthermore, the site lies approximately 200 metres from a bus stop served by numerous and frequent services. The location of the site is therefore inherently sustainable.

It is considered that given the accessibility of the site to services, facilities and sustainable travel options via non-car modes, the shortfall in parking provision would not lead to severe impacts and in accordance with Paragraph 32 of the NPPF resisting these proposals on the grounds of insufficient off-street parking provision could not therefore be substantiated.

Other Issues

The concerns raised regarding the security of adjacent properties and the maintenance of boundary fencing do not constitute material planning considerations relevant to the outcome of this application. The right of access to the neighbouring place of worship is maintained and the proposed development does not justify widening it. A footpath could be secured by condition should the scheme be approved.

The Oadby and Wigston Developer Contributions Supplementary Planning Document sets out the level of developer contributions required to mitigate against the impact of development.

The Developer Contributions SPD requires 20% of all dwellings on sites in Wigston to be affordable housing. This equates to four of the 20 units. It also requires a contribution towards open space, sports and recreation provision, which in this instance works out at £47,148.

The County Council requests £24,065.72 towards education and £600 towards libraries. Since the local civic amenity site has capacity no contribution is requested in that regard.

These contributions are all required to offset the impact of the proposed development, and accord with the Developer Contributions SPD.

Conclusion

The proposal involves new housing on of previously developed land which is sustainably located within the Leicester Principal Urban Area. The principle of the development is therefore established by Core Strategy Policy 1 and the National Planning Policy Framework.

The existing building on the site is of some historic significance. Whilst its loss is regrettable, in this instance demolition and replacement is necessary to secure a viable use for the site. The existing building has been unsympathetically altered and in visual terms its replacement would not harm the character of the conservation area or the setting of nearby listed buildings.

The proposals would not unacceptably affect the amenities enjoyed by the occupiers of nearby dwelling and neither would they prejudice the safe or efficient use of the highway network.

Implications Statement

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|---------------------|---|
| Health | No Significant implications |
| Environment | No Significant implications |
| Community Safety | No Significant implications |
| Human Rights | The rights of the applicant to develop his property have to be balanced against the rights of neighbours. |
| Equal Opportunities | No Significant implications |
| Risk Assessment | No Significant implications |

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|-----------------|-----------------------------|
| Value for Money | No Significant implications |
| Equalities | No Significant implications |
| Legal | No Significant implications |

RECOMMENDATION: GRANTS

Subject to the following condition(s)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Unless otherwise first approved in writing (by means of a Non-material Amendment/Minor Material Amendment or a new Planning Permission) by the Local Planning Authority the development hereby permitted shall be carried out in accordance with the approved plans and particulars listed in the schedule below.
Reason: For the avoidance of doubt as to what is permitted by this permission and in the interests of proper planning.
- 3 No development shall take place until samples or details of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.
Reason: To safeguard the character and appearance of the Lanes Conservation Area and the setting of nearby listed buildings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policies 14 and 15, Landscape Proposal 1 of the Oadby and Wigston Local Plan, Section 12 of the National Planning Policy Framework and the Conservation Areas Supplementary Planning Document.
- 4 Notwithstanding the submitted details, no development shall take place until a site plan at a minimum scale of 1:200 showing a revised car parking/turning layout and including a detailed scheme of landscaping, fencing and walling has been submitted to and approved in writing by the Local Planning Authority. The car parking/turning area shall be formed in accordance with the approved layout prior to the first occupation of any of the dwellings and thereafter shall be retained for the life of the development.
Reason: To safeguard the character and appearance of the Lanes Conservation Area and the setting of nearby listed buildings, to safeguard the safe and efficient use of the highway network and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policies 4, 14 and 15, Landscape Proposal 1 of the Oadby and Wigston Local Plan, Section 12 of the National Planning Policy Framework and the Conservation Areas Supplementary Planning Document.
- 5 The cycle storage facilities shown on the approved plans shall be provided prior to the first occupation of any of the flats and shall thereafter be retained for the life of the development.
Reason: To promote sustainable modes of travel as an alternative to the private car in accordance with Core Strategy Policy 4.
- 6 All planting, seeding or turfing comprised in the details of landscaping approved under Condition 4 shall be carried out in the first planting and seeding season following the first occupation of any of the dwellings 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

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the locality and the occupiers of adjacent buildings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 7 The scheme of walling and fencing approved as part of the detailed scheme of boundary treatment shall be completed prior to the first occupation of the dwelling to which the fencing/walling relates.
Reason: To safeguard the visual amenities of the area, the amenities of the future occupiers of the dwellings, and the occupiers of adjoining properties and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14 and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 8 No development shall take place until full details of the reinstatement works of the footway following the closure of the existing access in the south-west corner of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed reinstatement works shall be carried out in accordance with the approved details prior to the first occupation of any of the dwellings hereby granted permission.
Reason: In the interests of highway safety and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.
- 9 No development shall take place until a scheme for the disposal of foul sewage and surface water drainage for the site (based on sustainable drainage principles) has been 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 and in accordance with the aims and objectives of the National Planning Policy Framework.
- 10 No development shall take place until details of all existing and proposed slab and site levels (including any re-grading proposed to the site) have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with those details so approved.
Reason: To ensure that the development does not adversely affect the amenities of adjoining properties and the character or appearance of the area and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 11 No development shall take place until details of all proposed fenestration including materials and finish, and sections to a minimum scale of 1:5, have been 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 Lanes Conservation Area and the setting of nearby listed buildings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policies 14 and 15, Landscape Proposal 1 of the Oadby and Wigston Local Plan, Section 12 of the National Planning Policy Framework and the Conservation Areas Supplementary Planning Document.
- 12 Unless otherwise first agreed in writing by the Local Planning Authority, all new or replacement external doors and windows shall be set back from the outer face of the wall by a minimum of 50mm.
Reason: To safeguard the character and appearance of the Lanes Conservation Area and the setting of nearby listed buildings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policies 14 and 15, Landscape Proposal 1

of the Oadby and Wigston Local Plan, Section 12 of the National Planning Policy Framework and the Conservation Areas Supplementary Planning Document.

- 13 Rooflights shall have a black finish and shall be fitted flush with the roof slope unless otherwise first agreed in writing by the Local Planning Authority. Once installed, the roof lights shall not be replaced with any alternative unless otherwise first agreed in writing by the Local Planning Authority.
Reason: To safeguard the character and appearance of the Lanes Conservation Area and the setting of nearby listed buildings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policies 14 and 15, Landscape Proposal 1 of the Oadby and Wigston Local Plan, Section 12 of the National Planning Policy Framework and the Conservation Areas Supplementary Planning Document.
- 14 No works relating to the demolition of the existing buildings on site shall take place until a programme of building recording has been carried out in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The resulting report shall thereafter be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that no development takes place which may adversely affect any items of archaeological interest without adequate prior investigation in accordance with the National Planning Policy Framework (particularly Section 12).
- 15 No development shall take place until a Construction Management Plan, including details of routing of construction vehicles, parking provision for vehicles of site visitors and operatives, hours of operation, an assessment of noise during construction and associated mitigation, dust suppression measures, provision of storage and unloading of plant and materials, and measures to prevent deleterious material being carried onto the highway, including wheel washing, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved Construction Management Plan.
Reason: In the interests of highway safety, and to safeguard the amenities enjoyed by the occupiers of nearby dwellings in accordance with Core Strategy Policy 4, Landscape proposal 1 of the Oadby and Wigston Local Plan and paragraph 17 of the National Planning Policy Framework.

BACKGROUND PAPERS

16/00024/FUL