



**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  
Mrs L 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, 16 NOVEMBER 2017** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices  
Wigston  
**07 November 2017**

**Anne Court**  
Chief Executive (Interim)

<u>ITEM NO.</u>	<u>AGENDA</u>	<u>PAGE NO'S</u>
<b>1.</b>	<b>Apologies for Absence</b>	
<b>2.</b>	<b>Declarations of Interest</b>	
	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'.	
<b>3.</b>	<b>Reading, Confirmation and Signing of Minutes</b>	
	To read, confirm and sign the minutes of the previous meeting in accordance with Rule 17 of Part 4 of the Constitution.	
	<b>a) Minutes of the Previous Meeting held on 28 September 2017</b>	<b>1 - 6</b>
	<b>b) Minutes of the Previous Meeting held on 19 October 2017</b>	<b>7 - 10</b>
<b>4.</b>	<b>Petitions and Deputations</b>	
	To receive any Petitions and, or, Deputations in accordance with Rule 24 of Part 4 of the Constitution.	
<b>5.</b>	<b>Report of the Planning Control Team Leader</b>	<b>11 - 44</b>
	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. 17/00368/FUL - 39 Half Moon Crescent, Oadby, Leicester LE2 4HD**
- c) **Application No. 17/00375/FUL - The Elms, Bushloe End, Wigston, Leicestershire LE18 2BA**
- d) **Application No. 17/00445/LBC - Bushloe House, Station Road, Wigston, Leicestershire LE18 2DR**

**For more information, please contact:**

**Planning Control**

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LE18 2DR

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**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 28 SEPTEMBER 2017 COMMENCING AT 7.00 PM**

**PRESENT**

Councillor L A Bentley (Chair)  
Councillor Mrs L M Broadley (Vice Chair)

**COUNCILLORS**

F S Broadley  
D M Carter  
B Dave  
R E Fahey  
D A Gamble  
J Kaufman  
Mrs H E Loydall  
R E R Morris

**OFFICERS IN ATTENDANCE**

S J Ball (Senior Democratic Services Officer / Legal Officer)  
T Boswell (Senior Planning Control Officer)  
D Gill (Legal Advisor / Deputy Monitoring Officer)  
R Redford (Planning Control Team Leader)  
A Thorpe (Head of Planning, Development and Regeneration)

**OTHERS IN ATTENDANCE**

Clr M L Darr (Speaker, Ward Councillor)  
R Harris (Applicant/Agent)  
A Lakhlani (Public Speaker)  
P McCarthy (Applicant/Agent)

**20. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillors G A Boulter and Dr T K Khong.

**21. DECLARATIONS OF INTEREST**

None.

**22. MINUTES OF THE PREVIOUS MEETING HELD ON 24 AUGUST 2017**

**RESOLVED THAT:**

**The minutes of the previous meeting of the Committee held on 24 August 2017 be taken as read, confirmed and signed.**

**23. ACTION LIST ARISING FROM THE MEETING HELD ON 24 AUGUST 2017**

**RESOLVED THAT:**

**The Action List be noted by Members.**

**24. PETITIONS AND DEPUTATIONS**

None.

**25. TECHNICAL HOUSING STANDARDS (NATIONALLY DESCRIBED SPACE STANDARD) AND SUBDIVISION OF RESIDENTIAL PROPERTIES**

The Council gave consideration to the report (at pages 7 - 16) as delivered and summarised by the Head of Planning, Development and Regeneration which should be read together with these minutes as a composite document.

Members emphasised that it was their belief that a serious need continued to exist for large family dwelling-houses with the Borough and that minimum prescribed levels of living-space, particularly within multiple dwelling-flat conversions, were essential. It was said that the health and wellbeing of occupants in terms of adequate living space and amenity should be accorded the upmost importance.

The Committee was advised that work was currently at an advanced stage in the preparation of the Local Plan and, as part of this process, evidence was being prepared that would inform whether the space standards and any revised position regarding the subdivision of residential properties could be adopted by the Council.

An independent viability study of the whole Local Plan was also said to be undertaken to ensure that the effect of all of the policies, when taken together, suitably addressed matters of viability. All policies were said to gain increasing weight as the Local Plan progressed through its formal adoption process.

Until such time as the Local Plan was full adopted, the Committee was advised that applications could only be determined on merit and on material planning grounds.

It was requested that a further survey be undertaken to clarify the quantity of the Borough housing stock's consisting of 1 bedroom properties.

It was moved by the Chair, seconded by the Vice Chair and

**UNANIMOUSLY RESOLVED THAT:**

- (i) The work currently being undertaken in respect of the optional Nationally Described Space Standards through the preparation of the Local Plan be noted by Members;**
- (ii) Members note that account can given to the Nationally Described Space Standards by officers and applicants in their deliberations during the consideration and determination of planning applications: however, it would not be appropriate to base decisions upon these standards given that they do not comprise fully evidenced and justified planning policy (as referred to the report); and**
- (iii) The position regarding the subdivision of residential properties and the work currently being undertaken to inform the Local Plan in this regard be noted by Members.**

**26. REPORT OF THE PLANNING CONTROL TEAM LEADER**

**26a. APPLICATION NO. 17/00310/REM - LAND AT COTTAGE FARM, GLEN ROAD, OADBY, LEICESTERSHIRE**

Mr P McCarthy, Design and Technical Director at Bloor Homes, spoke upon the application on behalf of the applicant. He stated that a number of changes to a revised scheme had been made to minimise the impact on adjacent residents and surplus land had been used to meet demand for an additional 28 small to medium semi/detached family homes. The application was said to continue to respect the Illustrative Development Framework plan as submitted at the outline stage.

Councillor M L Darr, Ward Councillor for the Oadby Brocks Hill Ward, spoke upon the application. He called for the application to be deferred pending further public consultation so to consult upon the subsequent amendments made to the scheme.

The Committee gave consideration to the application (at pages 18 - 25) and the agenda update (at page 1) as delivered and summarised by the Senior Planning Control Officer which should be read together with these minutes as a composite document.

A debate thereon was had whereby the Committee overall commended the revised scheme, particularly the proposed mix of dwellings and sizes, however raised some initial concerns in response to which the Senior Planning Control Officer advised that:

- a. social-housing units were often clustered together to ensure their more efficient maintenance;
- b. the relative small size of the children's play areas were compensated by the generous allocation of garden space to most dwelling-houses and the provision of a large public amenity pitch on site;
- c. each dwelling was allocated a suitable-sized car parking space(s) or garage so to prevent parking/obstructions on the highway;
- d. boundaries between the existing and new developments were to be properly maintained after initial planting by their respective owner-occupiers; and
- e. the section 106 Agreement was to provide for the site's open spaces to be either maintained by the developer in perpetuity or adopted by the Council.

Furthermore, and although some Members believed a deferral on the grounds of further public consultation was justified, most Members felt that ample opportunity for consultation had been provided and that the application should be determined without delay and within the parameters of material planning considerations.

In reaching a decision it was reported that the scheme amounted to a low-density development of 30 dwellings per hectare and within the original outline permission granted, therefore dismissing concerns regarding the over-cramming of units.

The Committee was also advised that the Council, as the Local Planning Authority, had fully complied with its obligations in notifying residents and that any deferral in favour of holding a non-statutory public consultation would risk a cost-implicated appeal for non-determination on immaterial planning grounds and that, in any case and on balance, a further consultation period would not constructively add anything new.

It was moved by Councillor J Kaufman, seconded by Councillor D A Gamble and

**DEFEATED THAT:**

The application be deferred pending further public consultation.

<b>Votes For</b>	2
<b>Votes Against</b>	8
<b>Abstentions</b>	0

It was moved by the Chair, seconded by the Vice Chair and

**RESOLVED THAT:**

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

<b>Votes For</b>	9
<b>Votes Against</b>	1
<b>Abstentions</b>	0

**26b. APPLICATION NO. 17/00338/FUL - 48 SEVERN ROAD, OADBY, LEICESTER, LE2 4FY**

Mr A Lakhlani, a relative of an adjacent neighbour, spoke upon the application as an objector. He stated that the proposed establishment would cause a nuisance to adjoining properties and would be detrimental to the wider residential area in respect of inconsiderate parking and increased traffic, littering and anti-social behaviour. Noise and air pollution emanating from the premises was also said to be a concern.

The Committee gave consideration to the application (at pages 26 - 32) as delivered and summarised by the Planning Control Team Leader which should be read together with these minutes as a composite document. It was also reported that further objections citing similar matters to those raised by speaker had been received on 27 September from another concerned relative of another adjacent neighbour.

Whilst the Committee welcomed the bringing back into use of the building, Members too acknowledged the legitimate concerns as raised by objectors but, in doing so, agreed that a reasonable closing time from Monday to Saturday and a premises closure on Sundays and Bank Holidays would mitigate the greater part of the same.

In reaching a decision, the Committee was advised that other regulatory enforcement regimes were available to the Council to control other unauthorised and, or, nuisance activities at the premises that may arise. It was also said that any condition relating to the premises' closure on Sundays and Bank Holidays, although not entirely unreasonable, could ultimately be successfully appealed albeit with negligible costs and little reputational damage to the Council.

It was moved by the Chair, seconded by the Councillor D A Gamble and

**UNANIMOUSLY RESOLVED THAT:**

**The permitted hours of operation (as set out at condition 4) be amended to 09:00 to 22:00, Mondays to Saturdays.**

It was moved by the Chair, seconded by the Vice Chair and

**RESOLVED THAT:**

**The application be GRANTED planning permission in accordance with the submitted documents and plans and subject to the prescribed conditions (as amended).**

<b>Votes For</b>	9
<b>Votes Against</b>	0

**Abstentions** 1

**26c. APPLICATION NO. 17/00392/FUL - THE GRANGE, HIGHFIELD DRIVE, WIGSTON, LEICESTERSHIRE, LE18 1NN**

Mr R Harris, Director at Graham Harris Partnership, spoke upon the application on behalf of the applicant. He stated that the application sought to minimise the impact of existing travel, access and parking issues on the site and the surrounding residential area. It was said that all works to protected trees would be correctly carried out, no further illumination to buildings was proposed nor was any increase to the numbers of staff on-site or associated vehicle movements expected.

The Committee gave consideration to the application (at pages 33 - 51) as delivered and summarised by the Planning Control Team Leader which should be read together with these minutes as a composite document.

A debate thereon was had whereby most Members agreed that the proposals submitted offered on balance a considered solution to the issues currently experienced. However, some Members were mindful of the highway implications to residents created by a possible increased in vehicular movements along Highfield Drive if the entrance/exit proposals were not carefully managed. Details in relation to a tree replanting scheme, to include trees of sufficient maturity, were also requested.

It was moved by the Chair, seconded by Councillor D A Gamble and

**RESOLVED THAT:**

**It be conditioned that, subject to an agreed form of wording under delegated authority to Officers, full details of the replacement trees be submitted to and approved by the Local Planning Authority prior to the implementation of the development and implemented accordingly.**

**Votes For** 8  
**Votes Against** 0  
**Abstentions** 2

It was moved by the Chair, seconded by Councillor D A Gamble and

**RESOLVED THAT:**

**The application be GRANTED planning permission in accordance with the submitted documents and plans and subject to the prescribed conditions (as amended).**

**Votes For** 8  
**Votes Against** 2  
**Abstentions** 0

**26d. APPLICATION NO. 17/00396/FUL - 70 REPTON ROAD, WIGSTON, LEICESTERSHIRE, LE18 1GD**

Withdrawn.

**THE MEETING CLOSED AT 8.48 PM**



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**Chair**  
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.....  
**Thursday, 16 November 2017**  
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Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR*



**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 19 OCTOBER 2017 COMMENCING AT 7.00 PM**

**PRESENT**

Councillor L A Bentley (Chair)  
Councillor Mrs L M Broadley (Vice Chair)

**COUNCILLORS**

G A Boulter  
F S Broadley  
D M Carter  
D A Gamble  
J Kaufman  
Mrs H E Loydall  
R E R Morris

**OFFICERS IN ATTENDANCE**

S J Ball (Senior Democratic Services Officer / Legal Officer)  
T Boswell (Senior Planning Control Officer)  
D Gill (Deputy Monitoring Officer)  
Ms S Lane (Democratic Services Officer / Compliance Officer)

**OTHERS IN ATTENDANCE**

G Bhandal (Applicant/Agent, Speaker)  
J Gamble (Public Speaker)

**27. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillors B Dave and Dr T K Khong.

**28. DECLARATIONS OF INTEREST**

In respect of planning application number 17/00375/FUL:

- (i) Councillor Mrs H E Loydall declared a non-pecuniary interest insofar as she is the Chair of a Senior Citizens Forum who occasionally used the facilities of The Elms Ex-Services and Social Club; and
- (ii) Councillor L A Bentley declared a non-pecuniary interest insofar as he is a Governor of the Birkett House School, Wigston: however, he wished it to be minuted that the school fell outside of the application site as misrepresented on the plan.

Both Members' confirmed that they attended the meeting without prejudice and with an open-mind.

**29. 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.

**30. ACTION LIST ARISING FROM THE MEETING HELD ON 28 SEPTEMBER 2017**

**RESOLVED THAT:**

**The Action List be noted by Members.**

**31. PETITIONS AND DEPUTATIONS**

None.

**32. APPLICATION FOR CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT AT BEAUMONT HALL AND STOUGHTON HALL, STOUGHTON DRIVE SOUTH, OADBY**

The Committee gave consideration to the report (at pages 2 - 4) as delivered and summarised by the Deputy Monitoring Officer which should be read together with these minutes as a composite document.

A debate thereon was had whereby the majority of Members commended the recommendation as such applications involved purely legal and factual matters upon which Members did not have the technical knowledge to appropriately determine.

It was moved by the Chair, seconded by the Vice Chair and

**RESOLVED THAT:**

**Applications For Certificates of Lawfulness of Existing Use or Development are determined herewith by Officers under delegated powers.**

<b>Votes For</b>	7
<b>Votes Against</b>	2
<b>Abstentions</b>	0

**33. REPORT OF THE PLANNING CONTROL TEAM LEADER**

**33a. APPLICATION NO. 17/00360/FUL - 26-28 STATION ROAD, WIGSTON, LEICESTERSHIRE, LE18 2DH**

The Committee gave consideration to the application (at pages 6 – 15) as delivered and summarised by the Senior Planning Control Officer which should be read together with these minutes as a composite document.

The Officer confirmed that the application only related to the existing office building at 28 Station Road, Wigston and not the family dwelling at 26 Station Road.

A debate thereon was had whereby Members agreed that, although they were no reservations with the building being converted into flats, a number of issues were apparent, namely: the inadequate provision of three car parking spaces and the contradictory representations received by the Highway Authority; the proposed "studio flat" being markedly below the Nationally Described Space Standards; and there being no clear fire escape routes or fire alarm system details provided.

The Committee was advised that Space Standards had yet to be adopted by the Council, and until such time, the application could not refuse on these grounds. Members were advised also that, due to planning condition 4, enforcement action could be implemented in relation to any future changes made to the refuse store.

It was moved by Councillor G A Boulter, seconded by Councillor Mrs H E Loydall and

**UNANIMOUSLY RESOLVED THAT:**

**The application be DEFERRED pending further information being received from the applicant in relation to**

- (i) the number of car parking spaces (being increased from three to six);**
- (ii) the size of the studio flat (being increased and/or omitted from the application);**
- (iii) safe fire escape routes for all the proposed flats; and**
- (iv) a proposed fire alarm system.**

**33b. APPLICATION NO. 17/00375/FUL - THE ELMS, BUSHLOE END, WIGSTON, LEICESTERSHIRE, LE18 2BA**

Mr Gurjit Bhandal, Director at Stanley and Ingram Limited, spoke upon the application on behalf of the applicant. Mr Bhandal stated that the part development of The Elms Club's car park was proposed in order to raise the necessary funds to enable the refurbishment of the Club itself. He stated that if permission was not granted, the Club would no longer be viable and would need to close.

Mr John Gamble, a member of the Club, spoke upon the application as a supporter. In relation to concerns raised by some local residents as to a loss of parking provision, he stated that the Club's car park was for members' exclusive use only.

The Committee gave consideration to the application (at pages 16 – 22) as delivered and summarised by the Senior Planning Control Officer which should be read together with these minutes as a composite document.

A debate thereon was had whereby although the Committee was in agreement with the proposed application, Members were of the opinion that certain safeguards should be put in place to ensure that the proceeds from sale of the car park land be allocated primarily towards the restoration of the frontage building(s) of the Club. Member further stated that adequate means of refuse storage should be also available to all three dwellings and that suitable lighting was required to the car park at the back of the site.

The Committee was advised that, although a precedent would be set if Members were minded to grant permission for a frontage of properties along Launceston Road, this was not considered an issue due to expected development being brought forward in the future on the former Birkett House School site. A discussion with the applicant regarding all other matters raised was said to be had with the applicant.

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

**UNANIMOUSLY RESOLVED THAT:**

**The application be GRANTED planning permission in accordance with the submitted documents and plans , subject to the prescribed conditions and further subject to a section 106 Agreement under the Town and Country Planning Act 1990 to ensure that the proceeds from sale of the car park land be allocated primarily towards the restoration of the frontage building(s) of the Club, the terms of the which are to be agreed between the applicant and the Planning Authority.**

**THE MEETING CLOSED AT 8.11 PM**



.....  
**Chair**  
.....

**Thursday, 16 November 2017**  
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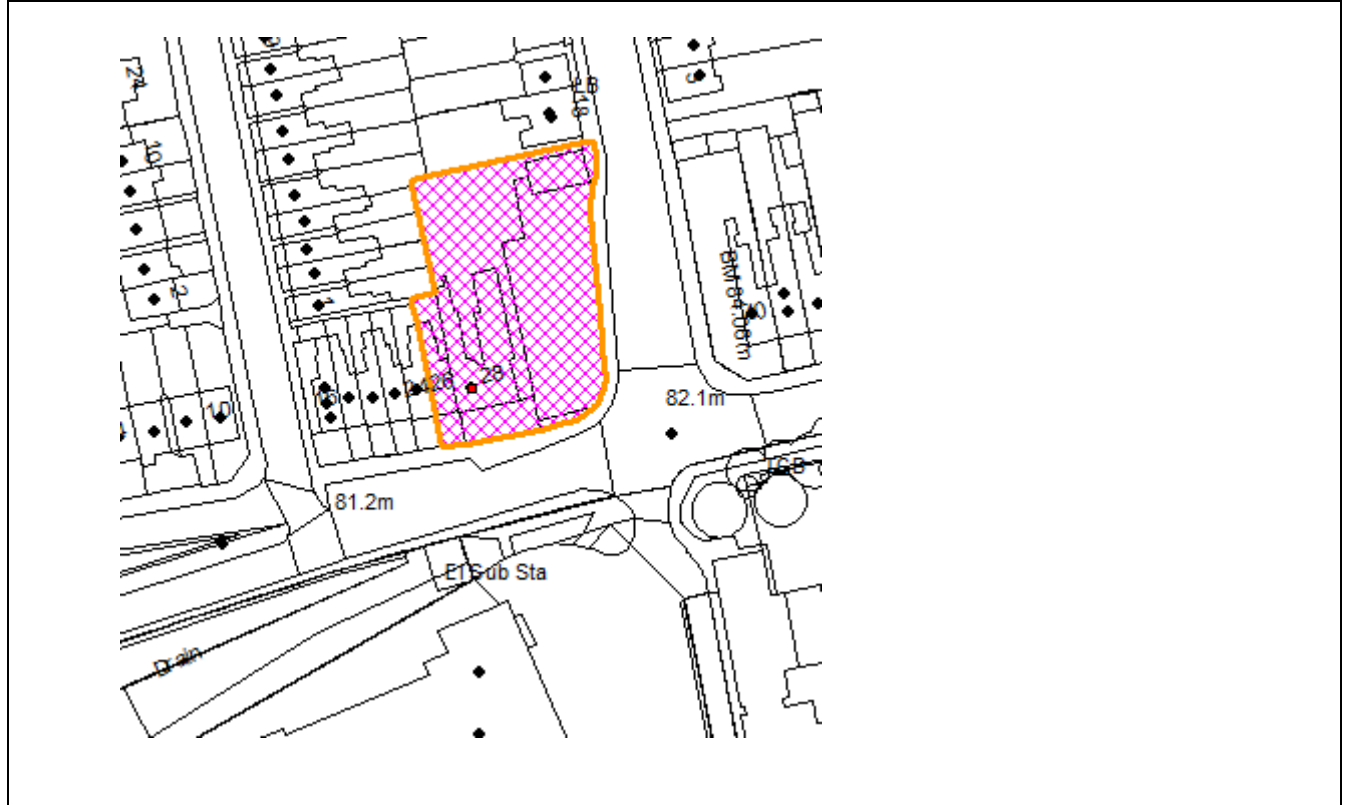
**Application Number**

**Address**

**Report Items**

- |                         |  |
|-------------------------|--|
| <b>5a.</b> 17/00360/FUL | 26 - 28 Station Road<br>Wigston<br>Leicestershire<br>LE18 2DH          |
| <b>5b.</b> 17/00368/FUL | 39 Half Moon Crescent<br>Oadby<br>Leicestershire<br>LE2 4HD            |
| <b>5c.</b> 17/00375/FUL | The Elms<br>Bushloe End<br>Wigston<br>Leicestershire<br>LE18 2BA       |
| <b>5d.</b> 17/00445/LBC | Bushloe House<br>Station Road<br>Wigston<br>Leicestershire<br>LE18 2DR |

<b>5a.</b>	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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## **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.

The application was the subject of a Committee site visit on 19 October 2017. It was also presented to the Planning Committee the same evening for consideration where it was deferred, at Members requests, in order that Officers have further dialogue with the agent in respect of parking provision associated with the development; fire safety; and the possible removal / expression of concern in respect of the size of proposed studio apartment marked as No 4 on the submitted plans.

Further to the deferral discussions have taken place resulting in amended plans and additional information being provided as follows.

The amended site location plan shows the provision of an additional three on-site parking spaces to the rear of the building. Amended ground and first floor layout plans have been provided along with an up-dated amended proposed elevational drawing showing the emergency access arrangements for the flats proposed in addition to the floor space for the studio flat unit marked 4 on the submitted plans – as having an increase floor space to cover an area of 28.2 square meters.

They set out in the additional information that an additional 3 parking spaces have been provided through the increased in the red lined area of the submission taking the total provision to 6.

In respect of fire safety matters they continue that the concerns raised are understood, highlight that fire safety does not fall under planning remit but have provided details of fire escape from within the building for the units proposed that would meet the relevant requirements of Part B of Building Regulations legislation.

With regards to the dialogue in respect of the studio flat the applicant indicates that when converting existing spaces there is a need to understand situations occur below desired limits. In this instance the layout proposed is the only feasible solution that does not compromise other units but still provides residential units that can be provided in the existing building in a manner that is both feasible and affordable after use. It is also highlighted that the applicant is willing to install a 'Murphy Bed' to create a more adaptive environment for users of this unit as well as that the removal of this unit would be financially unfeasible for the applicant and notwithstanding the fact that proposed unit numbers were reduced from pre-application to formal submission as a result of pre-application discussions with officers. If this studio flat unit were to be removed it would lead to the building remaining vacant and unused.

### **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.

As set out in the description of the proposal, the amended plans and additional information provided shows an increase in the floor area for Unit 4 – the studio flat – to 28.2 square meters which is an increase of 4.2 square meters and that without this unit the development would not be financially feasible leading to the building continuing to remain vacant. It has already been detailed that the HEDNA has established a need for this type of development within the Borough with the additional space welcomed. An assessment of the plans show that the inclusion of this unit in to one or two of the other units proposed on this floor of the building would result in the other buildings being large in nature which would likely make them expensive to rent and thus remain vacant to the detriment of the developments viability.

In respect of the fire safety points raised, Officers can confirm that fire safety is a matter dealt with as part of the Building Regulations legislation so should not be used as a refusal reason in the consideration of a planning application. Nonetheless, the information provided on this matter has been discussed with Building Control officers who have confirmed it would meet their requirements.

Therefore the proposal is considered to be acceptable on amenity grounds in accordance with policy requirements.

#### 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.

Notwithstanding these comments and further to discussions arising from the 19 October 2017 Planning Committee, 3 additional spaces have been provided so complying with the required on-site parking standards. This additional provision will further add to the comments from LCC Highways that the proposal would not severe highway impacts.

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: 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 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 store 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.

### 7 **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](http://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.

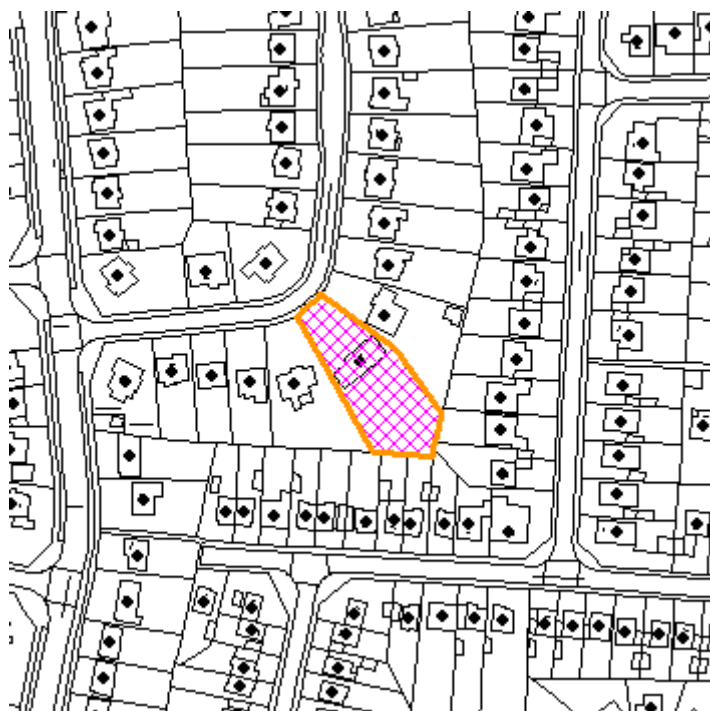
### **Purchase Notices**

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.



<b>5b.</b>	17/00368/FUL	39 Half Moon Crescent Oadby Leicestershire LE2 4HD
	7 August 2017	Demolition of existing dwelling and erection of new 4 bedroom dwelling
	CASE OFFICER	Tony Boswell



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Published 2014

## Site and Location

Number 39 is an extensive bungalow towards the southern end of Half Moon Crescent. It has a floor area of approximately 145 sq metres. The street as a whole is overwhelmingly comprised of detached two storey houses with complex single span hipped roofs and mature gardens. Although those homes are of varied design they generally have floor areas of around 250 to 300 sq metres. That characteristic and the use of single span hipped throughout roofs gives the street a distinct local character.

The site lies within the outside curve of Half Moon Crescent, so that the site widens considerably to its rear, although its frontage is only some 11 metres wide – increasing to some 17 metres at a point level with the curved building line of its two adjacent neighbours.

## Description of proposal

The applicant's description of this proposal as a "mere" "4 bedroom house" is something of a misnomer. As drawn it includes a total of five rooms' annotated "bedroom" and a significant number of other domestic spaces.

The proposal is to demolish the existing bungalow in its entirety and to replace it with a very much larger new home of three storey including rooms within the roof space. This would have an overall floor area of approximately 500 sq metres. Its plan dimensions are 15.5 metres (frontage width) and 18.8 metres overall width, with an overall depth of 15.2 metres. Its height is shown to be some 8.5 metres (over 3 floors including a "pie crust" flat roof).

The proposed house would be of brick construction under a tiled pie crust roof with a large flat area in its centre. The front elevation would be broadly symmetrical with a central porch, balcony and central glazed feature window. The house would widen towards the rear on its ground floor to within close proximity to the two flank boundaries. The tiled pie crust roof would also include a number of supplementary Gable dormer features. (One of which is shown with a flat roofed gable to avoid exceeding the height to the apparent "ridge" of the area of flat roof behind).

## Relevant Planning History

None Relevant

## Consultations

Leicestershire County Council (Highways) – No objections, refer to standing advice.

## Representations

Eleven near neighbours have been informed and a press/site notice placed with two letters being received at the time of writing this report (from two immediate neighbours). Those comments relate to the original scheme before receipt of amended drawings. Following those amendments the same eleven near neighbours were re-consulted. The date for the receipt of comments expired on the 23<sup>rd</sup> of October. At the time of drafting no further comments have been received.

- \* "Out of place" with other properties in the immediate area.
- \* Flank and second floor windows will overlook adjacent homes.
- \* "The plans show there will be three floors on which there will be 3 lounges, dining room, 2 master bedrooms, 3 other bedrooms, 3 bathrooms, gym, study, office, 3 staircases, side entrance to 2<sup>nd</sup>

and 3<sup>rd</sup> floors and 2 balconies. In order to accommodate these facilities in the house 3 floors are necessary”.

- \* I would be upset if the height of the proposed property exceeded that of the two adjacent for bedroomed houses
- \* I would be unhappy if the rear wall of the proposed property was positioned further into the garden than currently occupied by the bungalow itself.
- \* Finally I think it untenable for the bungalow to be replaced by a building totally unsuited for the position in which it is proposed to place it.

Councillor Haq has also made representations on the application as she does not believe that the proposal is contrary to relevant planning policies.

## **Relevant Planning Policies**

### National Planning Policy Framework

Paragraphs 59, 60, 64.

### Oadby & Wigston Core Strategy

Core Strategy Policy 14 : Design and Construction

Core Strategy 15 : Landscape and Character

### Oadby and Wigston Local Plan

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

### Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document

## **Planning Considerations**

Following a number of discussions with the applicant and agent some amended drawings were received on the 6<sup>th</sup> of October upon which neighbours were then re-consulted (see above). The significant changes which those amendments introduced were as follows:

- \* 1m Set Back of the dwelling.
- \* 0.5m reduction in width from both sides.
- \* Side facing windows to be obscure glazed.
- \* Change of the pitch of the roof to make it a lower gradient.
- \* Reduction in width of the front balcony

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

- \* The impact of the proposal on the street scene
- \* The impact of the proposal on neighbouring residential properties.

### The impact of the proposal on the street scene

At present the submitted proposal is altogether too large in relation to its two immediate neighbours and the prevailing character and scale of the street as a whole. That visual scale is emphasised by the fact that it is to be sited further forward than the existing bungalow – to a point near level with the front main wall of the two adjacent neighbours. The existing bungalow is set further to the rear. Its proposed scale is further emphasised by the fact that the “apparent” ridge of the frontage roof (concealing a large area of flat roof behind) would be further forward and much longer than the

location of the two adjacent hipped roofed homes to either side. The amended pitch of the roof does reduce the impact of that disparity but does not remove its effects. The “assertive” visual scale of the proposed house is also emphasised by the symmetrical nature of the front elevation centred on a front porch and balcony in that forward location within the street scene. (Other homes in proximity tend to have a more restful asymmetric front elevation). Again, the proposed amendments as listed earlier do not remove that visually assertive characteristic.

The disparity of visual scale with Half Moon Crescent as a whole is also a result to the absence of any visually significant space to either side of the building at upper level, and the applicant’s stated intention to remove the visually significant hedge which partially screens the frontage on its northern side. (This point will be apparent from a Bing Maps “Birds Eye” view of Half Moon Crescent to be displayed).

As mentioned earlier, the existing bungalow has a floor area of some 145 sq metres. As proposed and over its three floors the proposed house has a floor area of circa 500 sq metres. The two immediate neighbours within Half Moon Crescent are of around half that floor area – fairly typical of the street as a whole. Unfortunately and even after amendments the proposed design appears to emphasise that disparity of visual scale, rather than contributing “*positively to the overall quality of the environment and be carefully related to existing and proposed development*” (Policy LP1 below).

Relevant paragraphs within the NPPF read as follows (author’s emboldening):

*59 ... However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall **scale**, density, **massing**, **height**, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.*

*60. Planning policies and 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. **It is, however, proper to seek to promote or reinforce local distinctiveness.***

*64. **Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.***

Core Strategy Policy CS14 includes:

*The Council will require high quality inclusive design for all new development and major refurbishment in Oadby and Wigston. Proposals for new development and major refurbishment will need to demonstrate how the proposed development:*

- ***respects local character, patterns of development, is sympathetic to its surroundings and should contribute to creating buildings and places that are attractive with their own distinct identity;***
- *promotes safe and inclusive communities able to be accessible to all members of the community regardless of any disability or background and to encourage sustainable means of travel;*
- *will provide opportunities to promote biodiversity;*
- *will create, enhance or improve accessibility, legibility, permeability and connectivity;*
- *will provide opportunities for well designed and integrated public art;*

- *incorporates measures to minimise waste and energy consumption, conserve water resources and provide for renewable energy generation, in accordance with Core Strategy Policies 8 and 9;*
- ***utilises inclusive design principles including layout, orientation, landscape, streetscape, scale, materials, natural surveillance and sustainable construction;*** and
- *achieves layout and design that is safe, secure and enhances community safety.*

However, the most immediately relevant planning policy is Policy LP1 of the saved Local Plan:

*Development will be permitted provided:*

- 1) *existing landscape features, such as walls, hedges and trees, will be retained and additional well designed landscaping and open space that is well related in scale and location to the proposed development will be provided in the layout of larger developments;*
- 2) ***the building design, scale, form and materials will contribute positively to the overall quality of the environment and be carefully related to existing and proposed development;***
- 3) *the layout, design and landscaping features will discourage crime;*
- 4) ***it will not harm the amenities of occupiers of adjacent properties or cause a juxtaposition of incompatible uses; and***
- 5) *it will not prejudice the development of adjoining land.*

The impact of the proposal on neighbouring residential properties.

As mentioned earlier, the proposed house is shown to be located around 5 metres further forward than the existing bungalow – to a point roughly level with the front corners of its two immediate neighbours. That would place the rear main wall not less than some 36 metres from the rear of properties in Forest Rise to the rear. Ordinarily this Council's Residential Development SPD would seek "back to back" distances of not less than 22 metres for opposing 2 storey developments. In this case there are proposed rear facing windows at second floor level, rather than just at first floor level – although generally angled away at increasing distance. Although opinions might well differ, officers do not believe that the actual and perceived privacy of those homes in Forest Rise to the rear would be threatened.

However, the two homes immediately adjacent to the site might suffer some loss of privacy and outlook due to flank facing windows at 1<sup>st</sup> and 2<sup>nd</sup> floor level. Not least this would be due to a central rear facing balcony/terrace at 1<sup>st</sup> floor level. Note however that as amended those flank windows are proposed to be obscure glazed and the rear balcony screened to both of its sides. (These might be secured by condition if the Committee are minded to grant permission).

As inferred earlier, some of the impacts upon the street scene in terms of visual scale could be mitigated by relocating the proposed building further to the rear (by perhaps 3 to 4 metres). However, unless the proposed building is made substantially smaller in its bulk, any such rearward relocation would significantly aggravate the neighbourly impacts to either side. This possibility has been suggested by officers as one of various amendments but has been rejected by the applicant and his designers. In essence the proposed building remains too large in its scale and bulk.

## **Conclusion**

This proposal is almost a textbook example of the occasional conflict between an applicant's private interests on the one hand and the broader public interest as represented by the requirements of adopted planning policy on the other. In discussion with his designer and the Council's officers the

applicant has explained his wish to provide for multiple generations of his family and on a near enough "future proof" basis. However, the visual scale and impacts of the proposed building which those needs give rise to is objectionable and simply unacceptable in the context of Half Moon Crescent.

### 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 **Refuse** for the following reasons:

- 1 Half Moon Crescent as a whole is an area of distinctive local character, consisting of substantial detached homes and gardens with complex single span hipped roofs and extensive matured gardens. That local character would be unacceptably harmed and adversely eroded by the visual bulk and assertive character of the proposed house as submitted. The forward siting of that house within the site, its proximity to immediate neighbours and its height and plan depth in relation to the two immediate neighbours all emphasise that unacceptable disparity of scale. Furthermore, the forward alignment of the apparent "ridge" in front of the central flat roofed element in relation to the equivalent roof alignment of the two adjacent homes also emphasises that same disparity of scale within the street. The proposal would thereby be contrary to National Planning Policy referred to in paragraphs 58 and 64 (in particular) of the National Planning Policy Framework; policies CS14 and CS15 of the Oadby and Wigston Core Strategy, and Landscape Proposal 1 of the Saved Oadby and Wigston Local Plan.
- 2 A number of features of the proposed house pose a threat to the actual and perceived privacy of adjacent homes and gardens, including the external "private zone" immediately to the rear of those homes. While accepting that those matters could be secured by the use of appropriate planning conditions those unacceptable features include the rearward facing first floor balcony; a number of flank facing windows, and the location of the flank entrance door which gives direct access to much of the first floor accommodation.

### Note(s) to Applicant :

- 1 In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application as required by the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. However, in this instance, it

has not been possible to overcome the concerns raised and the proposal remains in conflict with the provisions of the Development Plan and therefore the application has been refused.

## 2 **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](http://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.

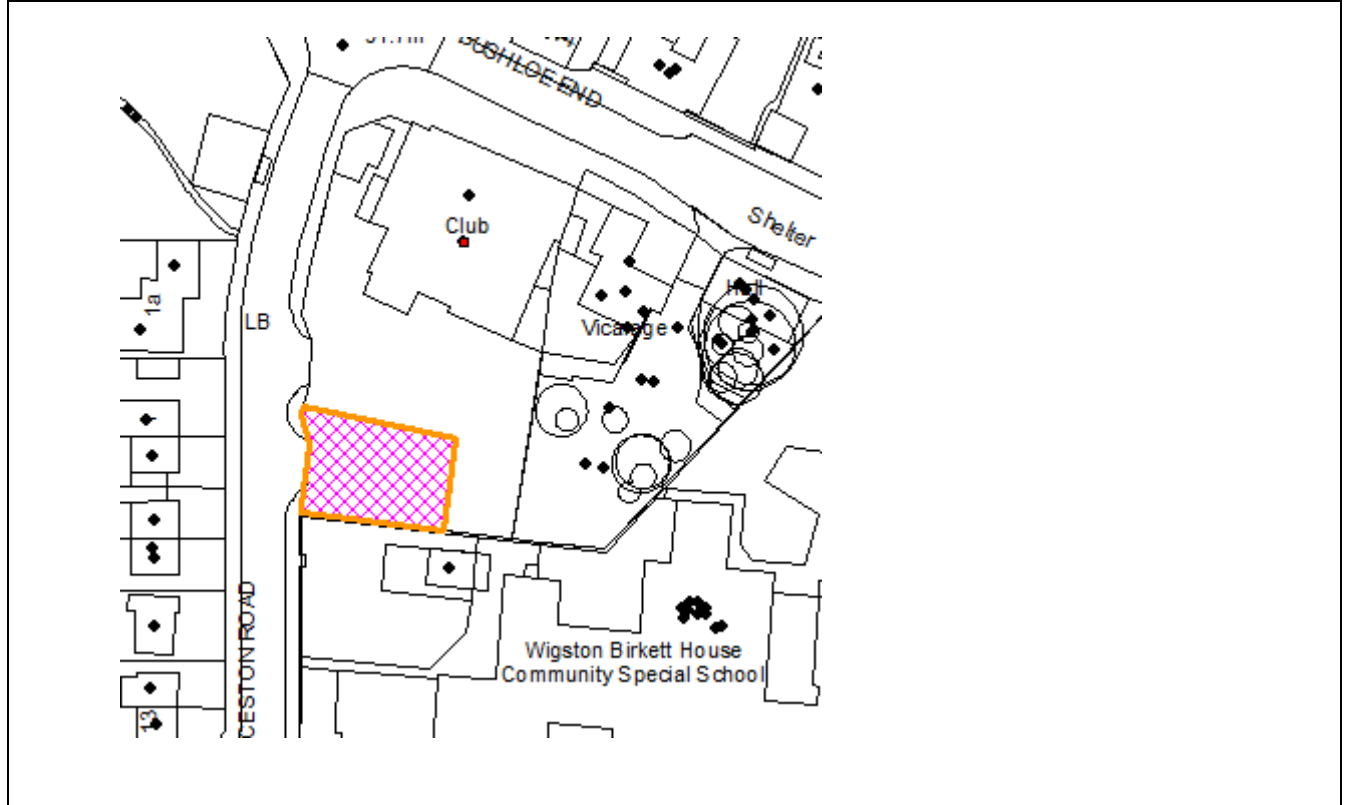
The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements,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

5c.	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



## **Preamble.**

This application was considered at the Committee's last meeting on the 19 October 2017. At that meeting it was resolved to grant a conditional planning permission – subject to a Section 106 obligation requiring that the proceeds from sale of the car park land should be allocated primarily towards the restoration of the frontage building(s) to Bushloe End in light of their currently dilapidated state and their contribution to the character and appearance of the All Saints Conservation Area.

The applicants have not accepted that decision by the Committee and have since submitted an appeal to the Planning Inspectorate due to the non-determination of the application – as its statutory period expired on the 6 October 2017. That appeal has not yet been accepted as "valid" by the Planning Inspectorate and so the applicants have requested that in the interim the Committee re-consider their decision to grant a conditional planning permission – but without imposing any such Section 106 obligation.

The remainder of this report is substantially the same as that considered on the 19 October 2017 – apart from an updated report relating to Representations received, and an amended recommendation to reflect the Committee's minuted decision on the 19 October 2017.

## **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 Arborists 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 expired on 6 October 2017, and it is intended to issue a decision as soon as practicably possible after the committee meeting. However the Council have been given advance notice of the submission of an appeal against non-determination of the application. If that appeal proceeds then any decision which differs from the original resolution cannot be issued.

## Relevant Planning History

None Relevant

## Consultations

**Leicestershire County Council (Highways)(CHA)** – 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 Arborist** - 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 lose 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.*

Immediately prior to the previous meeting on the 19 October 2017 a total of 103 pre-printed letters (presumably generated by the applicants) were received from local residents who have signed their names to:

*"I (name) have no objection to the sale of the land to be built on for housing purposes. I see no problem with any parking concerns raised due to the fact the new car park layout will mean that there will only be a loss of 7 parking spaces. The building is in need of repair and maintenance and the funds from the sale of the land will go towards the preservation of the buildings for years to come."*

Councillor 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

Notably paragraph 140 in Chapter 12 – "Conserving and enhancing the historic environment", which reads:

*140. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.*

#### 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**

Given the nature of the Committee's previous decision, paragraph 140 of the NPPF is particularly relevant (cited above). That statement of national planning policy assumes that the proposed development is fundamentally unacceptable and so is only made acceptable to the Committee by the provisions of the Committee's intended S106 obligation. This point is discussed further under heading "Conclusion" below.

Ordinarily 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 previous discussions 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 affect 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.

As an alternative following the Committee’s view minuted at their previous meeting on the 19<sup>th</sup> of October, if the Committee are minded that the proposed three new homes and the consequential loss of parking capacity are unacceptable then, in accordance with national planning policy set out in paragraph 140 of the NPPF, the Committee might be persuaded to grant a conditional planning permission subject to a S106 obligation as set out. For the information of the Committee, in an e-mail dated the 20<sup>th</sup> of October (that was rejected by the applicants) this was outlined to the applicant’s as follows:

*Obligations by the Applicant (The Elms Social and Services Club as owners of the site as a whole):*

- a) *Recognising the contribution of the buildings to the character and appearance of the All Saints Conservation Area, to expend not less than 90% of the proceeds of sale of the land required to implement planning permission 17/00375/FUL upon the remedying dilapidations to the frontage building(s) to Bushloe End. The residual may then be used to fund necessary fees etc.*
- b) *To undertake a suitably qualified dilapidations survey and Schedule of proposed works prior to commencement*
- c) *To inform the Council prior to commencement of any works as to the price paid for the land in (a) above and to provide the Council with a copy of the suitably qualified dilapidations survey and Schedule of proposed works in (b) above. The figure in (a) to be treated by the Council in confidence.*
- d) *The Schedule of works to be proposed shall address dilapidations in the following order of priority:*
  - i) *Roofing, brickwork and rainwater goods repairs as necessary to prevent the egress of water and consequent damage to the structure and fabric of the frontage building(s) to Bushloe End.*
  - ii) *The repair, restoration and redecoration of external doors, window frames and other fenestration to the frontage building(s) to Bushloe End.*
  - iii) *Repainting of existing painted areas of the frontage building(s) to Bushloe End.*
  - iv) *Any other repairs to the structure or fabric of other buildings comprising The Elms Social and Services Club as a whole, including flat roofed areas.*
  - v) *Internal redecorations as desired along with repairs or replacement of heating and electrical systems etc.*
  - vi) *Any residual may thereafter be expended as the applicant sees fit.*

Obligations by the Council:

- e) *To grant a conditional planning permission to planning application 17/00375/FUL as sought (a draft can be supplied upon request).*

As mentioned earlier, this proposed Section 106 obligation was not accepted by the appellants, which they regard as "unfair".

**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.**

**Refuse** planning permission for the following reason:

1. The application site forms part of a functional car park which serves the needs of attendees and visitors to a variety of existing and future functions and organisations making use of The Elms Social and Services Club, as well as other members of the motoring public who are not

attendees at The Elms. Given that the propensity of car park use by existing and future users of The Elms may be very variable over time, by substantially reducing the capacity of that ancillary car park the proposed development would bring about an increase in both lawful (and unlawful) on-street parking demand in the local area which would erode the desirable character and appearance of the All Saints Conservation Area of which the site forms a part. The proposal would thereby fail to meet the requirements of Policy CS4 (third sentence) of the Oadby and Wigston Core Strategy.

**Alternatively**, if planning permission is to be **granted** without the previously minuted S106 obligation, then the following conditions should be imposed:

- 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) Prior to commencement of any development, drawn details shall be submitted to and approved in writing by the Local Planning Authority of visually acceptable frontage bin stores for each of the three houses hereby permitted. Each such bin store shall have a capacity of three 220 litre "wheelie bins" and shall stand clear of the adjacent public footway; the pedestrian route to and from the front door of the property and, the adjacent off-street car parking space for that property.  
**Reason:** To ensure that adequate provision is made in a visually acceptable manner, having regard to the location of the site within the All Saints Conservation Area, the character and appearance of which it is desirable to safeguard.
- 6) 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:

Wigston Block Plan and Site Location Plan  
Wigston Proposed Floor Plans and Elevations  
Wigston Tree Constrains Plan  
Wigston Tree Report.

**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](http://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.

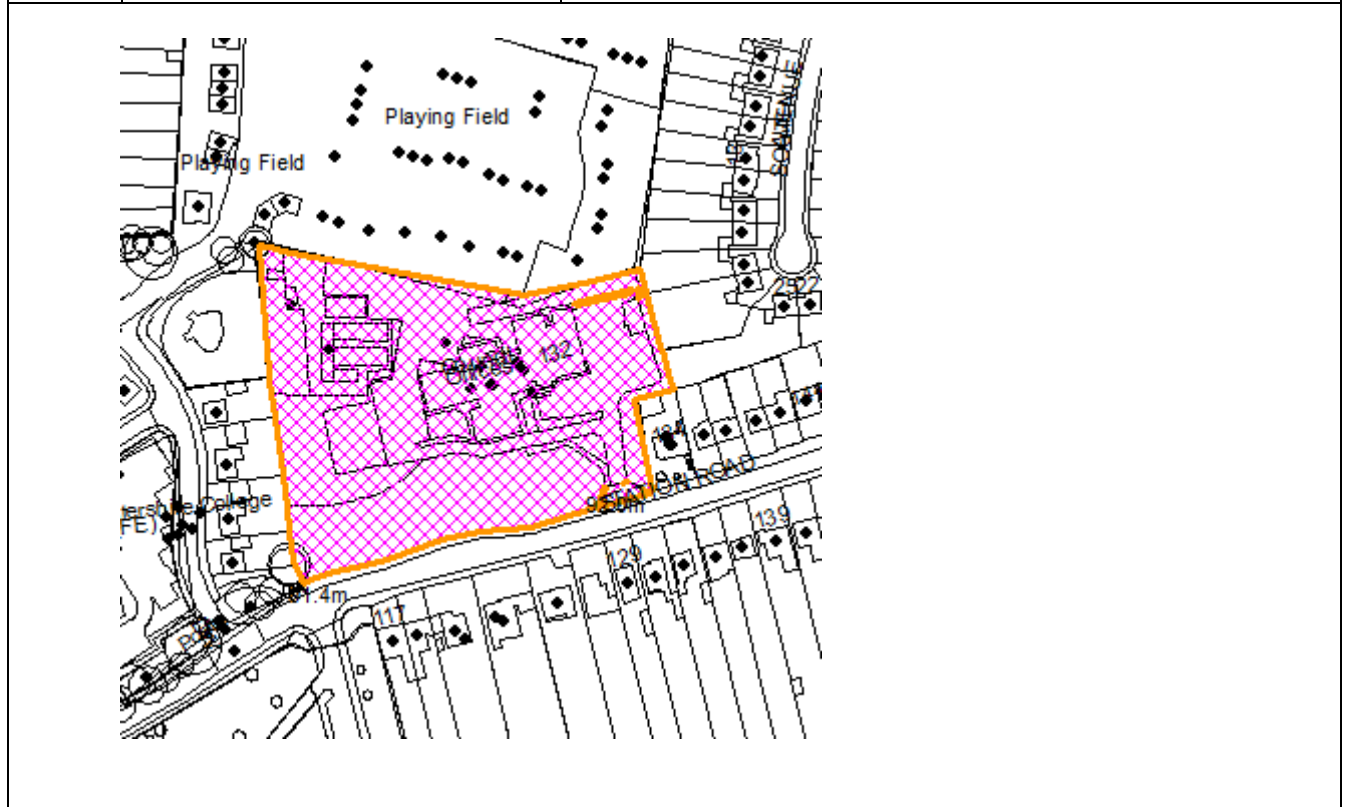
## **Purchase Notices**

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.



5d.	17/00445/LBC	Bushloe House Station Road Wigston Leicestershire LE18 2DR
	20 September 2017	Add two additional windows to the rear elevation of the 1970's extension building to allow un-utilised space to be refurbished to form required meeting rooms
	CASE OFFICER	Tony Boswell



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Published 2014

## **Site and Location**

The site is at the rear of the 1970's extension to the Council's offices at Bushloe House, Station Road, Wigston.

## **Description of proposal**

This application for Listed Building Consent seeks the Council's Consent for the insertion of two additional windows into the rear of the building concerned. Those windows would be effectively identical to other windows on the ground and first floors of the same building. In view of their rearward location they would have a negligible impact upon the special architectural and historic interest of the Listed Building as a whole – and are unlikely to be seen except by users of the adjacent rearward car park (which is generally not used by members of the wider public).

The statutory determination period for this application expires on the 15 November 2017 and it is intended to issue a decision as soon as practicably possible after the Committee meeting.

## **Relevant Planning History**

None Relevant

## **Consultations**

English Heritage/Historic England – Do not wish to offer comments.

Leicestershire County Council (Heritage Team) – No comments received at the time of drafting this report.

Wigston Civic Society – No comments received at the time of drafting this report.

## **Representations**

28 near 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 expires on the 19 October 2017.

## **Relevant Planning Policies**

### National Planning Policy Framework

Notably Chapter 12 – "Conserving and Enhancing the Historic Environment".

### Oadby & Wigston Core Strategy

Core Strategy Policy 15 : Landscape and Character.

### Oadby and Wigston Local Plan

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

## **Planning Considerations**

This application is submitted on behalf of the Council and relates to the alteration and subsequent working of the Council's own offices. In the interests of propriety the decision on the application should therefore be made by this Committee, rather than being delegated to officers.

The issue raised by this proposal is whether the insertion of the two proposed windows would have any adverse impacts upon the special architectural or historic interest of Bushloe House as the Listed Building Concerned? The additional windows concerned are proposed to be inserted into the 1970's addition to Bushloe House and so would have negligible or nil effect upon that special architectural and historic interest.

## Conclusion

The proposed windows are unobjectionable in terms of their impact upon the Listed Building and, in addition, would not have any apparent neighbourly implications.

## 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 **GRANT** subject to the following conditions:

- 1 The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.  
**Reason:** To conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 All external materials used in the development 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.

### Note(s) to Applicant :

- 1 The development shall be carried out in accordance with the following: (to be confirmed)
- 2 The Application as submitted was considered to be acceptable and therefore discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 3 **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.

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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. 17/00368/FUL
3. .17/00375/FUL
4. 17/00445/LBC

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