



### TO COUNCILLOR:

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

D M Carter  
B Dave  
D A Gamble  
J Kaufman

Mrs L Kaufman  
Dr T K Khong  
Mrs H E Loydall  
R E R Morris

Dear Sir or Madam

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, 26 JULY 2018** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices  
Wigston  
**16 July 2018**

**Mrs Anne E 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>Minutes of the Previous Meeting held on 28 June 2018</b>	<b>1 - 3</b>
	To read, confirm and sign the minutes of the previous meeting in accordance with Rule 17 of Part 4 of the Constitution.	
<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>4 - 26</b>
	In accordance with Rule 14.1 of Part 4 of the Constitution, a motion needs to be proposed and seconded before the Committee can debate a planning application. This is an administrative process designed to assist the Chair to manage the meeting effectively and efficiently. This is not an indication of how the proposer and seconder intend to cast their votes at the conclusion of the	



debate. Members can only make a decision once they have considered the content of the debate and all of the information in front of them.

- a) **Application No. 18/00191/FUL - 39 Whiteoaks Road, Oadby, Leicestershire, LE2 5YL**
- b) **Application No. 18/00230/REM - HM Young Offenders Institute Glen Parva, Tigers Road, Wigston, Leicestershire, LE18 4TN**

**For more information, please contact:**

**Planning Control**

Oadby and Wigston Borough Council  
Council Offices  
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Leicestershire  
LE18 2DR

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# Agenda Item 3

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 28 JUNE 2018 COMMENCING AT 7.00 PM**

## **PRESENT**

Councillor L A Bentley (Chair)

## **COUNCILLORS**

G A Boulter  
D M Carter  
J Kaufman  
Mrs L 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 M Gill (Head of Law & Governance / Monitoring Officer)  
R Redford (Planning Control Team Leader)

## **9. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillors Mrs L M Broadley, F S Broadley, B Dave, D A Gamble and Dr T K Khong.

## **10. DECLARATIONS OF INTEREST**

In respect of planning application number 18/00205/FUL, Councillor Mrs H E Loydall declared a pecuniary interest insofar as her residential property was deemed to be within the application area of the site.

## **11. MINUTES OF THE PREVIOUS MEETING HELD ON 24 MAY 2018**

By affirmation of the meeting, it was

### **UNANIMOUSLY RESOLVED THAT:**

**The minutes of the previous meeting of the Committee held on 24 May 2018 be taken as read, confirmed and signed.**

## **12. PETITIONS AND DEPUTATIONS**

None.

## **13. REPORT OF THE PLANNING CONTROL TEAM LEADER**

In accordance with Rule 7.3 of Part 4 of the Constitution, the Chair moved for the order of business to be altered and taken in the order as reflected in the minutes.

By affirmation of the meeting, it was

### **UNANIMOUSLY RESOLVED THAT:**

**The order of business be altered accordingly.**

**13a. APPLICATION NO. 18/00191/FUL - 39 WHITEOAKS ROAD, OADBY, LEICESTERSHIRE, LE2 5YL**

It was moved by the Chair, seconded by Councillor G A Boulter and

**UNANIMOUSLY RESOLVED THAT:**

**The application be DEFERRED.**

**13b. APPLICATION NO. 18/00094/ADV - SOUTH LEICESTERSHIRE COLLEGE, BLABY ROAD, WIGSTON, LEICESTERSHIRE, LE18 4PH**

The Committee gave consideration to the report (at pages 7 - 12) as delivered and summarised by the Planning Control Team Leader which should be read together with these minutes as a composite document.

It was reported that no further objection or comment had been made by the Highways Authority in relation to the specific location of the digital media screen following concerns raised as to a potential loss of vision at the mini-roundabout.

The Committee was advised that had the application not been a Council application, it would not have been brought before the Committee for determination.

It was moved by the Chair, seconded by Councillor Mrs H E Loydall 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>	6
<b>Votes Against</b>	1
<b>Abstentions</b>	0

**13c. APPLICATION NO. 18/00205/FUL - NAUTICAL WILLIAM, AYLESTONE LANE, WIGSTON, LEICESTERSHIRE, LE18 1BA**

The Committee gave consideration to the report (at pages 21 - 31) as delivered and summarised by the Planning Control Team Leader which should be read together with these minutes as a composite document.

Councillor Mrs H E Loydall spoke upon the application as the Ward Councillor. She noted that improvements had been made on the previous application. She stated that the raised-roof area along part of the Rolleston Road frontage was overly dominant by, in effect, creating a third-story. She considered the two balconies to the Aylestone Lane frontage to be unacceptable in terms of the impact upon privacy and the bulk of the building on the north western corner remained too prominent. Concerns were also raised regarding traffic hazards resulting from the location/use of the bus stop and overspill into the highway resulting from insufficient parking. She was hopeful that the proposed development would meet national private amenity space standards.

Having declared a pecuniary interest, Councillor Mrs H E Loydall left the Chamber and took no part in the debate on the application or the voting thereon.

A debate thereon was had by Members whereby, although concerns similar to those mentioned by the Ward Councillor were raised, it was agreed that, on balance, there were insufficient material planning grounds upon which a refusal of planning permission based on the same could be reasonably held. It was also acknowledged that significant improvements had been made on the previous application which mostly addressed Members' earlier concerns regarding scale, character and design.

In reaching its decision, the Committee was advised that the proposed development comprised of dwelling-units primarily aimed to serve as "starter" or retirement homes which could comfortably accommodate a single or dual occupancy. It was advised that the minimum "back-to-back" distance(s) between the proposed building and existing dwellings nearby were sufficient enough not to pose any affront to outlook and privacy. It reported that neither of the two buildings' frontages would be set any further forward than the existing established building line. It was also confirmed that all the dwelling-units met national private amenity space standards.

It was moved by Councillor G A Boulter, seconded by Councillor J Kaufmann and

**DEFEATED THAT:**

The application be refused planning permission.

<b>Votes For</b>	0
<b>Votes Against</b>	4
<b>Abstentions</b>	2

It was moved by the Chair, seconded by Councillor D M Carter 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>	4
<b>Votes Against</b>	0
<b>Abstentions</b>	2

**THE MEETING CLOSED AT 7.33 PM**



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**Chair**  
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**Thursday, 26 July 2018**  
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# Agenda Item 5

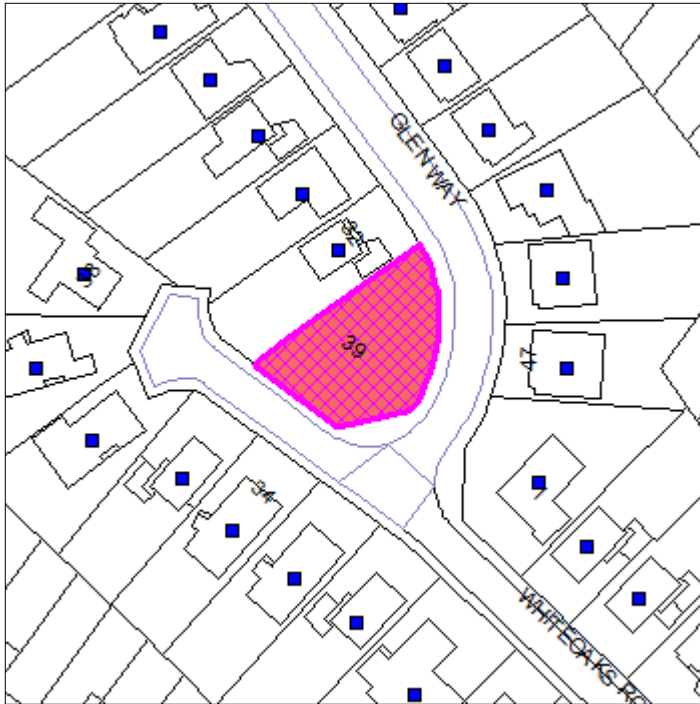
## **Application Number**

## **Address**

### **Report Items**

- |    |              |   |
|----|--------------|---|
| a. | 18/00191/FUL | 39 Whiteoaks Road<br>Oadby<br>Leicestershire<br>LE2 5YL   |
| b. | 18/00230/REM | HM Young Offenders Institute Glen Parva<br>Tigers Road<br>Wigston<br>Leicestershire<br>LE18 4TN |

a.	18/00191/FUL	39 Whiteoaks Road Oadby Leicestershire LE2 5YL
	11 May 2018	Raising the ridge height of existing dwelling, provision of new gable and two dormers to the sides to provide first floor accommodation, plus alterations to external aesthetic finish.
	Case Officer	Mrs Tracey Carey



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## **Site and Location**

Whiteoaks Road is characterised by single storey bungalows, fairly uniform in design with single garages to the side/front. Glen Way to the north of the site is predominantly two storey. The application site is a detached bungalow with a garage to the side/front constructed in buff brick with an element of cladding to the front and render to the rear with a tiled roof. A prominent chimney stack is built into the front external wall and extends from ground level to beyond the roof ridge.

The property stands alone on this stretch of Whiteoaks Road, on the corner of Glen Way and has the rear garden area of No.32 Glen Way forming its western boundary.

## **Description of proposal**

The application involves the raising of the roof of the existing dwelling by around 1.5m, the creation of a new gable to the side up to ridge height (facing Glen Way) to provide an additional bedroom (No.3) and two dormers, one in either side of the roof slope. The dormers measure 3m wide x 2.8m high x 3.3m deep and will provide a bathroom and a further bedroom (No.4). The property is to be fully rendered with the exception of the garage which is to remain as brick.

In line with the increased height of the roof the chimney height will also increase by a similar amount. Two new windows are proposed at first floor level in the rear elevation and the garage door to the front is to be replaced with a window and the garage converted to a study/dining area.

The statutory determination period for this application expires on the 6 July 2018 and it is intended to issue a decision as soon as practicably possible after the committee meeting.

## **Relevant Planning History**

None Relevant

## **Consultations**

County Ecology - It appears from the plans that this proposed extension will affect the existing roof space. The dwelling is adjacent to good bat foraging habitats, therefore there is a strong possibility that bats are roosting in the roof space of the existing property and could be disturbed by the proposed works.

For these reasons, in accordance with Trigger A2 of our local validation criteria, we recommend that a bat survey of the property is carried out and submitted before the planning application can be determined. This should involve an external and internal inspection of the building by an appropriately licensed bat worker. Depending on the results of this, an emergence survey may also be required. Emergence surveys can only be carried out between May and mid-September.

## **Representations**

Neighbours have been informed and a press/site notice placed with 9 letters of representation being received. The date for the receipt of comments expired on the 19 June



2018. Following the receipt of revised plans and the re-notification of neighbouring properties, 12 letters of representation have been received.

The reasons for objection can be summarised as follows: -

- Overshadowing of garden;
- Loss of privacy/overlooking as the dwelling is located near to the fence;
- Loss of light;
- Will change the street scene and aspect of Whiteoaks Road and set precedent for future development of bungalows to houses, further changing aspect of road.
- Overdevelopment;
- Goes against the quiet residential low level area. I had an application turned down for a second storey for this reason. I quote from the refusal *'in our opinion the proposed extension is unsatisfactory in relation of the street picture and, if permitted, it could lead to other similar proposals which collectively would detract from the pleasing appearance of the residential development in this area'*;
- Out of character;
- No other properties with dormers in the road;
- So few bungalows on the market as it is;
- Cannot see logic of the reason put forward *'...to improve the quality of living for the occupants by increasing the space available for a family.'* The existing bungalow has been a family dwelling in the past and is therefore adequate for this purpose.
- They are still planning to convert bungalow to house, if the owners really want to live in a house, there are several currently on the market in Oadby to choose from.
- All 39 properties should have been notified.
- Will ruin integrity of Whiteoaks Road.
- 90% of render out of character.
- Very little has changed in the road over the years.
- Why is there an extra chimney, it looks out of place with existing properties.

A representation has also been received from the MP stating that a number of constituents have contacted him to express concern about this application.

A petition signed by 31 people objecting to the proposal has also been received.

The application has been brought to Committee at the request of Councillor Darr.

### **Relevant Planning Policies**

#### National Planning Policy Framework

#### Oadby & Wigston Core Strategy

Core Strategy Policy 14 : Design and Construction

#### Oadby and Wigston Local Plan

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

Housing Proposal 17 : Criteria for assessing the suitability of domestic extensions.

#### Emerging Local Plan

Policy 44 : Landscape and Character

#### Supplementary Planning Document/Other Guidance

## **Planning Considerations**

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

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

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

Whiteoaks Road comprises single storey dwellings following a similar building line. The site itself sits on its own on the corner of Whiteoaks Road and Glen Way. The properties immediately to the rear on Glen Way are all two storey. Given its separation from the other single storey dwellings and the backdrop of two storey development to the rear there is no objection in principle to the increase in the roof height which at 6.6m would be between the height of the existing single storey properties and that of the two storey properties.

However, there are some concerns regarding the new gable and the dormer windows which by reason of the height of the new gable (up to the new ridge height) and the size of the dormers would appear over dominant features within both the roof slope and the street scene and would create a top heavy appearance. The impact of which would be exacerbated given the relationship of the property to the corner.

The Council's Residential Development Supplementary Planning Document (adopted 2005) requires dormer windows to be kept to a minimal size and avoid becoming an over dominant feature within the roof space which creates a top heavy appearance to a dwelling. As a general guide dormers should be the same size or smaller than any windows on the existing property and, except in exceptional circumstances, dormers should be set at least 0.5m below ridge level.

Whilst dormers are not particularly a feature of the area it should be noted that there is a large flat roof boxed dormer on the front of a property to the rear in Glen Way (no.43) which is prominent in the street scene.

In view of the above concerns the applicant's agent has been asked to reduce the height of the gable to 0.5m below the ridge and reduce the height, width and projection of the dormers. Revised plans have been received which show the reduction in the height of the gable which in turn has reduced the width by around 1m. The dormer windows have also been reduced in height by 0.2m, in width by 0.6m and the projection has been reduced by around 0.7m. These amendments address the previous concerns and are considered acceptable.

The surrounding area comprises a varied pallet of materials which includes brick, render and elements of cladding and stone work, therefore the proposal to render the property, retaining elements of brickwork to the front, side and rear would be in keeping with the character and appearance of the surrounding area.

### The impact of the proposal on neighbouring residential properties.

The new gable and side dormer on the east elevation front the side/rear garden area of No.1 Whiteoaks Road on the opposite corner, however this is in excess of 18m away and appears to be used for the parking of a caravan/vehicles.

The side dormer on the western elevation is sited approximately 4m from the boundary of No.32 Glen Way, this window relates to a bathroom and thus can be conditioned to be obscure glazed and non-opening up to 1.7m above finished floor level to protect the amenities of this neighbouring property.

In view of the above it is not considered that the proposal will significantly impact on the amenities of neighbouring properties.

#### Highway/Access

The proposal results in a four bedroom property and thus requires 3 parking spaces. Whilst the proposal involves the loss of the existing garage a plan showing the three spaces required within the curtilage of the site has been provided.

#### Ecology

The County Ecologist has requested a bat survey due to the site's location adjacent to good bat foraging habitats. The applicant's own ecologist has advised that due to features being present that provide potential bat roosting habitat, a bat dusk emergence survey of the building is recommended.

The survey has been submitted which confirms that no evidence of bats was found in/on the building and no bats were recorded emerging from the building during the bat dusk emergence survey.

The Ecologist has confirmed this report is satisfactory and that no protected species or ecological features of note were identified, and no further surveys are required. It is however recommended that a note to applicant be added to draw the applicant's attention to the recommendations in the report.

#### Other Matters

One representation received refers to an application for a second storey for which permission was refused at their property. I am unable to find any record of a second storey extension however there was an application for a single storey extension refused at the property although this was back in 1966 and was allowed on appeal.

Reference has also been made to an extra chimney. It should be noted that the existing property currently has two chimneys, thus the proposal retains the same number.

#### **Conclusion**

In summary, the proposed development is not considered to harm the character and appearance of the existing property or that of the surroundings, the amenity of neighbouring residential properties or the safe and efficient use of the highway and is, therefore, recommended for approval.

#### **Implications Statement**

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

## Recommendation

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 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.
- 3 The dormer window on the west elevation shall be fitted with obscure glass and shall be of a non-opening design up to a minimum height of 1.7 metres above the internal finished floor level. The windows shall not be replaced or altered without the written permission of the Local Planning Authority.  
**Reason:** To safeguard the privacy of occupiers of the adjoining property and in accordance with Landscape Proposal 1 and Housing Proposal 17 of the Oadby and Wigston Local Plan.
- 4 Before the additional bedrooms are first brought into use, the 3 parking spaces shown on the approved plans shall be provided within the curtilage of the premises. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for such use.  
**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
- 5 Unless otherwise first approved in writing (by means of a Non-material Amendment/Minor Material Amendment or a new Planning Permission) by the Local Planning Authority the development hereby permitted shall be carried out in accordance with the approved plans and particulars listed in the schedule below.

Application Form submitted by Design Studio Architects Limited received by the Local Planning Authority on 30 April 2018

Existing and Proposed Plans and Elevations, Drawing No. DSA-18032-PL-AL-01-B submitted to and received by the Local Planning Authority on 29 May 2018.

**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 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 The applicant's attention is drawn to the recommendations highlighted in the Bat Survey (Udall-Martin Associates Ltd) dated July 2018 and received by the Local Planning Authority on 6 July 2018.
- 6 In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval 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.
- 7 **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority for the proposed development 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 12 weeks 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.

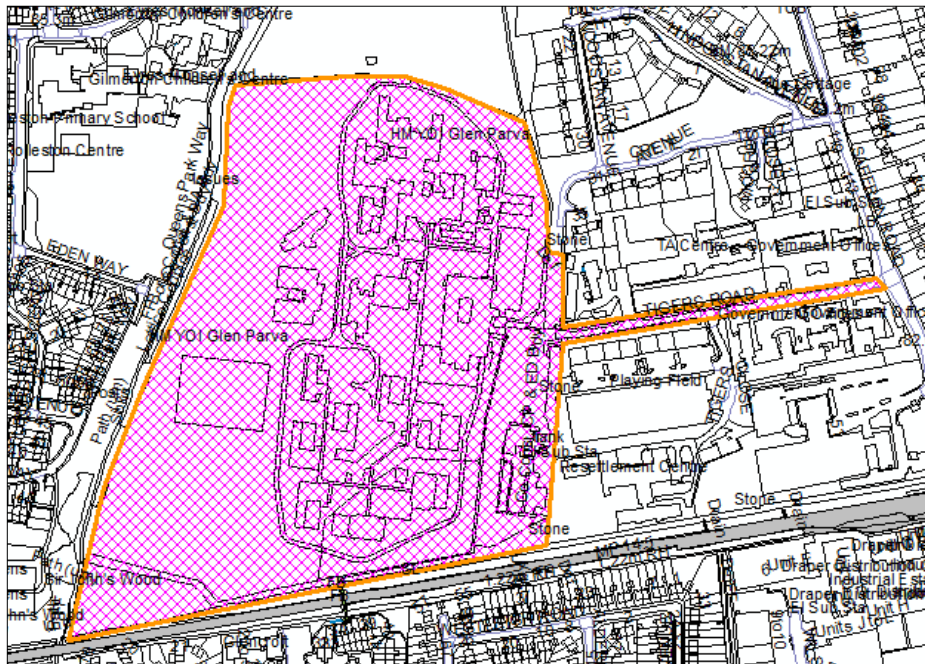
The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, 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.	18/00230/REM	HM Young Offenders Institute Glen Parva Tigers Road Wigston Leicestershire LE18 4TN
	21 May 2018	Reserved matters submission for the demolition of existing HMYOI Glen Parva and construction of a new prison (Use Class C2a) (max floor space 62,437 SQM GEA) with a secure perimeter fence together with access, parking, energy centre, landscaping and associated engineering works considering appearance, landscaping and layout (Outline Application approved on 4 September 2017 under ref 16/00575/OUT including access and scale).
	Case Officer	Richard Redford



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## **Site and Location**

The application site is occupied by HMYOI Glen Parva - a youth offenders prison – and is situated at the western edge of the Borough. Situated within the administrative areas of both Blaby District Council and Oadby and Wigston Borough Council, the majority of the site is located within the Blaby District Council area. Only the access along Tigers Road, a small section of visitor parking and an area of amenity grassland which includes an element of perimeter fencing and 2 small sheds are within the Oadby and Wigston Borough Council administrative area. Currently, there are a number of buildings on-site that collectively make up the prison along with parking areas and an area of amenity space all positioned behind the perimeter fencing. The site also has a section of boundary adjacent to the Leicester City Council administrative area.

The application site is approximately 16.3 ha in size and it is located to the eastern edge of the built-up area of Glen Parva. It currently includes typically two storey and three storey buildings, which are concentrated within the eastern section of the site with open land and an artificial sports pitch to the west.

To the north of and adjacent to the application site is land owned by the Ministry of Justice (approximately 5.5 hectares) which comprises former HMYOI recreational and horticultural land but which is no longer used.

The site as a whole is surrounded by a variety of different uses. Within the Oadby and Wigston Borough Council administrative area the site is bounded by a mixture of industrial units, army buildings, offices, a nursery and residential dwellings. A large proportion of the dwellings are served by private roads immediately adjacent to the application site access on Tigers Road. The Birmingham to Peterborough train line acts as the site's southern boundary on the opposite side of which are a number of other industrial, residential and retail units. To the north of both the application site and adjacent land owned by the Ministry of Justice is Eyres Monsell Park - an area of amenity and recreational space situated within the administrative area of Leicester City Council. Residential dwellings and a school are situated to the western side of the site. Surrounding the site are a number of areas with established landscaping, including mature trees some of which are covered by Tree Preservation Orders, as well as buildings predominantly two storey in height.

Tree and shrub cover adjoins the south and west boundaries with a broadly triangular section of mature woodland located in the south west corner of the site. A section of broadleaved deciduous woodland within the site is to be removed.

The general land level is higher to the northern section of the site and it slopes down considerably to the south west corner.

## **Description of proposal**

The application as submitted seeks permission for the discharge of Condition 2 of outline planning permission 16/00575/OUT relating specifically to the appearance of the development, the site layout and landscaping. Alongside the application forms, a Planning Statement with public consultation statement and a Design Compliance report have been provided in addition to a wide range of drawings relating to the items being considered here that make up the reserved matters of appearance, layout and landscaping. As explained as part of the outline application, only a limited amount of the application site lies within the



Oadby and Wigston Borough Council administrative area which comprises a section of the parking and landscape areas.

Matters relating to access and scale were approved at the outline application stage.

Information relating to pre-commencement conditions attached to the outline approval will be submitted at appropriate points prior to the commencement of the construction of the development.

The statutory determination period for this application expires on the 20 August 2018 and it is intended to issue a decision as soon as practicably possible after the Committee meeting.

*The OWBC Area:*

The area of the site within the Oadby and Wigston Borough Council administrative area comprises – in relation to the site as a whole – a relatively narrow strip to the eastern side of the site. An assessment of the submitted plans shows that this area will comprise a very small section of the internal road to the parking area, a strip of landscaping and the eastern site boundary.

Within the submitted plans it is detailed that the sections of the access road and parking area within the Councils boundary will see the roadways laid with tarmac while the parking spaces will be laid with porous concrete block paving.

In respect of the landscaping element the submitted plans show it will comprise a mixture of the existing landscaping to be protected and retained during construction while also having a variety of different tree, hedge and shrub species proposed in addition to those to be retained.

Along the site's eastern boundary to the north of Tigers Road (running north from the northern side of Tigers Road to where the application site boundary runs west) the submitted plans are annotated to indicate the provision of a new 2.4m high boundary fence. While no elevation details of this are provided as part of this submission, this is due to condition 6 of the outline permission which requires this detail be provided before the implementation of the development and it is understood that this full detail will be provided in due course before construction work begins in-line with this condition.

*The Whole Development:*

With regards to the site layout the submitted plans show that the development will still be contained within the area edged red on the outline approval. It also details that the north-eastern area of the site will provide for 362 staff parking spaces as well as 63 visitor spaces and an enclosed cycle parking area with the main entrance to the facility being to the north-west of the access point into the site from Tigers Way and the parking areas. The built form will be to the west, south-west and south of this parking area. The bulk of the existing internal 5.2m high fencing will remain in-situ with a new area of 5.2m high fencing being provided to separate the built form from the parking area as well as the parking area from the prison land to the north of the application site. A balancing pond will also be provided.

Landscaping – both hard and soft - will be provided throughout the site with plans provided showing the proposed hard and soft landscaping in the form of materials and planting to be used.

A large number of plans have been provided showing the proposed elevations of the various buildings forming the development with the scale parameters approved at the outline application stage with their locations and layout corresponding with those shown on the proposed site layout plan.

### **Relevant Planning History**

Partial discharge of pre-commencement conditions 6 (site boundary treatment), 9 (construction traffic / site traffic management plan), 12 (remediation strategy for demolition), 17 (off road parking provision) and 20 (asbestos survey) for demolition phase only – Partial discharge on 22 May 2018  
(Further submissions will be made for the discharge of these conditions in relation to the development phase(s) of the development)

16/00575/OUT                      Granted 4 June 2017

Demolition of existing HMYOI Glen Parva and construction of a new prison (Use Class C2A) (max. floorspace of 62,437 sqm GEA) with a secure perimeter fence together with access, parking, energy centre, landscaping and associated engineering works (Outline application with access and scale being considered)

14/00346/FUL                      Granted 2 December 2014

Construction of an education led Ministry of Justice establishment (Class C2a) to accommodate 320 young people and associated facilities, and alterations to existing car park (cross boundary application with Blaby District Council).

13/00211/REN                      Granted 19 September 2013

Renewal of planning application 10/00049/FUL for construction of Youth Justice Board (YJB) establishment to accommodate 360 young people & associated facilities including alterations to existing car park, proposed new car parking alterations to 5.2 metre high security fence & erection of 2.4 metre high fence

10/00049/FUL                      Granted 18 May 2010

Construction of Youth Justice Board (YJB) establishment to accommodate 360 young people & associated facilities including alterations to existing car park, proposed new car parking alterations to 5.2 metre high security fence & erection of 2.4 metre high fence (Revision E)

83/00732/8G                      Granted 19 September 1983

Erection of garage

### **Consultations**

Environment Agency: The Environment Agency has no objection to the reserved matters application.

Leicestershire County Council Highways: The Local Highway Authority advice is that, in its view, the residual cumulative impacts of development are not considered severe in accordance with Paragraph 32 of the NPPF.

Leicestershire County Council Lead Local Flood Authority: The proposed reserved matters are considered acceptable to Leicestershire County Council as the LLFA and request 2 additional informatives.

Oadby & Wigston Borough Council Planning Policy: The principle of this new development has been established through the approval 16/00575/OUT and therefore, Planning Policy has no further comments in relation to this application.

## **Representations**

Neighbours have been informed and a notice placed at various locations around the site with 3 letters of objection (from 3 properties) and one letter of representation received at the time of writing this report.

The date for the receipt of comments expired on the 29 June 2018

The reasons for objection can be summarised as follows: -

- The proposal demands excess expansion;
- Potential detrimental effects on the health and safety of local residents due to unacceptable increases in traffic;
- Vehicular levels to and from the site due to the increased prisoner numbers;
- There appears an imbalance in the number of staff and the amount of allocated parking spaces;
- Traffic congestion on Saffron Road and turning concerns for vehicles;
- The traffic survey given to the Planning Committee last year was wrong;
- failure to take account of vehicles using the driving test centre;
- Parking in the area is already an issue;
- Unusually high number of schools and nurseries in the locality with users walking to and from them that would be at risk from increased air and noise pollution as well as accidents;
- Adjacent streets – which are private roads – are / will be used as overflow parking areas;
- Details are vague as to whether the conditions of the planning meeting relating to the protection of the adjacent private estates will be met;
- Lack of detail in this submission in relation to the conditions attached to the outline planning approval;
- The disregard for the conditions is unacceptable as they are there to protect residents, the environment and wider Borough so must be adhered to;
- Full details of ALL conditions should be included in this submission or it refused with the re-submitted application containing them all;
- The needs of Oadby and Wigston residents seem to have been ignored;
- Various conditions don't seem to have been complied with in this submission;
- It is unacceptable to expect residents to go through 36 documents to find details on how their amenity may or may not be protected;
- Details of the eastern site boundary are under-specified and lacking details residents asked for to ensure their security and visual amenity with no details provided other than its position and height of 2.4m;
- No details on the materials for the boundary treatment which residents requested to be opaque to ensure privacy so it's unclear what it will look like – something that was requested at the outline stage;
- Landscaping details on given for within the prison boundary with no landscaping tree or shrub planting on the residential side of the eastern boundary to ensure residents amenity is not negatively impacted from the low wall;
- It is unacceptable that landscaping proposals are within the confines of the prison itself;

- The inclusion of the mature trees in the south-east section of the site in the site will have a negative impact on this part of the Borough, especially Kennedy House, so plans for trees and shrubs to address this negative impact is needed;
- Lack of clarity on how the new boundary wall will be securely joined to the concrete wall to the rear of 16 / 18 Hindoostan Avenue;
- Condition 25 of the outline permission requires the concrete boundary wall remains in situ during construction but there are no details on how this will be managed once the development is completed;
- No details on the timing of the replacement of the eastern site boundary have been provided;
- No details of any protected species survey have been provided;
- No details of the proposed lighting has been provided with the car park area having major potential to have a negative impact on residents of Crete Avenue and Hindoostan Avenue;
- No details of the management plans for construction traffic and site traffic including cleaning facilities and timetable have been provided;
- No travel plan details provided;
- No details indicate how the number of parking spaces has been computed alongside the travel plan so how can it be assessed if condition 17 has been complied with if no details exist of how the number of spaces has been arrived at;
- The proposal should be rejected for the above points.

## **Relevant Planning Policies**

### National Planning Policy Framework (NPPF)

#### Oadby & Wigston Core Strategy

Core Strategy Policy 1	:	Spatial Strategy for Development in the Borough of Oadby & Wigston
Core Strategy Policy 4	:	Sustainable Transport and Accessibility
Core Strategy Policy 9	:	Flood Risk and the Water Environment
Core Strategy Policy 14	:	Design and Sustainable Construction
Core Strategy Policy 15	:	Landscape and Character

#### Saved Oadby and Wigston Local Plan Policies

Landscape Proposal 1	:	Design of new development subject to criteria
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## **Planning Considerations**

As indicated above, there is only a small proportion of the site within the Oadby & Wigston administrative area and over which we, therefore, have control. It is on this element that the decision needs to be made.

All of the built form in the development submitted as part of this reserved matters application is within the administrative area of Blaby District Council. Whilst there is a need to be mindful of the development as a whole, the decision can only be made on the element of the proposal within our area of control and based on planning matters.

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

- \* The impact of the proposal on the character and appearance of the area
- \* The impact of the proposal on neighbouring residential properties.

- \* Highways including parking provision

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

The approved access to the site is along Tigers Road and this was approved as part of the outline application.

On approach to the site along Tigers Road, the first element readily visible will be the eastern site boundary. It is indicated on the submitted plans that the boundary treatment along the site's eastern boundary to the north of Tigers Road will be a 2.4m high boundary fence and while no elevational details in respect of this have been provided, the provisions of condition 6 of the outline approval require this to be submitted prior to commencement of the development. The existing boundary treatment here will remain in-situ while the demolition element of the sites re-development takes place meaning there will be no impact beyond the existing situation. Notwithstanding the details in respect of this boundary treatment including design and materials, at 2.4m high it is considered that this boundary will continue to provide a definitive separation point between the site and neighbouring sites including residential sites. The approval of the specific details through the discharge of condition 6 prior to development commencing will serve to ensure its appearance and material is appropriate and respectful to the area while also serving to ensure the security of the neighbouring residential and commercial sites. In this respect, Officers consider that the provision of a 2.4m high boundary treatment would not readily be at odds with the locality especially given that the specifics are still to be approved through the discharge of condition.

Visible through the access point to the site is a section of road-way leading into the site, including the parking area, as well as areas of landscaping (including the balancing pond) and a small proportion of the built element contained within Blaby's administrative area. Based on the submitted plans, it is considered that the proposed alterations to the site entrance and area to the side and behind it will serve to "soften" the potential visual impacts of the development as a whole on the approach road to the site and will create an appearance more appropriate to the locality than currently exists.

Furthermore, the landscaping element within the Oadby and Wigston administrative area comprises the retention of existing soft landscaping features (grass, trees and shrubs etc) while also supplementing it with further soft landscaping as set out on the Site Wide Structure Planting plan provided with this submission. An assessment of this landscaping area shows an improvement and enhancement in the on-site provision such that it will, in officers opinion, contribute to the positive development of this element on-site as well as in the areas where it can / will be able to be seen in accordance with adopted policy.

Turning to the parts of the access road and small sections of the parking area within Oadby and Wigston's administrative area, the road will be constructed of asphalt while the parking areas will be laid using porous concrete block paving as set out within the SUDs strategy. The use of these is considered to be acceptable while representing an improvement on the current arrangements on-site. Resultantly they will not impact upon the character and appearance of the area.

#### The impact of the proposal on neighbouring residential properties:

With regards to the access road and parking area elements of the proposal within the Council's administrative area, the proposal will see an element of both come closer to

existing dwellings to the east of the site. They will also see an increase in the amount of landscaping between the road, the parking areas and their rear gardens such that will serve to ensure impacts through the vehicular movements, noise and fumes are kept at as low a level as possible such that a refusal on these grounds would be unable to be sustained at appeal.

The submitted plans show that the existing soft landscaping will be retained and added to in the form of additional trees, hedgerow and shrubs along the sites full eastern boundary with the exception of where the site access is located as well as small sections of the internal roadway. This additional planting serves to enhance the outlook from adjacent residential and commercial sites within the Borough facing the site as well as minimises the additional extent of the development from that previously existing on the site from the same neighbours. Further, it also serves to potentially afford enhanced ecological benefits in the locality to the benefit of the area and various species.

#### Highway:

The submission has been assessed by Leicestershire county Council Highways department, as the relevant local highway authority, who have commented that its advice is that, in its view, the residual cumulative impacts of the development are not considered severe in accordance with Paragraph 32 of the NPPF (as was the case in the outline application) and that they are satisfied that any conditions relating to on-site parking attached to the outline permission are covered by the site block plan submitted here.

As a result the proposal is considered to have sufficient on-site parking provision for both staff and visitors in accordance with the standards of the Highway Authority.

#### Comments on grounds of objection:

As set out earlier, 3 letters of objection have been received objecting on various grounds. This section of the report seeks to address the points not addressed already.

Issues and concerns over traffic and health were dealt with at the outline application stage where access was considered and transport related documents submitted as part of the application. As such health and highway matters cannot readily be addressed again and it is highlighted that when it was assessed by Leicestershire County Council Highway Authority at both the outline and this reserved matters stage, they had no objections to the development on highway grounds based upon their assessment of the submitted documents with sufficient parking provided and no severe impact upon the highway.

With regards to pre-commencement conditions attached to the outline permission, as indicated at the beginning of this report, this submission relates solely to Condition 2 of the outline permission. 5 pre-commencement conditions have been discharged in part in order to facilitate the demolition of buildings on-site. However, these 5 conditions along with all other pre-commencement conditions will be submitted for approval prior to works commencing on-site for the construction of the development so ensuring that the relevant details with associated assessments on the matters to which they relate are dealt with prior to construction occurring. Refusing this application due to the pre-commencement conditions not having been discharged would be wholly unreasonable.

The agent has, on the applicants' behalf, submitted ALL of the documents relevant to this reserved matters application in order that this condition can be discharged and on this basis

numerous documents have been submitted. As such it is not considered an unreasonable amount of documents to be submitted. Further, if the application is of such strong concern to local residents the number of documents submitted as part of the application would not be an issue as it enables them to have sight of what is needed for them to make an informed opinion on the matters before them, so enabling them to fully contribute to the planning process by being able to comment on the sound basis of the submitted information.

In respect of the eastern site boundary, as set out 2 paragraphs above, this detail will be provided prior to any construction work commencing on-site so enabling and ensuring its relationship with neighbouring residential dwellings and commercial premises is fully taken account of.

The landscaping proposed as part of this application is within the application site itself as the provisions of the planning system prevent work being undertaken on land outside the applicants control.

Concerns over the lack of clarity on how the new boundary wall will be securely joined to the concrete wall to the rear of 16 / 18 Hindoostan Avenue can be addressed by way of a condition on any approval granted with details required prior to the boundary wall being installed.

The comment raised about condition 25 of the outline permission requiring the concrete boundary wall to remain in situ during construction but with no details on how this will be managed once the development is completed are noted. However, the provisions of condition 6 tie in with condition 26 in that this eastern site boundary will remain in situ until the development has completed at which point the replacement boundary treatment to be approved under condition 6 will be implemented.

## Conclusion

The submission relates to the discharge of condition 2 of the outline permission in respect of appearance, site layout and landscaping. Crossing the administrative boundary for Blaby District Council and Oadby and Wigston Borough Council, only a small amount of the development falls within the Oadby and Wigston Borough Council area with this being used for access, a section of internal roadway and parking as well as landscaping. As submitted the proposal represents an improvement in site layout from the current position with enhanced landscaping close to and adjacent to the sites eastern boundary in a manner that minimises the impact of the development as a whole on neighbouring residential and commercial sites while also improving outlook through the additional planting proposed. Overall therefore the proposal is considered to be acceptable with condition 2 recommended to be discharged with additional conditions attached.

## 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 the following condition(s) should be discharged;

<b>Condition Number:</b>	2 (Reserved Matters – appearance, layout and landscaping)
<b>Condition Details:</b>	Prior to the commencement of work on site, with the exception of demolition, plans and particulars of the layout, appearance of the prison to be erected and the landscaping of the site which shall include details of protection of the existing tree and hedges to be retained, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details that have been approved in writing by the Local Planning Authority.
<b>Reason:</b>	The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.
<b>Consultation:</b>	
<b>Approved:</b>	Application forms; MoJ / HLM Statement of Design Compliance report ref 321530-3515-HLM-GP1000-XX-RP-L-B1100 Rev P02 dated 10 May 2018; Planning Statement by GVA dated May 2018; Drawing titled Existing site Plan numbered 321350-3515-HLM-GP1000-00-DR-L-0902-D0100 Rev P02 dated 23 April 2018; drawing titled Existng Site Sections numbered 321350-3515-HLM-GP1000-ZZ-DR-L-0921-D0100 Rev P01 dated 13 April 2018; drawing titled Site Block Plan numbered 321350-3515-HLM-GP1000-00-DR-L-0904-D0100 Rev P04 dated 15 May 2018; drawing titled Proposed Site Plan numbered DSGN_1.8-16012-BWL-ZZZZ-ZZ-DR-A-2003 Rev P02 dated 20 December 2017; drawing titled Site Wide Hard Landscape Strategy numbered 321530-3515-HLM-GP1000-00-DR-L-3000-D0100 Rev P05 dated 15 May 2018; drawing titled Site Wide Structure Planting numbered 321350-3515-HLM-GP1000-00-DR-L-4500-D0100 Rev P04 dated 15 May 2018; drawing titled Site Location Plan numbered 321530-3515-HLM-GP1000-00-DR-L-0901-D0100 Rev P03 dated 10 May 2018; drawing titled Overall Site Plan numbered 321350-3515-HLM-GP1000-00-DR-L-0000-D0100 Rev P07 dated 15 May 2018 drawing titled Site Sections numbered 321350-3515-HLM-GP1000-ZZ-DR-L-0020-D0100 Rev P03 dated 10 May 2018; drawing titled Site Sections Sheet 2 numbered 321350-3515-HLM-GP1000-ZZ-DR-L-0021-D0100 Rev P02 dated 10 May 2018; and



	<p>drawing titled Site Sections Sheet 3 numbered 321350-3515-HLM-GP1000-ZZ-DR-L-0022-D0100 Rev P02 dated 10 May 2018; all submitted to and received by the Local Planning Authority on 16 May 2018; and</p> <p>Environment and Health Report by Ramboll numbered L1700002009_1 dated 22 May 2018 submitted to and received by the Local Planning Authority on 31 May 2018.</p>
<b>Notes:</b>	<p>The applicant / agent is advised that the discharge of this condition and this permission should be read alongside the outline planning permission 16/00575/OUT issued by Oadby and Wigston Borough Council, as well as the outline and reserved matters planning approvals from Blaby District Council. Any future changes to any of these approved documents, or those approved by Blaby District Council, may require the written permission of both Oadby and Wigston Borough Council AND Blaby Borough Council.</p>

And the following additional condition and informatives attached;

- 27 Prior to the implementation of the eastern site boundary treatment to be submitted for approval then implemented in accordance with the agreed scheme through condition 6 of outline planning application 16/00575/OUT, details of how the northern most point will connect to the east-west running boundary fence shown on the plans approved in this application shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.
- Reason:** In the interests of amenity and security as well as for the avoidance of doubt.

Note(s) to Applicant :

- 1 Land Drainage Consent  
If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted.
- Guidance on this process and a sample application form can be found at the following: <http://www.leicestershire.gov.uk/Flood-risk-management>.
- 2 Please note, it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.
  - 3 For the avoidance of doubt this permission does not authorise any development outside the application site including any foundation, footings, fascias, eaves, soffits, verges or guttering.

- 4 You are advised that any amendments to the approved plans will require either a Non-Material amendment application, a Minor Material Amendment application or a new planning application. If this is the case then you should allow at least 8 weeks before the intended start date to gain approval for such amendments. Further advice can be obtained by contacting the Planning Section of the Council on any amendments (internal or external).
- 5 This permission requires you to submit further details to the Local Planning Authority on the proposal prior to the commencement of works on site. There is a fee payable to the Local Planning Authority when a request is made for the discharge of one or more conditions on the same permission or for confirmation of compliance with a condition or conditions. At the time of writing, the fee is payable per written request to discharge conditions not per condition and therefore any number of conditions may be included on a single request. The fee for such a request associated with this permission (at the time of this decision notice) is £116. The fee must be paid when the request is made. The Local Planning Authority has a statutory period of 8 weeks for the determination of such requests.
- 6 The 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.

#### 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.

BACKGROUND PAPERS

a. 18/00191/FUL

b. 18/00230/REM