



TO COUNCILLOR:

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

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, 19 OCTOBER 2017** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices
Wigston
11 October 2017

Anne Court
Chief Executive (Interim)

<u>ITEM NO.</u>	<u>AGENDA</u>	<u>PAGE NO'S</u>
1.	Apologies for Absence	
2.	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'.	
3.	Minutes of the Previous Meeting held on 28 September 2017 The minutes of the Committee held on Thursday, 28 September 2017 shall stand as an item to be received at the next meeting of the Committee due to be held on Thursday, 16 November 2017.	
4.	Action List Arising from the Meeting held on 28 September 2017 To read, confirm and note the Action List arising from the previous meeting.	1
5.	Petitions and Deputations To receive any Petitions and, or, Deputations in accordance with Rule 24 of Part 4 of the Constitution.	
6.	Application For Certificate of Lawfulness of Existing Use or Development at Beaumont Hall and Stoughton Hall, Stoughton Drive South, Oadby	2 - 4



7. Report of the Planning Control Team Leader

5 - 24

Report(s) of the Planning Control Team Leader and the relevant Planning Control Officer(s).

- a) **Application No. 17/00360/FUL - 26-28 Station Road, Wigston, Leicestershire, LE18 2DH**
- b) **Application No. 17/00375/FUL - The Elms, Bushloe End, Wigston, Leicestershire, LE18 2BA**

For more information, please contact:

Planning Control

Oadby and Wigston Borough Council
Council Offices
Station Road, Wigston
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LE18 2DR

t: (0116) 288 8961

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DEVELOPMENT CONTROL COMMITTEE

ACTION LIST

Arising from the Meeting held on Thursday, 28 September 2017

Min. Ref.	Item of Business	*Details of Action <i>Action Due Date</i>	Responsible Officer(s)' Initials	Status / Update
25.	Technical Housing Standards (Nationally Described Space Standard) and Subdivision of Residential Properties	A further survey be undertaken to clarify the quantity of the Borough housing stock's consisting of 1 bedroom properties. <i>Due by Nov-17</i>	AT	Ongoing

* | All actions listed are those which are informally raised by Members during the course of debate upon a given item of business which do not otherwise form part of - but may be additional, incidental or ancillary to - any motion(s) carried. These actions are for the attention of the responsible Officer(s) so-named.

Agenda Item 6



Development Control Committee	Thursday, 19 October 2017	Matter for Decision
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Title: **Application For Certificate of Lawfulness of Existing Use or
Development at Beaumont Hall and Stoughton Hall, Stoughton
Drive South, Oadby**

Author(s): **Dave Gill (Deputy Monitoring Officer)**

1. Introduction

Members are required to determine the appropriate route for the determination of these applications.

2. Recommendation(s)

2.1. Members resolve that the applications are considered by the Development Control Committee.

or

2.2. Members determine that the applications are determined by Officers under delegated powers.

3. Information

3.1. Members will recall that on 23 July 2014 members resolved to issue Certificates of Lawful Use and Development (CLUED) in respect of the above applications with the decision notices being issued on 19 August 2014. Members will also be aware that those Certificates were subject to a judicial review by The Oadby Hill Top and Meadowcroft Conservation Area Association. Those proceedings were compromised by way of a Consent Order approved the Court on 12 February 2015.

3.2. The terms of that Consent Order required, amongst other things that:

'It has been agreed the Defendant's planning committee will reconsider afresh the issue of certificates of lawful use having regard to the matters relied on in the Statement of Facts and Grounds in these proceedings'

3.3. Whilst the wording of the Consent Order reflected the scheme of delegation that was current at the time that the order was negotiated, Members will also be aware that at its meeting on 25 August 2016 Committee amended the scheme of delegation so that in future applications for such certificates would be dealt with by officers under delegated powers.

3.4. As a result of that decision, there is now an inconsistency between the wording of the Consent Order and the current Scheme of Delegation, and having regard to the need to examine a considerable amount of information in the form of raw data on meetings and conferences, and the difficulty that members would experience in undertaking that exercise themselves and then forming a view on how it ought to be interpreted in the context of relevant legislation and case law, the Committee may consider that this is a case which best lends itself to determination by officers under delegated powers.

- 3.5. Therefore Members are asked to resolve whether reconsideration of these applications should be reserved back to Committee or dealt with by officers under their delegated power.

Background Documents:

Report dated 25 August 2016 to the Development Control Committee

E-mail: dave.gill@nwleicestershire.gov.uk

Tel: (01530) 454 772

Implications | Application For Certificate of Lawfulness of Existing Use or Development at
Beaumont Hall and Stoughton Hall, Stoughton Drive South, Oadby

Finance	No financial implications directly arising from this report.
Chris Raymakers (Head of Finance, Revenues and Benefits)	
Legal	As contained in the report.
Dave Gill (Deputy Monitoring Officer)	
Corporate Risk(s) (CR)	<input checked="" type="checkbox"/> Regulatory Governance (CR6)
Samuel Ball (Senior Democratic Services Officer / Legal Officer)	
Corporate Priorities (CP)	<input checked="" type="checkbox"/> Effective Service Provision (CP2)
Samuel Ball (Senior Democratic Services Officer / Legal Officer)	
Vision & Values (V)	<input checked="" type="checkbox"/> Accountability (V1)
Samuel Ball (Senior Democratic Services Officer / Legal Officer)	
Equalities & Equality Assessment(s) (EA)	No equalities implications directly arising from this report.
Samuel Ball (Senior Democratic Services Officer / Legal Officer)	<input checked="" type="checkbox"/> Not Applicable (EA)

Application Number

Address

Report Items

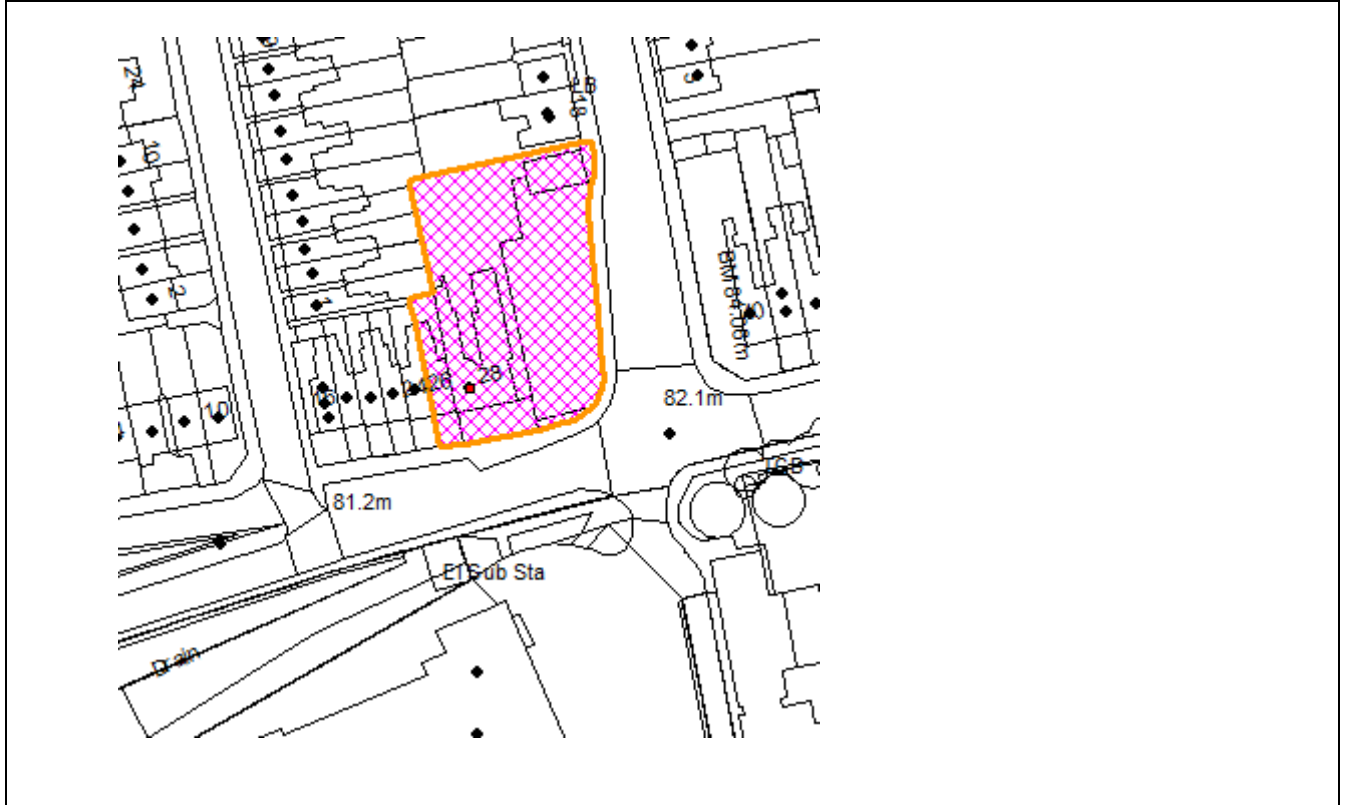
7a. 17/00360/FUL

26 - 28 Station Road
Wigston
Leicestershire
LE18 2DH

7b. 17/00375/FUL

The Elms
Bushloe End
Wigston
Leicestershire
LE18 2BA

7a.	17/00360/FUL	26 - 28 Station Road Wigston Leicestershire LE18 2DH
	25 August 2017	Change of use from offices (use class B1) to 6 self-contained flats (use class C3) with 3 off-street parking spaces
	CASE OFFICER	Richard Redford



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Published 2014

Site and Location

The site is occupied by a 2-storey end of terrace building that is currently vacant but has an authorised use for professional offices falling within Use Class B1(a). This existing use of the building is connected to the adjacent building at 26 Station Road. Foot access to the building is via the building frontage on Station Road while on-site parking provision provided for the existing use on the site as a whole is via the existing vehicular access point on Pullman Road with the parking situated on land between the flank wall of the building and Pullman Road.

While within the immediate area the predominant use is for residential dwellings there is a retail unit (Use Class A1) immediately to the rear of the site, a leisure centre (Use Class D2) directly opposite the site on Station Road, a number of schools (Use Class D1) diagonally opposite on Station Road, a hairdressers a few doors along (Use Class A1) and a public house (Use Class A3) a little bit further along the road. There are also a number of industrial units (Use Classes B1, B2 and B8) along Pullman Road to the rear of the site.

The junction of Pullman Road and Station Road is a traffic light controlled junction, with there being one of the sets of traffic lights immediately to the front of the site with a pedestrian crossing point associated with them. Within the site the ground is level although it is set lower than the car parking area of the authorised use by between 0.5m and 1m. On the whole ground levels fall slightly along Pullman Road from the rear to the front of the site as well as along Station Road from the road junction past the site frontage. While ground levels continue to fall toward the train line, the road itself does rise as a result of the bridge over the railway lines.

Description of proposal

As submitted planning permission is sought for the conversion of 28 Station Road from offices falling within Use Class B1(a) to provide 6 one-bed residential flats in the form of 5 flats and one studio flat. 3 on-site parking spaces will be provided to the rear of the building with access via the existing dropped kerb onto Pullman Road and over the adjacent site which is in the control of the applicant. A cycle store will be provided within the rear 'courtyard' type area between the building and the parking spaces which will be separated from each other by a fence with pedestrian access gate located in it. A bin store will be provided to the front of the existing building and additional plans have been provided to show this detail. Access to the ground floor units will be via the existing door openings in the rear and flank wall elevations of the building while the front door will enable access to the flats on the first floor. The agent has confirmed that the ground level of where the proposed parking spaces are to be located will be built up from the current level approx. 0.5m below the ground level of the adjacent car park over which access to the proposed parking will be obtained.

The statutory determination period for this application expired on the 20 October 2017 and it is intended to issue a decision as soon as practicably possible after the committee meeting.

Relevant Planning History

None Relevant

Consultations

OWBC Environmental Health;

Detail that there are a couple of inaccuracies on the submitted plans, no access via the front entrance to Flat 1 and Flat 6 having no escape from a flat roof. Also no details have been provided for the fire alarm system.

OWBC Forward Planning;

Comment that the NPPF states Local Planning Authorities should 'encourage the effective use of land by reusing land that has been previously developed (brownfield land).', is encouraged to see the proposed scheme seeks to retain the original exterior character and features, highlighting the site is not situated within either an identified employment area or a conservation area and the surrounding uses are mixed, but predominantly residential. They set out that with the site being brownfield in nature, located within the Leicester Principal Urban Area and situated within a predominantly residential environment; conversion of offices to residential units in principal is acceptable, subject to conforming to relevant planning policy. They indicate that the scheme is for six residential units but should any subsequent scheme be submitted on land adjacent to the site that would see the cumulative number of dwellings rise to eleven or more units, the Council's would seek developer contributions for that cumulative scheme.

Leicestershire county Council Highway Authority;

Set out the site is situated on an adopted Class B road and that the Local Highway Authority advice is that, in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the imposition of a number of conditions.

Further information is provided setting out that whilst 3 off-street parking spaces for 6 properties is below what the County Highway Authority would typically advise, it is noted that the location proposed is in an area of lower car ownership with good availability of local amenities and public transport provision. Additionally the existing highway waiting restrictions would also preclude on street parking in the local vicinity should owners or visitors do so by car so the Highway Authority would therefore consider on this aspect that the residual cumulative impact of development could not be considered severe on transport grounds.

It is however of concern to the County Highway Authority that the area of land directly outside the front door of the dwelling is at times currently used for parking. Given the proximity to the formal crossing facility and no formalised vehicle crossover to the site directly from Station Road, they advise the inclusion of a condition to ensure a boundary treatment be implemented which would prevent this private land from being used as parking as it is considered without such implementation, unlawful vehicular use and indiscriminate parking would continue and lead to a significant concern for highway safety and maintenance burden.

Representations

Neighbours have been informed and a press/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 22 September 2017.

Neighbours have been informed and a notice placed with 0 letters of representation received at the time of writing this report.

The date for the receipt of comments expired on the 22 September 2017.

Councillor Mrs Loydall on the grounds of concerns over parking provision for the proposed units, loss of on-site parking spaces for the units proposed, potential over-development and severe parking problems at a busy junction. It was also the subject of a site visit at the request of Cllr Mrs Loydall.

Relevant Planning Policies

National Planning Policy Framework

Oadby & Wigston Core Strategy

- Policy 1 : Spatial Strategy
- Policy 12 : Housing Needs of the Community
- Policy 14 : Design
- Policy 15 : Landscape and Character

Oadby and Wigston Local Plan

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

Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document

Planning Considerations

The issues for consideration in this application relate firstly to the principle of the development then subsequently matters including design, amenity and highways.

Principle:

The site is, as detailed in the consultee response from OWBC Forward Planning, situated in the Leicester Principal Urban Area within a predominantly residential environment where the conversion of offices to residential units in principal is acceptable. This is in accordance with Policy 1 of the OWBC Core Strategy as well as the NPPF. The proposal represents an effective, productive re-use of an existing building that is currently vacant in what is a sustainable location with good local facilities and amenities. It can therefore be seen that the principle of the development is acceptable.

Design and appearance:

As part of the proposal, a small section of an existing single storey rear projection will be demolished and re-built albeit wider in part but considerably smaller in depth than it is at present. This is the only physical alteration to the built fabric of the building and is positioned to the rear of the building in a location not readily visible from outside the application site. Therefore the visual impact of the built form within the street scene, as well as the rear garden environment, will remain largely unaffected so ensuring a visual continuity in the locality.

The plans submitted for the proposal makes provision for a bin store in the front garden, cycle store in the rear garden courtyard area and parking provision to the rear of the built envelope. In terms of the bin store this will be situated to the front of the building in the street scene where, at 1.2m high with a footprint measuring 2.2m by 3.5m and constructed of timber, it will be visually prominent within this part of the streetscene. However, in light of the comments made by the Highway Authority – see consultee responses section above – the provision of an additional section of boundary treatment here and or landscaping would serve to minimise visual impact while enabling it to remain to ensure an appropriate bin store in an appropriate location is provided. With regards to the bicycle store no details have been provided in terms of size, design, appearance etc however this can be covered by pre-commencement condition. In respect of the increase in the section of the site where the proposed parking spaces will be sited, ground levels will be increased in this area to enable the parking to occur at the same level as the adjacent site over which vehicular access to the spaces will occur, with ground level increasing approximately 0.5m. The likely increase will not result in any visual impacts on the area nor, officers consider, impact on neighbouring amenity. A fence with gate in it is proposed to provide a boundary between the parking area and the courtyard area to the rear of the building to avoid safety concerns however it

is considered that a condition is required that provides cross sections of the site to show the existing and proposed ground level changes as well as the means of pedestrian access via steps or ramp from the parking area in to the courtyard.

Amenity:

The physical works to the rear of the existing building with regards to the demolition of the outbuilding and rebuilding of it smaller will not result in any adverse or detrimental impacts upon neighbouring amenities due to the size reduction of it. As there will be no other physical works to the building officers consider there will be no undue impacts upon amenities.

Due to the change of use from B1 offices to 6 residential units there will be an obvious impact on amenity of surrounding dwellings by virtue of the fact that the buildings use will be as residential with a likely lower level of use over the day as opposed to office use which would, prior to the building being vacated, have been higher during daytime working hours. This change will be more in keeping with the predominant use of the immediate and wider area so would not raise any undue impacts on neighbouring amenities that would, in Officers opinion, justify a refusal being issued.

The submitted floor layout plans show floor areas range from 23.6 square meters for the studio flat to 51 square meters. The HEDNA has established that there is a need for residential flats of this type within the Borough as a whole with the proposal as submitted making effective, efficient use of the building that would be too large in size as a single house or for flats in a number less than that proposed. An assessment of the flats by officers considers they are of acceptable standards for use by future residents affording them sufficient space to be used in a meaningful manner.

Within the development a private communal amenity space has been provided which is welcomed and although not overly large is considered sufficient by officers. Furthermore, a bin store of sufficient size and capacity has been shown to be provided in a location access by refuse vehicles and operatives.

Highways and Parking:

As set out above the Highway Authority have, in summary conclusion, advised that in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the imposition of a number of conditions. They have set out in their response that the proposal will have a parking level below that required – 3 spaces provided as opposed to the 6 required. However, they also detail that the location of the site is in an area of lower car ownership with good availability of local amenities and public transport provision. Additionally the existing highway waiting restrictions would also preclude on street parking in the local vicinity should owners or visitors do so by car so the Highway Authority would therefore consider on this aspect that the residual cumulative impact of development could not be considered severe on transport grounds. Discussions with the Highway Authority have also indicated that the use of the existing access point is acceptable.

The submitted plans also show for the provision of a cycle store to further facilitate alternative means of transport. This is welcomed and while no specific details have been provided, this is a matter that can be dealt with by way of condition.

On the basis of this technical advice from the Highway Authority, officers are satisfied that the parking provision proposed is acceptable in this instance given the local circumstances and that the scheme will not impact upon highway and pedestrian safety.

Conclusion

In conclusion the site is located within the Leicester Principle Urban Area where the provision of residential dwellings - including flats and studio flats - is acceptable and the HEDNA identifies the need for units of the form proposed in this application. The works to the building are minimal with the overall design and appearance unaltered in the street scene with the provision of the bin store providing for requirements while also addressing highway safety issues. While on-site parking provision is below requirements, the Highway Authority has set out that the site is in an area of low car ownership with good local facilities and transport links so that the short fall will not result in any severe highway or pedestrian impacts.

Implications Statement

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

Recommendation

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby approved shall be implemented in accordance with the following;
 - * Application Forms, and Design and Access Statement both submitted to and received by the Local Planning Authority on 24 July 2017;
 - * Drawings numbered B002b Rev B titled Proposed Ground Floor Plan dated 3 August 2017, and B003b Rev B titled Proposed Floor Plans dated 3 August 2017 submitted to and received by the Local Planning Authority on 21 August 2017;
 - * Drawing numbered B001c Rev C titled Site Layout Plan dated 23 August 2017 submitted to and received by the Local Planning Authority on 25 August 2017;
 - * Amended drawing numbered B004c Rec C titled Proposed Elevations dated 13 October 2017 submitted to and received by the Local Planning Authority on 22 September 2017; and
 - * Drawing numbered B005C dated 13 October 2017 titled Section and Refuse Details submitted to and received by the Local Planning Authority on 22 September 2017.

Reason: For the avoidance of doubt and to ensure the development is carried out in accordance with the plans against which the planning application was assessed and determined.

- 3 Notwithstanding the provisions of Condition 2 above, prior to the commencement of the development hereby approved existing and proposed cross section plans of the site along both north-south and east-west axis in respect of the site showing ground levels, boundary treatments and foot access from the parking area to the courtyard area shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and thereafter retained unless otherwise agreed in writing by way of non-material amendment or material amendment submissions.
Reason: In the interest of visual amenity, to ensure ground levels for the parking area match those of the adjacent site over which vehicular access to the site is to be achieved and to provide details on how foot access from the parking area to the courtyard area of the development will be provided.
- 4 Prior to the commencement of the development hereby approved, plans showing site boundary treatment along the sites boundary with Station Road to prevent vehicular access to the front of the site shall be provided to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the agreed details and retained thereafter.
Reason: In the interest of highway and pedestrian safety.
- 5 Prior to the commencement of development details of secure cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the building and unless otherwise first agreed in writing by the Local Planning Authority maintained as such for the life of the development.
Reason: As recommended by Leicestershire County Council (Highways) and to encourage sustainable alternatives to the motor car and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.
- 6 No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.
- 7 Prior to the commencement of development a detailed scheme of hard and soft landscaping measures shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that a landscaping scheme is provided to enhance the development and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 8 All planting, seeding or turfing comprised in the landscaping to be provided through Condition 7 shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation with all soft landscaping retained thereafter. All hard landscaping measures approved shall through Condition 7 shall be provided prior to first occupation of the development and retained thereafter.

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, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 9 No external lighting shall be installed in association with the development until full details of the proposed lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details and maintained in accordance with the manufacturers specification.

Reason: In the interest of visual and neighbouring amenity.

- 10 The development hereby permitted shall not be occupied until such time as the access, parking and turning facilities have been implemented in accordance with drawing number B001c - Site Layout Plan. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Paragraphs 32 and 35 of the National Planning Policy Framework 2012.

- 11 Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

- 12 All external materials used in the extension element of the development hereby permitted shall match those of the existing building in colour, size, coursing and texture unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 13 Prior to the development hereby approved being occupied the bin store shown on the approved plans has been provided and thereafter retained.

Reason: To ensure the bin storage associated with the development is provided and subsequently retained and in the interests of the visual amenity.

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 £97. 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 Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

0 **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority 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 must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Telephone 0303 444 5000) or online at www.gov.uk/appeal-planning-inspectorate

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

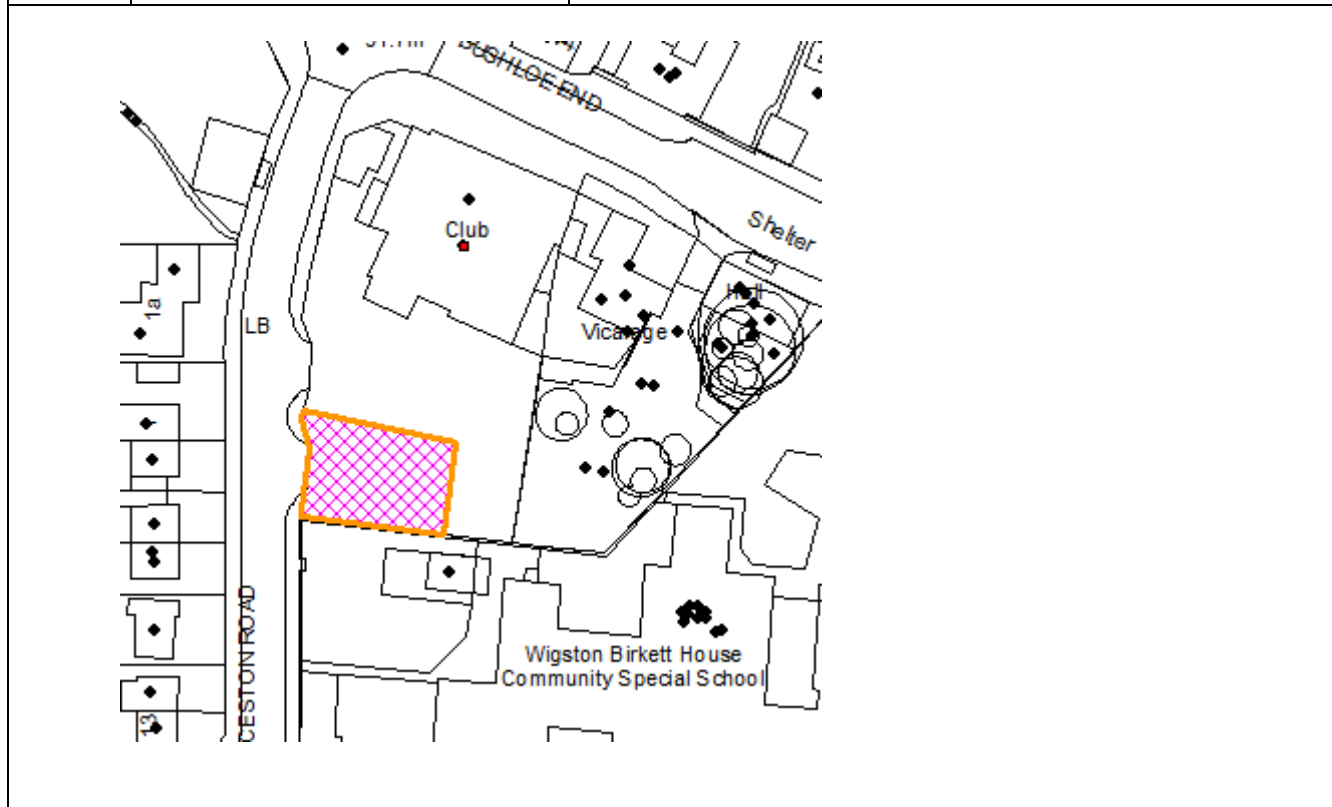
The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements,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

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.

7b.	17/00375/FUL	The Elms Bushloe End Wigston Leicestershire LE18 2BA
	11 August 2017	Erection of 3 x 2 bed dwellings with associated access, off street parking and landscaping
	CASE OFFICER	Tony Boswell



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Published 2014

Site and Location

The site lies on Launceston Road, to the rear of "The Elms" social club which fronts Bushloe End. The site is essentially the rearward part of the car park to the social club. That car park is used in its entirety to support a variety of activities at the Club and, when the Club is not operating, as a "free for all" car park for wider public use. The site lies within the All Saints Conservation Area.

Description of proposal

The proposal is to erect a "terrace" of three x two bedroomed, two storey homes and gardens on the frontage to Launceston Road adjacent to the southern boundary with the (shortly to be vacated and probably vacated Birkett House School). Each of those homes would have its own on-plot parking space and a rearward garden of some 7.5 x 4.8 metres.

The three homes would be of conventional appearance in brick and tile with their front elevations including tile hanging and white render. A number of trees along the southern boundary are affected and the Arbourists comments are reported below.

The existing car park as a whole is laid out and used rather informally but has a "nominal" capacity of perhaps 44 car spaces (maximum). The Elms social club apparently intend to rearrange their residual car park to accommodate 35 marked car paces. That residual car park lies outside the application site, but is within the ownership of the applicants. A condition is therefore recommended to make those revised arrangements compulsory.

The statutory determination period for this application expires on 6 October 2017, and it is intended to issue a decision as soon as practicably possible after the committee meeting.

Relevant Planning History

None Relevant

Consultations

Leicestershire County Council (Highways) – To enable a fully reasoned response to be provided by the CHA require additional information in relation the existing use of the site. It would appear the current use of the site serves as a car park for the adjoining social club, the CHA need to ensure that adequate parking provision is provide for the existing permitted use to ensure that the proposed if permitted would not have an adverse effect on the surrounding highway network. Details of the size and use of the existing site and existing number of car parking spaces along with the number of spaces that would be lost should the proposal be permitted should be provided. (This was sent to the applicant's agents on the 12 September 2007, without reply at the time of drafting).

Wigston Civic Society – No reply received.

OWBC Arbourist - Tree T1 is a Purple Norway Maple of good form and condition, canopy spread is well balanced and slightly overhangs the boundary as indicated on the tree constraints plan. The existing hard surfacing will *typically* impede root growth, as such the impact on roots would be reduced. Roots are unlikely to be absent but are expected to be concentrated within the confines of the soft surfacing within the adjacent garden.

Tree T2 is a Silver Birch of moderate form and good condition with one limb overhanging the boundary, if required for access this can be pruned to no significant detriment. In comparison with

T1, this tree is between hard standing and the neighbouring building, with limited vegetation to impede root growth under the hard standing. Outside of access required for construction, protection fencing is advisable to remove the risk of compaction due to material storage or similar, this will be especially relevant once the existing hard standing has been broken up.

Construction requirements will likely include scaffolding around the perimeter, as such minor pruning works (as far back as the boundary) may be needed, this is expected to have a limited impact. Due to the proximity of the proposed building there is expected to be an increased pressure for cyclical works to prune the branches back, again with limited impact.

Representations

18 near neighbours have been informed and a press and site notice placed with two letters of representation being received at the time of writing this report. (One further e-mail sent anonymously) The date for the receipt of comments expires on the 14 September 2017.

The reasons for objection can be summarised as follows: -

- * No objection to proposed houses as such
- * Loss of parking capacity.

The reasons for supporting the proposal can be summarised as follows: -

I have been involved right from the start re sale of the land. It will help generate much needed cash for improvements to a very tired building. Apparently there is an issue with the loss of parking spaces at the most we will loose up to 7 spaces but after the car park is re-laid and relined we will find it will benefit organised parking creating more space than we have now. When we cordoned off the car park to see what spaces we would loose it didn't create any problems at all. When we have regenerated our car park hopefully we will gain control of our car park from random people using it as a free parking lot both when we are closed and open to our members. I have enclosed photos of our average morning when the club is closed and it is twice as bad in the afternoon. I hope the application will be given serious consideration as it will benefit the image of the club.

Councillor M Charlesworth has also made representations on the application who is concerned about loss of parking capacity and impact of traffic on the road network and surrounding areas.

Relevant Planning Policies

National Planning Policy Framework

Oadby & Wigston Core Strategy

Core Strategy Policies 14 and 15 : Design and Construction – 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

South Wigston Conservation Area 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 and Conservation Area
- * The impact of the proposal on local parking and highway conditions.

The impact of the proposal on the street scene and Conservation Area.

There are no immediate "neighbourly" impacts upon any other homes in proximity. The scale and external materials are clearly compatible with other homes on Launceston Road in proximity, although the homes immediately opposite are bungalows rather than two story homes.

There would be some impact upon those trees which mark the southern boundary of the site and a condition is recommended regarding protection of those trees during construction. Note however that the key row of trees which form the frontage to the Birkett House School site would not be threatened. Those trees form a key characteristic of the All Saints Conservation Area.

The Conservation Area Appraisal of 2006 notes that the existing car park provides a poor "floor scape" and, that characteristic is not improved by the wide open views of the rear of the Elms which it exposes to public view. That same Appraisal also identifies this site as a potential acceptable development site

(Paragraph 6.1 – although referring to the whole of land and car park to the rear of the Elms).

From an earlier pre-application enquiry it is clear that the proposed development would not prejudice any future reasonable proposal to redevelop or re-use the Elms as a whole. Furthermore, it would not adversely effect any reasonable future proposals to redevelop the adjacent Birkett House School premises.

The impact of the proposal on local Parking and highway conditions.

It is very apparent from the applicants and merely from observation that the entirety of the existing car park is widely used as a local amenity – rather than being solely for the use of visitors and attendees to events at the social club. Its outright loss to any overall redevelopment as suggested by the 2006 Conservation Area Appraisal might well have significant adverse effects.

At present, although marked out the use of the car park as a whole is somewhat "informal" in its capacity. There would however be a reduction in overall capacity of between 7 and 12 car spaces. (See the County Council's reservations regarding this point – on which officers are still awaiting a reply at the time of writing this report). However it is not actually that simple. There are a wide diversity of different uses and functions that take place within the Elms. The extent to which those rely upon the capacity of the existing car park is similarly very variable.

Conclusion

In principle the erection of three new smaller homes and gardens on the site is very welcome. Those do not appear to offer any threat to the character and appearance of the All Saints Conservation Area. The issue in contention is the marginal loss of peak parking capacity. A condition is therefore recommended to ensure that the residual car park is more formally laid out with the 35 car spaces shown on the applicant's submitted drawings.

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.
Reason: To safeguard the character and appearance of the All Saints Conservation Area and the building in general 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 and the Conservation Areas Supplementary Planning Document.

- 3 Prior to the commencement of site works, full details of the measures to avoid damage to the trees to be retained on site shall be submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall include details of a suitable fixed fence (which should extend to the full extent of the canopy of the tree(s) to be retained unless otherwise first agreed in writing by the Local Planning Authority). The agreed tree protection measures shall be installed on site prior to any site works commencing and shall be retained as such for the duration of construction works on site.
Reason: 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 Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 4 Prior to commencement of any development as hereby permitted the car park and parking layout shown to be provided on drawing SI/2017/16/01 shall be marked out and thereafter permanently maintained for the use of visitors and attendees to the adjacent "Elms" social club
Reason: To ensure that adequate on-site parking capacity is maintained for the social club and to avoid any hazard to road users in proximity.

- 5 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.

Note(s) to Applicant :

- 1 You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.
- 2 You are advised that any amendments to the approved plans will require either a Non-Material amendment application, a Minor Material Amendment application or a new planning application. If this is the case then you should allow at least 8 weeks before the intended start date to gain approval for such amendments. Further advice can be obtained by contacting the Planning Section of the Council on any amendments (internal or external).
- 3 The Application as submitted was, 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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 4 **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority 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 must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Telephone 0303 444 5000) or online at www.gov.uk/appeal-planning-inspectorate

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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.

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

1. 17/00360/FUL
2. 17/00375/FUL

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