



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
R H Thakor

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

Yours faithfully

Council Offices
Wigston
17 October 2018

Mrs Anne E Court
Chief Executive

<u>ITEM NO.</u>	<u>AGENDA</u>	<u>PAGE NO'S</u>
1.	Apologies for Absence	
2.	Declarations of Interest Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.	
3.	Minutes of the Previous Meeting held on 30 August 2018 To read, confirm and sign the minutes of the previous meeting in accordance with Rule 17 of Part 4 of the Constitution.	1 - 5
4.	Petitions and Deputations To receive any Petitions and, or, Deputations in accordance with Rule 24 of Part 4 of the Constitution.	
5.	Review of Scale of Fees & Charges (2019/20) Report of the Head of Finance, Revenues and Benefits	6 - 12
6.	Report of the Planning Control Team Leader	13 - 49



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. 18/00258/FUL - Ervins Lock, Lock Keeper Close, Wigston, Leicestershire**
- b) Application No. 18/00260/FUL - Land South, Newton Lane, Wigston, Leicestershire**
- c) Application No. 18/00405/COU - 17-19 The Parade, Oadby, Leicestershire, LE2 5BB**

For more information, please contact:

Planning Control

Oadby and Wigston Borough Council
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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, 30 AUGUST 2018
COMMENCING AT 7.00 PM**

PRESENT

Councillor L A Bentley (Chair)
Councillor D M Carter (Vice-Chair, Acting)

COUNCILLORS

G A Boulter
D M Carter
B Dave
D A Gamble
J Kaufman
Mrs L Kaufman
Mrs H E Loydall

OFFICERS IN ATTENDANCE

S J Ball (Senior Democratic Services Officer / Legal Officer)
M Bennetto (Arboricultural Officer)
D M Gill (Head of Law & Governance / Monitoring Officer)
R Redford (Planning Control Team Leader)
A Thorpe (Head of Planning, Development and Regeneration)

OTHERS IN ATTENDANCE

P Ward (Public Speaker)

19. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillors Mrs L M Broadley, F S Broadley, Dr T K Khong and R E R Morris.

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

UNANIMOUSLY RESOLVED THAT:

Councillor D M Carter assume the Vice-Chair for the duration of the meeting only.

20. DECLARATIONS OF INTEREST

In respect of planning application number 18/00317/FUL, the Chair declared a non-pecuniary interest insofar as he has shown a sustained interest over the years in realising the re-development of the Horsewell Lane Recreation Ground in Wigston.

21. MINUTES OF THE PREVIOUS MEETING HELD ON 26 JULY 2018

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The minutes of the previous meeting of the Committee held on 26 July 2018 be taken as read, confirmed and signed.

22. ACTION LIST ARISING FROM THE POLICY, FINANCE & DEVELOPMENT COMMITTEE MEETING HELD ON 17 JULY 2019

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The Action List be noted by Members.

23. PETITIONS AND DEPUTATIONS

None.

24. CONFIRMATION OF THE BOROUGH COUNCIL OF OADBY & WIGSTON TREE PRESERVATION ORDER(S) (TPO'S)

The Committee gave consideration to the reports and appendices (at pages 12 - 79) as delivered and summarised by the Arboricultural Officer which should be read together with these minutes as a composite document.

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

24a. THE YEWS, OADBY (TPO/0324/GROUP)

UNANIMOUSLY RESOLVED THAT:

The Borough of Oadby and Wigston (The Yews, Oadby) Tree Preservation Order 2018 be confirmed with modifications (as set out at paragraph 3 of the report) and the inclusion of the tree marked 'T4' (as set out in the Schedule).

24b. WIGSTON DELIVERY OFFICE (TPO/0328/TREE)

UNANIMOUSLY RESOLVED THAT:

The Borough Council of Oadby & Wigston (Wigston Delivery Office) Tree Preservation Order 2018 be confirmed.

24c. LAND AT 14 GRANVILLE AVENUE, OADBY (TPO/0329/TREE)

UNANIMOUSLY RESOLVED THAT:

The Borough Council of Oadby & Wigston (Land at 14 Granville Avenue, Oadby) Tree Preservation Order 2018 be confirmed.

24d. LAND AT 98 SAFFRON ROAD, WIGSTON (TPO/0330/TREE) (TPO/0314/TREE)

UNANIMOUSLY RESOLVED THAT:

- (i) The Borough of Oadby and Wigston (Land at 98 Saffron Road, South Wigston (No.2)) Tree Preservation Order 2018 be confirmed; and**
- (ii) The lapsed Borough of Oadby and Wigston (Land at 98 Saffron Road, South Wigston, Leicestershire, LE18 4UN) Tree Preservation Order 2016 be formally recorded as not confirmed.**

24e. LAND AT 19 HEALEY STREET, WIGSTON (TPO/0332/TREE)

UNANIMOUSLY RESOLVED THAT:

The Borough of Oadby and Wigston (19 Healey Street, Wigston) Tree Preservation Order 2018 be confirmed.

24f. LAND AT 45 WOODFIELD ROAD, OADBY (TPO/0333/TREE)

UNANIMOUSLY RESOLVED THAT:

The Borough of Oadby and Wigston (45 Woodfield Road, Oadby) Tree Preservation Order 2018 be confirmed.

25. REPORT OF THE PLANNING CONTROL TEAM LEADER

25a. APPLICATION NO. 18/00279/FUL - 34 HIGH LEYS DRIVE, OADBY, LEICESTERSHIRE, LE2 5TL

Mr P Ward spoken upon the application as an objector. Mr Ward stated that the scale and bulk of the proposed development was so unacceptably large and overbearing that it would cause privacy and aspect issues for neighbouring residential properties and would be markedly out of character within the existing street-scene. He also raised a perceived discrepancy with the application's submitted site plans.

The Committee gave consideration to the report (at pages 81 - 86) 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 Members agreed that, on balance, the scale of the proposed revised enlargements still amounted to an overdevelopment of the site insofar as the scale and form of the proposed extension would not appear to be subordinate to the pre-existing dwelling-bungalow. If permitted, the residual front garden was considered to be inadequate to usefully serve the recreational and functional needs of future households of the enlarged dwelling-bungalow, and its use would erode the distinctive local character and appearance of the existing street-scene context which largely comprised of modest-sized bungalows and gardens.

During the course of the debate, it became apparent that Councillor J Kaufman had outside the meeting engaged with the applicant and other interested parties and had sight of a site plan which neither formed part of the application's background papers nor to which other Members had been made privy. Having been properly cautioned by the Monitoring Officer in this respect, Councillor J Kaufman left the Chamber and took no further part in the debate on the item of business and voting thereon.

In reaching its decision, the Committee was advised that, on balance, and in the Officers' opinion, the changes proposed by the revised application which sought to minimise the impact on the street scene and on neighbouring residential properties were sufficient enough to justify a recommendation to permit planning permission subject to conditions and that, if the Committee was minded to do so, the retention of the existing front boundary hedge could be conditioned so to soften visual scale.

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

UNANIMOUSLY RESOLVED THAT:

The application be REFUSED planning permission for the reasons as set out in

the foregoing minutes.

Councillor J Kaufman returned to the Chamber.

25b. APPLICATION NO. 18/00284/FUL - 36 MARSTOWN AVENUE, WIGSTON, LEICESTERSHIRE, LE18 4UH

The application was noted as having been **WITHDRAWN** on 28 August 2018.

25c. APPLICATION NO. 18/00317/FUL - PAVILION, HORSEWELL LANE, WIGSTON, LEICESTERSHIRE

Having declared a non-pecuniary interest, the Chair left the Chamber and took no part in the debate on the item of business and voting thereon.

The Committee gave consideration to the report (at pages 95 - 104) 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 it was raised by Members, and advised upon by Officers, that the proposed development's provision for parking fully met the requisite standards and that it would not significantly impact on the amenities of neighbouring residential properties over and above the status quo. Any perceived impact in respect of the development's opening hours and lighting arrangements were said to be suitably managed by virtue of the attached conditions. An account of all construction materials (as specified as part of the application's background documents) was also provided.

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

UNANIMOUSLY RESOLVED THAT:

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

The Chair returned to the Chamber.

26. TREE PRESERVATION ORDERS AND COMPENSATION: CURRENT LEGAL POSITION (VERBAL UPDATE)

The Committee gave consideration to the verbal update and briefing note (at pages 105 - 108) as delivered and summarised by the Head of Law & Governance / Monitoring Officer which should be read together with these minutes as a composite document.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The contents of the verbal update and briefing note be noted.

THE MEETING CLOSED AT 8.05 PM



Chair

Thursday, 25 October 2018

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Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR*

Agenda Item 5



Development Control Committee	Thursday, 25 October 2018	Matter for Information and Decision
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Report Title: **Review of Scale of Fees & Charges (2019/20)**

Report Author(s): **Chris Raymakers (Head of Finance, Revenues and Benefits)**

Purpose of Report:	This report is to allow Members to consider, review and recommend to the Policy, Finance and Development Committee the proposed scale of fees and charges for the financial year 2019/20 relating to the Development Control Committee.
Report Summary:	Charges consist of both those set by statute and those set by this Council. It is recommended that Council-set charges are increased in line with the Retail Price Index (i.e. 3.4% as at June 2018).
Recommendation(s):	That the proposed Scale of Fees and Charges for 2019/20 (as set out in Appendix 1) be recommended to the Policy, Finance and Development Committee for approval
Responsible Strategic Director, Head of Service and Officer Contact(s):	<p>Stephen Hinds (Director of Finance & Transformation) (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk</p> <p>Chris Raymakers (Head of Finance, Revenues and Benefits) (0116) 257 2891 chris.raymakers@oadby-wigston.gov.uk</p> <p>Adrian Thorpe (Head of Planning, Regeneration and Development) (0116) 257 2692 adrian.thorpe@oadby-wigston.gov.uk</p>
Corporate Priorities:	<p>An Inclusive and Engaged Borough (CP1)</p> <p>Effective Service Provision (CP2)</p> <p>Balanced Economic Development (CP3)</p>
Vision and Values:	<p>Accountability (V1)</p> <p>Customer Focus (V5)</p>
Report Implications:-	
Legal:	There are no implications arising from the report.
Financial:	The Planning and Building Control Services' fees provide an important income stream for the Council which need to be maintained at the appropriate level.
Corporate Risk Management:	<p>Decreasing Financial Resources (CR1)</p> <p>Reputation Damage (CR4)</p> <p>Regulatory Governance (CR6)</p> <p>Economy/Regeneration (CR9)</p>
Equalities and Equalities	There are no implications arising from the report.

Assessment (EA):	EA not applicable.
Human Rights:	There are no implications arising from the report.
Health and Safety:	A strong planning and building control function is an important part of maintaining regulatory control within the Borough.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	Fees and Charges Working Papers (2019/20)
Appendices:	1. Proposed Scale of Fees & Charges (2019/20)

1. Introduction

- 1.1 The Council charges for a number of its services that are provided to the public. All fees and charges are reviewed on an annual basis as part of the budget setting process.
- 1.2 When setting fees and charges, the following factors are taken into consideration:
 - Statutory obligations;
 - Policies and objectives of the Council;
 - Inflation and relevant indices;
 - Local market research and competition (where relevant);
 - The impact of price changes on activity level or demand;
 - Changes in taxation;
 - Budget position and any associated gap; and
 - The cost of providing the service.
- 1.3 As at June 2018 the Retail Price Index, which is a measure of inflation, stood at 3.4%. This has been used as a guide for Heads of Service when considering any increases for 2019/20.

2. Information

- 2.1 The principal charges for the Planning and Building Control Services are set by statute. However, there are still a number of services and items which are in need of consideration and these are laid out in **Appendix 1** to this report and are summarised below.

2.2 Pre-Application Charges

It is recommended that these are increased by the prevailing rate of inflation.

2.3 Copies of Documents

The Council provides free access online to all the documents listed in sections 1.7 and 1.8 of **Appendix 1**. Where hard copies are requested, a charge is made to cover the cost of production, however very few of these are ordered and therefore no price increase is

recommended.

2.4 **Building Control**

The Building Control service is currently under review. It is considered that this service's charges are broadly aligned with other Councils and, as a result, no increase is recommended whilst the review is being carried out.

DEVELOPMENT CONTROL COMMITTEE										
		DESCRIPTION OF CHARGE	VAT	GL ACCOUNT CODE	UNIT	DATE OF LAST CHANGE	2018/19 £	2019/20 £	Externally Set	Explanation regarding the recommended level of charge
1		BUILDING CONTROL & PLANNING - COMMON CHARGES								
	1.1	PLANNING AND BUILDING CONTROL FEES								
		Statutory Charge set by Central Government and Local Authorities							X	
	1.2	BUILDING AND PLANNING RECORDS SEARCH								
	(a)	Domestic and simple commercial development		40001 9356	Per Hour	1-Apr-17	40.00	40.00		No Change - charge considered appropriate
	(b)	Commercial enquiries		40001 9356	Per Hour	1-Apr-17	80.00	80.00		No Change - charge considered appropriate
	1.3	COPY OF PLANS, DOCUMENTS & DECISIONS**								
		If the total charge (at the rates below) does not exceed £3.00 then no charge will made to provide the requested copies.								
	(a)	A4 size (black and white) per sheet*		40001 9206	Each	1-Apr-13	0.10	0.10		No Change - charge considered appropriate
	(b)	A4 size (colour) per sheet*		40001 9206	Each	1-Apr-13	1.00	1.00		No Change - charge considered appropriate
	(c)	A3 size (black and white) per sheet*		40001 9206	Each	1-Apr-13	0.15	0.15		No Change - charge considered appropriate
	(d)	A3 size (colour) per sheet*		40001 9206	Each	1-Apr-13	2.00	2.00		No Change - charge considered appropriate
	(e)	A2 size per sheet		40001 9206	Each	1-Apr-17	8.50	8.50		No Change - charge considered appropriate
	(f)	A1 per sheet		40001 9206	Each	1-Apr-17	8.50	8.50		No Change - charge considered appropriate
	(g)	A0 per sheet		40001 9206	Each	1-Apr-17	8.50	8.50		No Change - charge considered appropriate
		Documents Supplied electronically (via the website)								
		* Where information is held electronically and can be published to the website (without any data protection issues), subject to a maximum of 15 sheets, there will be no charge made. Requests in excess of 15 sheets will be charged at £25 per enquiry.		40001 9206	Per Enquiry	1-Apr-17	25.00	25.00		No Change - charge considered appropriate
		Documents Supplied electronically (by e-mail or by CD)								
		If information is held electronically and cannot be published to the website without any data protection issues, then a charge of £25 per enquiry will apply.		40001 9206	Per Enquiry	1-Apr-17	25.00	25.00		No Change - charge considered appropriate
	1.4	PRE APPLICATION CHARGES								
	(a)	Householder Proposal Enquiries (Including works to tree enquiries, if permission is required/dropped kerb/home working enquires etc)								
		Basic Service (desk based assessment with no follow ups)	I	40001 9395	Per Enquiry	1-Apr-18	47.00	49.00		RPI 3.4% increase is £1.60 so rounded up to nearest £1
		Gold Service (includes one site visit or meeting, a written response, plus one follow - up proposal)	I	40001 9395	Per Enquiry	1-Apr-18	93.00	97.00		RPI 3.4% increase is £3.16 but rounded up to nearest £1
	(b)	New Residential Unit Enquiries (including if permission is required)								
		1-3 new dwellings	I	40001 9395	Per Enquiry	1-Apr-18	155.00	161.00		RPI 3.4% increase is £5.27 but rounded up to nearest £1
		4-9 new dwellings	I	40001 9395	Per Enquiry	1-Apr-18	240.00	250.00		RPI 3.4% increase is £8.16 but rounded up to nearest £5
		10-49 new dwellings	I	40001 9395	Per Enquiry	1-Apr-18	675.00	700.00		RPI 3.4% increase is £22.95 but rounded up to nearest £5
		50 or more new dwellings	I	40001 9395	Per Enquiry	1-Apr-18	1350.00	1400.00		RPI 3.4% increase is £45.90 but rounded up to nearest £5
	(c)	Commercial / Other Enquiries (including if permission is required)								
		Lawful use of premises enquiry	I	40001 9395	Per Enquiry	1-Apr-18	155.00	161.00		RPI 3.4% increase is £5.27 but rounded up to nearest £1
		Change of Use / No additional floor space / telecoms / advertisements etc	I	40001 9395	Per Enquiry	1-Apr-18	155.00	161.00		RPI 3.4% increase is £5.27 but rounded up to nearest £1
		Additional floor space up to 500 square metres	I	40001 9395	Per Enquiry	1-Apr-18	240.00	250.00		RPI 3.4% increase is £8.16 but rounded up to nearest £5
		Between 500 and 999 additional square metres	I	40001 9395	Per Enquiry	1-Apr-18	675.00	700.00		RPI 3.4% increase is £22.95 but rounded up to nearest £5
		Over 1000 additional square metres	I	40001 9395	Per Enquiry	1-Apr-18	1350.00	1400.00		RPI 3.4% increase is £45.90 but rounded up to nearest £5
	1.5	HIGH HEDGE COMPLAINTS		40001 9369	Per Enquiry	1-Apr-18	475.00	495.00		RPI 3.4% increase is £16.15 so rounded up to nearest £5
		Those on means tested benefits and war pensions will receive 33% discount		40001 9369	Per Enquiry	1-Apr-18	320.00	330.00		RPI 3.4% increase is £10.88 so rounded to nearest £10
	1.6	WEEKLY LIST OF ALL PLANNING APPLICATIONS		40001 9354	Per Year	1-Apr-18	135.00	140.00		RPI 3.4% increase is £4.59 so rounded up to nearst £5

DEVELOPMENT CONTROL COMMITTEE										
		DESCRIPTION OF CHARGE	VAT	GL ACCOUNT CODE	UNIT	DATE OF LAST CHANGE	2018/19 £	2019/20 £	Externally Set	Explanation regarding the recommended level of charge
	1.7	OADBY AND WIGSTON LOCAL PLAN								
	(a)	Oadby and Wigston Saved Local Plan **		40101 9206		1-Apr-17	45.00	45.00		No change. Rarely sold as available free electronically
	i)	Residents and Local groups		40101 9206		1-Apr-17	20.00	20.00		No change. Rarely sold as available free electronically
		Core Strategy DPD (non resident or local group)		40101 9206		1-Apr-17	45.00	45.00		No change. Rarely sold as available free electronically
		Core Strategy DPD (resident or local group)		40101 9206		1-Apr-17	20.00	20.00		No change. Rarely sold as available free electronically
		Town Centres Area Action Plan DPD (non resident or local group)		40101 9206		1-Apr-17	45.00	45.00		No change. Rarely sold as available free electronically
		Town Centres Area Action Plan DPD (resident or local group)		40101 9206		1-Apr-17	20.00	20.00		No change. Rarely sold as available free electronically
		Saved Local Plan DPD (non resident or local group)		40101 9206		1-Apr-17	45.00	45.00		No change. Rarely sold as available free electronically
		Saved Local Plan DPD (resident or local group)		40101 9206		1-Apr-17	20.00	20.00		No change. Rarely sold as available free electronically
		New Local Plan DPD (non resident or local group)		40101 9206		1-Apr-18	45.00	45.00		No change.
		New Local Plan DPD (resident or local group)		40101 9206		1-Apr-18	20.00	20.00		No change.
	1.8	OTHER DOCUMENTS								
	(a)	Residential Land Availability Statement (Published Annually) **		40101 9206		1-Apr-17	20.00	20.00		No change. Rarely sold as available free electronically
	(b)	Supplementary Planning Guidance / Supplementary Planning Document / Statements of Consultation **		40101 9206		1-Apr-17	20.00	20.00		No change. Rarely sold as available free electronically
	(c)	Employment Land Availability Study (Published Annually) **		40101 9206		1-Apr-17	20.00	20.00		No change. Rarely sold as available free electronically
	(d)	Landscape Character Assessment		40101 9206		1-Apr-17	35.00	35.00		No change. Rarely sold as available free electronically
	(e)	Oadby & Wigston Green Wedge Management Strategy		40101 9206		1-Apr-17	35.00	35.00		No change. Rarely sold as available free electronically
	(f)	Oadby & Wigston Phase 1 Habitat Survey and Biodiversity Audit (Available on CD only)		40101 9206		1-Apr-17	35.00	35.00		No change from previous year. Available on CD
	(g)	Oadby and Wigston Employment Land and Premises Study**		40101 9206		1-Apr-17	35.00	35.00		No change. Rarely sold as available free electronically
	(h)	Statement of Community Involvement **		40101 9206		1-Apr-17	15.00	15.00		No change. Rarely sold as available free electronically
	(i)	Annual Monitoring Report **		40101 9206		1-Apr-17	20.00	20.00		No change. Rarely sold as available free electronically
	(j)	Nature Conservation Strategy		40101 9206		1-Apr-17	35.00	35.00		No change. Rarely sold as available free electronically
	(k)	Local Development Scheme**		40101 9206		1-Apr-17	10.00	10.00		No change. Rarely sold as available free electronically
	(l)	Strategic Housing Land Availability Assessment/HEDNA **		40101 9206		1-Apr-17	35.00	35.00		No change. Rarely sold as available free electronically
	(m)	Retail Study**		40101 9206		1-Apr-17	35.00	35.00		No change. Rarely sold as available free electronically
	(n)	Faith Community Study & Places of Worship Needs Assessment**		40101 9206		1-Apr-17	35.00	35.00		No change. Rarely sold as available free electronically
	(o)	Play & Recreational Facilities Study		40101 9206		1-Apr-17	35.00	35.00		No change. Rarely sold as available free electronically
	(p)	Affordable Housing Viability Assessment		40101 9206		1-Apr-17	35.00	35.00		No change. Rarely sold as available free electronically
	(q)	Whole Plan Viability Assessment		40101 9206		1-Apr-18	35.00	35.00		No change.
	(r)	Assessment of Highways and Transportation Implications		40101 9206		1-Apr-17	35.00	35.00		No change. Rarely sold as available free electronically
	(s)	Employment Sites & Brownfield Land Study		40101 9206		1-Apr-17	35.00	35.00		No change. Rarely sold as available free electronically
	(t)	Adopted Policies Map		40101 9206		1-Apr-17	20.00	20.00		No change. Rarely sold as available free electronically
	(u)	Housing Implementation Strategy		40101 9206		1-Apr-17	20.00	20.00		No change. Rarely sold as available free electronically
	(v)	Annual Open Space Review		40101 9206		1-Apr-17	20.00	20.00		No change. Rarely sold as available free electronically
		** Documents are available on the Councils Website free of charge								
		www.oadby-wigston.gov.uk								
		BUILDING CONTROL								
	1.9	COMPLETION CERTIFICATE								
	(a)	Written confirmation of works exempt from Building Regulations		21001 9201		1-Apr-17	60.00	60.00		No change. Considered to generally align with other Councils but will review upon establishment of shared service.
	(b)	Written confirmation of non-existence of Building Regulations record		21001 9201		1-Apr-17	40.00	40.00		No change. Considered to generally align with other Councils but will review upon establishment of shared service.
	(c)	Written confirmation of completion of work to which Building Regulations applied		21001 9201		1-Apr-17	40.00	40.00		No change. Considered to generally align with other Councils but will review upon establishment of shared service.

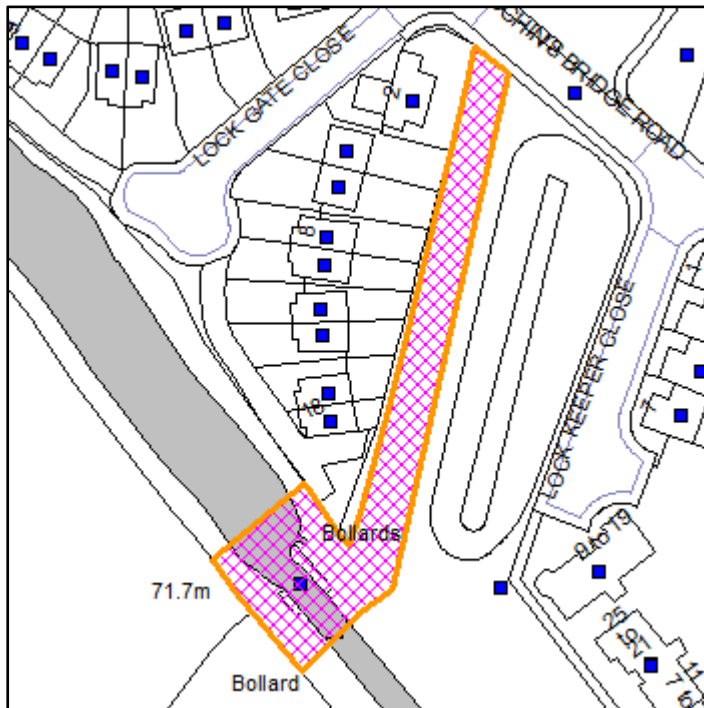
DEVELOPMENT CONTROL COMMITTEE										
		DESCRIPTION OF CHARGE	VAT	GL ACCOUNT CODE	UNIT	DATE OF LAST CHANGE	2018/19 £	2019/20 £	Externally Set	Explanation regarding the recommended level of charge
	1.10	RECOVERY OF EXPIRED PLAN		21001 9201	Per hour	1-Apr-17	44.00	44.00		No change. Considered to generally align with other Councils but will review upon establishment of shared service.
	1.11	STREET NAMING & NUMBERING								
	(a)	List of all new property street names and numbers	E	21002 9382	Per Year	1-Apr-17	500.00	500.00		No change. Considered to generally align with other Councils but will review upon establishment of shared service.
	(b)	Written confirmation of postal address details	E	21002 9382	Per Address	1-Apr-15	25.00	25.00		No change. Considered to generally align with other Councils but will review upon establishment of shared service.
	(c)	Renaming/renumbering of existing property	E	21002 9382	Per Address	1-Apr-15	40.00	40.00		No change. Considered to generally align with other Councils but will review upon establishment of shared service.
	(d)	Naming/Numbering of 1-5 plots	E	21002 9382	Per Plot	1-Apr-15	40.00	40.00		No change. Considered to generally align with other Councils but will review upon establishment of shared service.
	(e)	Naming/ Numbering for each additional plot over 5	E	21002 9382	Per Plot	1-Apr-15	25.00	25.00		No change. Considered to generally align with other Councils but will review upon establishment of shared service.
	(f)	Naming of a street	E	21002 9382	Per Street	1-Apr-15	150.00	150.00		No change. Considered to generally align with other Councils but will review upon establishment of shared service.
	(g)	Numbering of new flat complex	E	21002 9382	Per Flat	1-Apr-15	25.00	25.00		No change. Considered to generally align with other Councils but will review upon establishment of shared service.
Page 11	(h)	Change to a development after notification #	E	21002 9382	Per Application	1-Apr-15	50.00	50.00		No change. Considered to generally align with other Councils but will review upon establishment of shared service.
	(i)	Administration fee, plus additional fee per plot	E	21002 9382	Per Plot	1-Apr-15	15.00	15.00		No change. Considered to generally align with other Councils but will review upon establishment of shared service.
		# Notification means after the Authority has numbered the street or part of.								
	(j)	Street re-named / re-numbered at residents request ##	E	21002 9382	Per Request	1-Apr-15	## 250.00	## 250.00		No change. Considered to generally align with other Councils but will review upon establishment of shared service.
		## plus all compensation (the compensation is to be met by the applicant).								
		Compensation relates to monies paid to residents to help them pay for the cost of informing all parties that they correspond with, regarding the change to their address.								
		NB: A two thirds majority agreement from residents is required by ballot.								
	1.12	WORK ASSOCIATED WITH AN EMERGENCY OR ENFORCEMENT INCIDENT								
	(a)	Building Control Surveyor - rate per hour (either on site or in office)		21001 9356		1-Apr-09	50.00	50.00		No change. Considered to generally align with other Councils but will review upon establishment of shared service.
	(b)	Building Control Manager - rate per hour (either on site or in office)		21001 9356		1-Apr-14	58.00	58.00		No change. Considered to generally align with other Councils but will review upon establishment of shared service.
	(c)	Preparation & posting of documentation (letters, notices, etc) per document		21001 9356		1-Apr-15	29.85	29.85		No change. Considered to generally align with other Councils but will review upon establishment of shared service.
	(d)	Telephone calls made from a mobile - per minute (standard rate)		21001 9356		1-Apr-15	0.03	0.03		No change. Considered to generally align with other Councils but will review upon establishment of shared service.
	(e)	Telephone calls made from a mobile to mobile - per minute (standard rate)		21001 9356		1-Apr-15	0.09	0.09		No change. Considered to generally align with other Councils but will review upon establishment of shared service.
	(f)	Mobile text messaging (standard rate)		21001 9356		1-Apr-15	0.04	0.04		No change. Considered to generally align with other Councils but will review upon establishment of shared service.
	(g)	Telephone calls made from landlines to mobiles - connection charge (standard business rate)		21001 9356		1-Apr-15	0.08	0.08		No change. Considered to generally align with other Councils but will review upon establishment of shared service.
	(h)	Telephone calls made from landlines to mobiles - per minute thereafter (standard business rate)		21001 9356		1-Apr-15	0.16	0.16		No change. Considered to generally align with other Councils but will review upon establishment of shared service.
	(i)	Telephone calls made from a landline to a landline - connection charge (standard business rate)		21001 9356		1-Apr-15	0.08	0.08		No change. Considered to generally align with other Councils but will review upon establishment of shared service.

[illegible]

Application Number**Address****Report Items**

- a.** 18/00258/FUL
Ervins Lock
Lock Keeper Close
Wigston
Leicestershire
- b.** 18/00260/FUL
Land South
Newton Lane
Wigston
Leicestershire
- c.** 18/00405/COU
17 - 19 The Parade
Oadby
Leicestershire
LE2 5BB

a.	18/00258/FUL	Ervin's Lock Lock Keeper Close Wigston Leicestershire
	6 June 2018	Construction of a steel footbridge spanning Ervin's Lock (Grand Union Canal) to provide access from the northern residential area to the canal towpath
	Case Officer	Mrs Tracey Carey



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LA100023293 Published 2014

Site and Location

The site comprises a short section of the Grand Union Canal towpath at the location of Ervins Lock. Access is along the existing grassed/open space area off Pochins Bridge Road via a gate. The site is located within the Grand Union Canal Conservation Area, designated by Leicestershire County Council.

To the south-west of the Grand Union Canal is the canal towpath, a public footpath. Beyond this the land consists of farmland cut by the River Sence. To the north-east are residential properties, immediately north is a SuDS area (detention basin) bordered by hedgerows along the residential roads and gardens.

Description of proposal

The application proposes a footbridge to allow residents of the Lansdowne Grove Estate access to the Grand Union Canal towpath.

The footbridge will comprise a single main span of approx. 15m length with a minimum clearance of 2.66m over the canal (2.75m in the centre of the canal). The ramp on the north-eastern side of the canal will be approx. 9.7m long and the ramp on the south-western side will be 12.7m long. The canal towpath is to be diverted around the south western ramp. The approach paths, bridge ramps and main span are 1.5m wide.

The bridge span and ramps will be of steel construction with black and white vertical railings 1.2m high as well as cross braces to mimic traditional canal bridge design. The abutments are to be faced in brick to resemble the lock. The structure will be supported on concrete pad foundations beneath the abutments as well as towards the base of each ramp.

The bridge, ramps and new sections of path will be surfaced in natural materials in keeping with the character of the conservation area.

The proposal requires the removal of six young ash trees.

The statutory determination period for this application expired on the 5 September 2018 and it is intended to issue a decision as soon as practicably possible after the Committee meeting.

Relevant Planning History

None Relevant

Consultations

Leicestershire County Council (Heritage Team) - I have previously questioned the desirability of providing a new pedestrian crossing in this location because it will encourage public access close to a deep water lock and intrude into the established setting of an important historic feature that contributes positively to a designated conservation area.

The appearance of the new bridge and ramps has however been adjusted slightly to acknowledge its canal side location. It is recommended that precise details of the proposed brickwork and metal work, including railings and handrails profile and width, and their

method of construction and fixing be submitted for approval because these could have a considerable bearing on the final appearance of the new crossing.

Whilst I remain concerned that the new bridge and associated ramps, are unlikely to preserve or enhance the Grand Union Canal Conservation Area it is recognised that the development will generate demonstrable public benefits that could include better public access and appreciation of the historic waterway.

OWBC Forward Plans - The application site is located within the Grand Union Canal Conservation Area. Leicestershire County Council's Conservation Officer has provided comments on the application and should the Case Officer be satisfied with Leicestershire County Council's Conservation Officer's comments, then Planning Policy would have no further comments.

OWBC Tree Officer – The application seems thorough and well thought out. I agree with the proposed works and access requirements, protection measures are appropriate and have no arboricultural objection.

English Heritage – No need to notify under the relevant statutory provisions.

East Midlands Waterway – No comments received at the time of writing this report.

Wigston Civic Society – The Society supports this application.

Canal and River Trust – The Trust will need to be satisfied that the detailed design and means of construction ensure that the bridge will not impose increased loads on the lock structure, or that it has been demonstrated that the lock walls have sufficient strengths to support any increased loads. It would also need to be satisfied that appropriate measures are taken to protect the culvert during construction works.

The design of the main bridge deck/parapets is considered to be acceptable, providing a simple and functional design. The overall 'heaviness' and bulk of the design comes from the substantial ramps required, particularly the longer ramp on the towpath side, and whilst we recognise that their design is a consequence of achieving DDA compliance within the constraints of the required clearance over the canal and the existing ground levels either side of the lock, nonetheless the overall impact on the setting of the lock as a notable feature within the canal conservation area must still be considered.

We note that the Applicant has suggested that it may be possible to replace the masonry piers with metal supports and we consider that this should be explored further, as this could reduce the massing of the structure and give it a less bulky and 'heavy' appearance. The treatment of the spaces under the ramps has not been detailed, and part of the impact on the character of the conservation area will come from the choice of surface under the ramps and whether or not they need to be closed off to prevent litter accumulating etc. although to minimise the bulk of the structure, it may be worth considering a simple mesh screen if these areas are not to be left fully open. We consider that these arrangements need to be considered in more detail.

The space available to run the towpath between the existing hedge and the new ramp on the western side of the lock does appear quite restricted and it looks to be only about 1.2m - 1.5m. Although the Applicant advises that the towpath surface is not to be changed, the bridge ramp will require the towpath to be diverted westwards around the ramp. A new

surface will be needed at least for this diverted section. No details have been provided however. At present the towpath is a track bordered by grass verges either side, and there is quite a slope from the hedge bottom towards the lock where the diverted towpath would sit alongside the ramp. The cross sections submitted appear to show a significant length of diverted path, with a need to cut into the slope and re-profile it to help achieve a level towpath surface. We do need to know what this surface will be and also confirmation of the minimum width that can be achieved here. The sections do seem to suggest that the towpath width will be very narrow where it passes the ramp and certainly rather less than the 1.5m width available on the bridge/ramp. Comparing the plans, the sections do also seem to suggest that there is rather more space between the ramp and the hedge than seems to be the case on other drawings-we are, therefore, keen to confirm the width of towpath that can be accommodated here.

Although the Applicant states that the existing hedgerow should not be affected by these works, this is based on the assertion that there will be minimal changes required to accommodate the towpath, despite the sections showing a re-profiled slope along this stretch which does appear to be more than minimal in places. The Applicant also acknowledges that the works will encroach into the identified Root Protection Area for the hedge, which in itself remains a concern to us.

Without more detailed information to show how these works will be undertaken, and to confirm the extent of the space available to accommodate the towpath, it is difficult for us to make a full assessment of this, but we consider that loss of the hedgerow in this location (which marks a historic field boundary) will also negatively impact on the conservation area, so we do want to be satisfied that this has been fully addressed. We would certainly want to ensure that measures to protect the hedge during works were secured, and that should there be any damage to the hedge, that it would be replaced.

We therefore still feel that greater clarity is needed over how the diversion of the towpath around the ramp will actually work and quite how much earthmoving will be needed to ensure that an appropriate level of towpath access can be achieved where it runs past the ramp and down the slope.

Representations

Neighbours have been informed and a press/site notice placed with two letters of representation (one in support) being received at the time of writing this report. The date for the receipt of comments expired on the 6 July 2018.

The reasons for objection can be summarised as follows: -

- Has there been any consideration of using Pochins Bridge instead of constructing a new bridge at great expense. I understand work is required to bring it up to public use, but this is more in keeping with the area and environment than a new steel construction that will be an eyesore, and no doubt be vandalised.

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

- We directly overlook the locks and would be delighted if a footbridge was constructed, all the other bridges are closed and there is no close access to the beautiful canal walks. We often see people attempting to walk over the locks which is dangerous. It is a shame that there is a beautiful canal walk on our doorstep which we cannot directly

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access. We originally thought we could which was one of the reasons we bought the house however it is fantastic that this is finally been acknowledged and we may soon be able to fully assess and enjoy the beautiful walk on our doorstep.

The application has been brought to Committee as it is the Council's own application.

Relevant Planning Policies

National Planning Policy Framework

Oadby & Wigston Core Strategy

Core Strategy Policy 14	:	Design and Sustainable Construction
Core Strategy Policy 15	:	Landscape and Character

Oadby and Wigston Local Plan

Landscape Proposal 1	:	Design of new development subject to criteria.
Recreation Proposal 19	:	A footbridge will be erected in the vicinity of Ervins Local to join the Grand Union towing path with the new housing adjacent to Lansdowne Grove.

Local Plan – Pre-submission Document

Policy 44	:	Landscape and Character
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Supplementary Planning Document/Other Guidance

Grand Union Canal Conservation Area (Leicestershire County Council)

Planning Considerations

The main issues to consider in the determination of this application is the impact of the proposal on the character and appearance of the Conservation Area.

The footbridge will provide a new pedestrian link between the Lansdowne Grove Estate and the towpath of the Grand Union Canal. It will also provide this link for further afield areas of South Wigston as the only other entrance to the towpath in the area is from Countesthorpe Road.

Currently pedestrians cross the lock gates to reach the towpath which can be dangerous under certain conditions and is unsuitable for users other than those physically able including wheelchairs, pushchair users, children, the infirm etc.

The proposed bridge and ramps have been designed to mimic traditional canal bridge design and will be surfaced in natural material in keeping with the character of the Conservation Area. The Canal and River Trust has raised some concerns regarding the design and whilst they consider the main bridge deck/parapets acceptable they have concerns over the overall 'heaviness' and bulk of the design which they state comes from the substantial ramps required. There are safety requirements to be observed in respect of aperture size, and this design has been developed to ensure compliance with current accessibility and safety standards whilst taking account of the canal vernacular. The applicant has indicated that an alternative, which could reduce the impact, would be to use metal supports to the bridge in lieu of masonry piers.

Revised plans showing metal supports and revised sections through the path have been submitted and whilst the Canal and River Trust are in support of the revised design the Conservation Officer has raised concerns and considers that whilst the metal supports have had the desired effect of reducing the mass of the bridge the revised appearance looks quite crude; possibly consisting of a thick, plain metal pier bolted to a projecting concrete base and considers that the previous design with the brick piers would look less out of place and provide a more visually 'stable' means of support to the bridge. For this reason it is proposed to determine the application based on the brick piers design as originally submitted which is considered to be more in keeping with the character and appearance of the surrounding area thus contributing to the enhancement of the designated conservation area.

Whilst the Conservation Officer still has some reservations regarding the impact of the proposal on the established setting of an important historic feature it is acknowledged that there will be a considerable benefit in providing a new 'safe' crossing and that this advantage would be balanced against the less than substantial harm to the designated heritage asset. It is however considered that the precise details of the proposed brickwork and metal work, including railings and handrails profile and width, and their method of construction and fixing be submitted for approval as these could have a considerable bearing on the final appearance of the new crossing.

In addition, there are a number of trees close to the site and an Arboricultural Report has been submitted with the application. All but two of the groups of trees would be unaffected by the proposal, both included in the lowest retention category (C). The root protection areas of groups 11 (6 ash stems) and 12 (3 hawthorn) are likely to be affected by construction. The report recommends the removal of the group of young ash (group 11) as these trees are close to the proposed structure and will require routine pruning in the future to maintain adequate clearance of the structure. The report suggests that as these are small young trees, their loss would not be significant. The report also recommends that the hawthorns (group 12) are pruned and managed as part of the hedgerow.

The Council's Tree Officer has considered the report and has raised no objections to the proposed works. The sections provided show some change in ground levels to accommodate the towpath and whilst this is within the RPA of the hedgerow it is not considered that this work will affect the principal root structure of the hedge.

Conclusion

Giving weight to the design of the new footbridge which acknowledges its canal side location and in considering the demonstrable public benefits arising from the proposal by way of better public access and improved usage and appreciation of this heritage asset, it would seem reasonable to grant permission for this application subject to the conditions outlined in the report.

Implications Statement

Health	No Significant implications
Environment	No Significant implications
Community Safety	No Significant implications
Human Rights	The rights of the applicant to develop his property has to be balanced against the rights of neighbours.

Equal Opportunities	No Significant implications
Risk Assessment	No Significant implications
Value for Money	No Significant implications
Equalities	No Significant implications
Legal	No Significant implications

Recommendation

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Prior to the commencement of development precise details of the proposed brick, brickwork and metal work, including railings and handrail profile and widths, together with their method of construction and fixing shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.
Reason: To safeguard the character and appearance of the Grand Union Canal Conservation Area 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 Area Supplementary Planning Document.
- 3 Prior to the commencement of development a Method Statement to demonstrate that construction operations (including earthmoving or excavation works) will not impose additional loading onto the canal lock walls or lock by pass culvert that will adversely affect stability or structural integrity has first been submitted to and agreed in writing by the Local Planning Authority. The statement shall include details of the arrangements for undertaking any monitoring regimes or mitigation measures as may be necessary to ensure that the risk of damage to the canal structures is adequately minimised.
Reason: In the interests of minimising the risk of creating land instability arising from foundation construction, earthmoving, excavations or other construction works which would adversely affect the structural integrity of the adjacent Grand Union Canal in accordance with the advice and guidance on land stability contained in paragraphs 170, 178 and 179 of the National Planning Policy Framework 2018 and in the National Planning Practice Guidance. It is necessary to agree the Method Statement before development commences in order to secure an appropriate approach to all site clearance, development and construction operations from the outset.
- 4 Prior to the commencement of development, details showing the arrangements for the protection of the culvert during construction shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details which shall be installed prior to any works commencing on site.
Reason: To ensure that adequate measures are taken to ensure the protection of the culvert as recommended by the Canal and River Trust and in accordance with aims and objectives of the National Planning Policy Framework.

- 5 Prior to the commencement of development, the tree protection measures identified in the Arboricultural Report (dated 6 April 2018), shown on Plan 3 and to the standard described in Appendix 4 shall be erected and retained in position at all times until the completion of the development and the land so enclosed shall be kept clear of all contractor's materials and machinery at all times.

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.

- 6 Notwithstanding the submitted details, prior to the commencement of development, details of the hard surfacing proposed for the paths, ramps and landing areas together with any surface water drainage arrangements shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and shall not be replaced with an alternative type without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character and appearance of the Grand Union Canal Conservation Area and to ensure that adequate drainage facilities are provided to ensure the surfaces remain free of water pools and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policies 14 and 15 and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 7 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.

Site Location Plan, Drawing No. LP03 Rev A submitted and received by the Local Planning Authority on 6 June 2018

Proposed Footbridge, Drawing No. (SK)02 Rev A submitted and received by the Local Planning Authority on 6 June 2018

Proposed Sections, Drawing No. (SK)03 submitted and received by the Local Planning Authority on 6 June 2018

Plan 2 Tree Constraints Plan, submitted and received by the Local Planning Authority on 6 June 2018

Plan 3 Tree Protection Plan, submitted and received by the Local Planning Authority on 6 June 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/developer is advised to contact the Canal and River Trust in order to ensure that any necessary consents are obtained and the works are compliant with the Trust's current "Code of Practice for Works Affecting the Canal and River Trust". Please contact Osi Ivowi, Infrastructure Services Team in the first instance on 07776472644 for further advice.
- 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 (paragraph 38) 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

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.

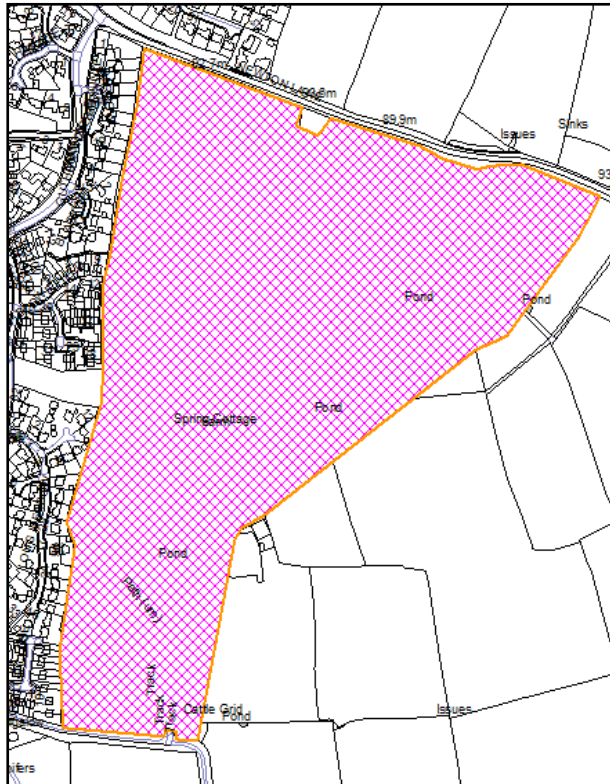
The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, 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.	18/00260/FUL	Land South Newton Lane Wigston Leicestershire
	21 June 2018	Amendments to original planning permission 18/00087/REM with amended house types, changes to layout and the provision of an additional 32 dwellings overall.
	Case Officer	Tony Boswell



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Site and Location

The application site in this case is the northern part of the "Direction for Growth" area to the east of Wigston. It is accessed via Newton Lane in its entirety and is currently under construction in its northern part where adjacent to Newton Lane. Outline planning permission was originally granted in 2016 under 13/00403/OUT (which includes an ultimate access to the south via Welford Road). That outline planning permission was the subject of an extensive S106 obligation which manages delivery of numerous matters within the development as a whole. It was also specifically about "up to 450 dwellings", whereas the current proposal is for a total of 482 dwellings on that same site.

Thus the application seeks an all new conditional planning permission for the development as a whole, to include those 482 dwellings (and all of the original aspects of the development as a whole).

Description of proposal

As now proposed, the overall layout including finished levels, roads, open spaces, allotments, public open space, drainage works etc, etc would remain precisely as previously permitted, with only minor dimensional changes to certain internal roads.

The changes would be confined to some but not all of the housing "parcels" within that broader layout.

- * The originally permitted 14 x one bedroomed dwellings would be replaced by 16 (+2)
- * The originally permitted 47 x two bedroomed dwellings would be replaced by 70 (+23)
- * The originally permitted 140 x three bedroomed dwellings would be replaced by 165 (+25)
- * The originally permitted 197 x four bedroomed dwellings would be replaced by 180 (-17)
- * The originally permitted 52 x five bedroomed dwellings would be replaced by 45 (-7)
- * A further 6 x six bedroomed dwellings would be added (+6).

A total of 301 dwellings out of the original 450 have been wholly or partly revised under this proposal. The density proposed would therefore be increased from 31.2 dwellings per hectare to 32.3 dpha (13.2 dwellings per acre) throughout the development as a whole. Assuming only that all new homes were fully occupied, the current (450 homes) total of 1576 bedrooms would be increased to 1632 bedrooms (482 homes).

While the current proposals seek to reduce the number of larger plots (24 x four and five bedroomed dwellings removed), 6 x six bedroomed dwellings have been introduced. The number of two and three bedroomed dwellings is also increased significantly. OWBC Core Strategy Policy 1 and Policy 12 of the Submitted Draft Local Plan prescribes that all new residential development sites of 0.3 ha or above should have a density of 40 dpha (or higher where viable). The development continues to observe the principles established by the "Design Code" document originally approved under the outline planning permission 13/00403/OUT.

Several new house types have been introduced across the site including:

David Wilson Homes parcels:

H403 – 2 Storey, 3 bedroomed market dwelling,

H417 – 2 Storey, 3 bedroomed market dwelling,
H421 – 2 Storey, 4 bedroomed market dwelling
P231- 2 Storey, 2 bedroomed affordable dwelling.

Barratt Homes parcels:

Kenley – 2 Storey, 2 bedroomed market dwellings
Moresby – 2 Storey, 3 bedroomed market dwelling
Windermere – 2 Storey, 4 bedroomed market dwelling
Harwich – 2 Storey, 4bedroomed market dwelling
Lamberton – 2 Storey, 5 bedroomed market dwelling
Fircroft – 2 Storey, 6 bedroomed market dwelling.

These “new” house types have a close resemblance to the range of house types permitted earlier and officers feel that those housing parcels that are now subject to change will not be distinguishable from the originals.

Also submitted simultaneously are details of the external materials for each of the proposed buildings, and the soft landscaping (planting and fencing) as proposed for the scheme as a whole. These differ only very slightly from those previously permitted.

At the time of writing this report some relatively minor changes are expected to the layout drawing, and certain others (such as the dimensions of certain of the garages). The assessment and recommendation which follow assume that those matters are satisfactorily resolved before the Committee meeting.

The statutory determination period for this application expired on the 20 September 2018 and it is intended to issue a decision as soon as practicably possible after the committee meeting and completion of a “Deed of Variation” to the original S106 obligation.

Relevant Planning History

13/00403/OUT – Mixed use development for up to 450 dwellings and 2.5 hectares of employment land etc – granted 25.02.2016.

16/00316/REM – Reserved matters relating to 450 dwellings, open space, allotments, landscaping and storm water drainage etc – granted 29.06.2017.

18/00070/NMA – Minor updated to David Wilson house types – approved 02.05.2018

18/00087/REM – Re-plan of matters previously approved under 16/00316/REM (minor changes) – 08.05.2018.

Consultations

Leicestershire County Council (Highways) – Call for a number of minor changes to the layout as proposed and unable to provide final comments until those are received. However:

“Based on the trip rates and 2011 Census Method of Travel to Work data for the Wigston Meadowcourt Ward from the Outline application the proposed 32 dwellings will generate an additional 30 (2 way) vehicle trips in the AM peak (hour) and 26 (2 way) vehicle trips in the PM peak. The LHA is satisfied that no junction capacity assessments are required and the

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additional dwellings would not have a severe impact on the highway in accordance with the NPPF (1018)".

LCC Planning – Concerned at the routing of Public Footpath Z12 within the wider development. (Note that this is not affected by the development as now proposed and its eventual alignment and treatment will be subject to control under condition 31 of the Outline Planning permission 13/00403/OUT which, as recommended below becomes condition 19 of this planning permission).

LCC Contributions – No comments received

OWBC Tree Officer – In order to assess this application, the applicant will need to supply the following information:

- An up to date Tree Survey,
- A tree retention/removal plan,
- An Arboricultural Impact Assessment,
- A Tree Protection Plan (to include hedges),
- Details for all special engineering within the root protection area (RPA) of retained trees and any other relevant construction details.

All in accordance with BS5837:2012 Trees in relation to design demolition and construction.

A detailed Arboricultural Method Statement (AMS) can be included at the application stage or required by condition.

Other items I would expect to be required for an application of this type, typically addressed by condition are:

- Arboricultural site monitoring schedule,
- Schedule of works to retained trees
- Tree and landscape management and maintenance plan.

In principle the soft landscape plan seems reasonable however it currently lacks context.

LCC Ecology – Comment they have no objections to the proposals based on the submitted details and taking account of their comments on the previously approved scheme.

LCC Archaeology – No comments received

OWBC Environmental Health – No comments received

OWBC Housing – No comments received

OWBC Operations and Street Scene – No comments received

OWBC Planning Policy – Commented as follows:

"The planning application proposal is seeking amendments to the existing planning permission (18/00087/REM) house types and layout, as well as provision of an additional 32 dwellings.

The site in which the additional 32 units are situated forms part of Phase 1 of the Wigston Direction for Growth, therefore the principle of residential development is acceptable.

The additional 32 units would require an onsite affordable housing contribution (in conformity with Core Strategy Policy 11 Affordable Housing). Due to its location within Wigston, 20 per cent of the total provision should be affordable in nature. Therefore, the Council would require the provision of 7 affordable units, at a split 80 per cent social rent and 20 per cent shared ownership.

Core Strategy Policy 17 Open Space and Facilities for Leisure, Recreation and Tourism, sets out the quantity standards for the different open space typologies that are required within the Borough. The policy seeks to ensure that the proposed quantity, quality and access standards are met in order to satisfy the leisure and recreation needs of the Borough's residents. Such provision can be provided onsite, or in lieu via an offsite financial contribution. Onsite provision will be required as per the quantity standards set out within the Core Strategy Policy. An offsite in lieu financial contribution will be sought in conformity with the Council's latest Developer Contributions Supplementary Planning Document. The current contribution per dwelling is set out below:

*1 Bed Units = £521.82 per dwelling
2 Bed Units = £1,832.96 per dwelling
3+ Bed Units = £3,144.10 per dwelling*

It should be noted that as part of the existing planning permission for the site, mitigation works were required to the Bull Head Street / Newton Lane / Welford Road / Moat Street junction. Such mitigation works were based on the provision of 450 new additional homes only. Therefore, the additional 32 residential units need to be taken account of in any mitigation works to the above named junction".

Regarding this final point about the capacity of the various nearby road junctions, note the finding of LCC Highways earlier to the effect that the additional 32 dwellings – "would not have a severe impact on the highway in accordance with the NPPF (1018)".

Wigston Civic Society – We refer to the above application and would make the following comments:

- 1 It was considered that the original application for 450 units would have had a considerable impact on the local infrastructure such as roads, traffic, schools, health services, libraries and local shops. However we now have an application for an extra 32 dwellings, which would be considered to be a fairly large development in its own right in this Borough, with no additional measures to mitigate in the foregoing areas.

Will there be adjustments to the S 106 requirements?

As a result of the change to the mix of dwellings, a reasonable assumption is that there will be an additional 100 people on the site (originally 2467 people in 450 dwellings). The original dwelling density was 31.2 d p a and with the additional 32 units the density has increased to 32.3 d p a. Originally high, and now even higher.

- 2 At paragraph 4.22 of the D and A Statement it states that 'car parking remains the same as the original approval and is considered acceptable'. However the application form indicates a reduction in parking spaces from 729 (1.62 per dwelling) to 689 (1.42

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per dwelling), how does this relate to the fact that 'parking remains the same'? Our question is who is considering an extra 32 dwellings with possible 50 to 60 additional cars with no additional (or less) parking to be acceptable. Ask residents on older local estates about parking problems around their houses, which are becoming intolerable with multi vehicles per house, and they will state that there must be on dwelling parking (or parking in car parks) to allow, proportionally, 4 cars per three bedroom house. What provision has been made for on dwelling parking in the new 6 bed houses?

- 3 It is pleasing to note that the additional number of units has resulted in a proportional increase in affordable units from 90 to 96 with the additional affordable units being allocated to the smaller bedroom houses. But it is noticeable that none of the new 6 bed units will be affordable and it is considered that this should be the case.
- 4 There is much use of the words 'efficient use of the land' and 'sustainable development' in the D & A Statement. These indicate policies such as pack as much in as possible but developers must be required to consider the quality of life their eventual buyers. Additional dwellings on the same area thereby increasing density does not indicate an improvement in the quality of life for those living on the development.

The Society strongly objects to this application.

OWBC Tree Warden – No comments received

The Environment Agency – This application is situated in Flood Zone 1, therefore the Environment Agency has no comments to make.

Natural England – NO OBJECTION, Based on the plans submitted Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Leicestershire Police – "I have no objections in principle to this application and no S106 requests in respect to this application".

Network Rail – No comments received

Western Power Generation – No comments received

Representations

229 near neighbours notified by direct mail (exactly as the previous application 16/00316/REM) with site notices posted around the local area on 26 July 2018. It was also advertised in The Leicester Mercury on 5 July 2018. The time available for responses thus expired on 16 August 2018.

At the time of writing 3 letters of objection have been received making the following points:

- * Apparent change to boundary with loss of hedge (This appears to be a boundary dispute with the adjacent developer's proposals).
- * Object to "Three Storey" development adjacent to Turville Close (will actually be two storey).
- * "I believe that a further 32 homes will considerably detract from the appearance of the development".

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- * Make provision for “wheelie” bins to stand clear of the highway.
- * Additional demand for schools, doctors, dentists etc.

Relevant Planning Policies

National Planning Policy Framework

Oadby & Wigston Core Strategy

Core Strategy Policy 1	: Spatial Strategy for Development in the Borough
Core Strategy Policy 11	: Affordable Housing
Core Strategy Policy 12	: Housing Needs of the Community
Core Strategy Policy 14	: Design and Sustainable Construction
Core Strategy Policy 15	: Landscape and Character.

Oadby and Wigston saved Local Plan

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

Residential Development Supplementary Planning Document

Planning Considerations

The development as now proposed includes all “structural” aspects of the original scheme, including drainage works, public open space, playing fields, allotments and the fundamental road layout all remain unchanged. The “changes” which comprise this new planning application are all confined to defined “parcels” in which the latter parts of the housing development are intended to be delivered. (This will be better understood upon viewing of the proposed layout).

Also included are:

- * The various proposed house types listed earlier and proposed garages, fencing and walling details etc,
- * Details of the proposed external materials to be used on each of those new homes.
- * Details of the proposed minor highways serving each of those housing parcels,
- * Details of proposed soft landscaping and planting,
- * Details of the proposed engineering works throughout (as originally approved).

Each of these submitted details are effectively equivalent to those details for the original scheme of 450 homes, as permitted under 16/00316/REM and subsequent amendments thereto.

Given that planning permission already exists for the development of 450 homes, in large measure this will consist of a “before” and “after” comparison. However, note that the proposed net additional effects of the proposed additional 32 homes are very minor (see for example the findings of LCC Highways reported earlier). That same finding would also apply to the provision of other local services which may be of concern to local residents. Pre-application discussions with the developer regarding later phases of the “DfG” development to the south have included provision for new local school, healthcare facilities etc.

Almost all of the development as now proposed would be internal to the wider development. Hence there would be no discernible “neighbourly” impacts upon the existing community –

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except perhaps where an altogether new house type would arise where that development lies adjacent to existing homes in Turville Close, Long Meadow and Mablowe Field.

Although these proposals are overlain over the existing planning permission with its fundamental layout and infrastructure unchanged, this planning application seeks an all new planning permission in its own right. It is therefore necessary to repeat many of the safeguarding planning conditions that were included in the original outline planning permission 13/00403/OUT – as recommended below. Furthermore, that original outline planning permission was the subject of an extensive S106 obligation. That S106 obligation will require a “Deed of Variation” to carry forward its provisions in managing delivery of the various matters in a manner which reflects the specifics of the all new full planning permission sought.

Conclusion

This proposal is broadly beneficial as part of the wider development comprising a revised total of 482 dwellings in meeting local housing needs. It is consistent with the original “Design Guide” document approved under the outline planning permission 13/00403/OUT. The development as a whole is otherwise acceptable in terms of the National and Local policies listed. In particular its proposed mix of housing would better meet local housing needs, including the provision of affordable housing.

The original outline planning permission included a total of 33 planning conditions, most of which have already been satisfied in relation to the original scheme for 450 homes, while others are contingent upon later stages of that original development. The conditions recommended below are configured to maintain similar controls over those parts of the wider development which are the subject of this revised development.

The proposal is therefore recommended for approval subject to conditions and a variation to the Section 106 legal agreement associated with the original permission to take account of the additional elements.

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

Subject to the completion of a suitable Deed of Variation to the existing S106 Obligation dated the 19 February 2016 and for the reasons set out in the above report, **PERMIT** subject to the following conditions:

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NOTE that many of the conditions recommended below are carried forward or re-drafted from those contained within the original outline planning permission 13/00403/OUT. They may already have been discharged or satisfied but their inclusion here reflects the fact that this is to become an all new planning permission in its own right.

- 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 commencement of the development a contaminated land assessment and associated remedial strategy shall be submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. The completed scheme shall include all of the following measures unless otherwise agreed with the LPA:
 - i) The planned implementation of all recommendations as set out in sections 3, 5 and 7 of the GRM Report Phase I Site Appraisal (Desk Study) reference GRM/P5235/DS.1 dated July 2010
 - ii) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, which shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - iii) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA as required prior to any remediation commencing on site. The remediation works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.**Reason:** In order to safeguard human health and the environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environmental Health Manager and in accordance with the aims and objectives of the National Planning Policy Framework.
- 3 If during the course of development, contamination not previously anticipated or previously identified is found to be present on the site, then no further development (unless otherwise first agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.
Reason: In order to safeguard human health and the environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environmental Health Manager and in accordance with the aims and objectives of aims and objectives of the National Planning Policy Framework.
- 4 Upon completion of the remediation works a verification report shall be submitted to and approved by the Local Planning Authority. The verification report shall include details of the proposed remediation works and quality assurance certificates (where applicable) to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report

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together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environmental Health Manager and in accordance with the aims and objectives of aims and objectives of the National Planning Policy Framework.

- 5 Existing vegetation and hedgerows with the potential to accommodate birds shall only be managed or removed outside the bird breeding season (March to August), unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In accordance with Core Strategy Policy 14 and National Planning Policy Framework.

- 6 Prior to or concurrent with the first home as hereby permitted as part of the wider development, a Biodiversity Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall address the ongoing management and maintenance of all created and retained wildlife habitats, hedgerows and landscape buffer zones, wetlands, wildflower grasslands and Local Wildlife Sites.

Reason: In accordance with Core Strategy Policy 14 and National Planning Policy Framework.

- 7 No development shall take until a revised Great Crested Newt survey (with an associated mitigation strategy) has been submitted to and approved in writing by the Local Planning Authority. The submitted survey shall not be more than 2 years old at the time of the commencement of site works and shall either provide measures to prevent access to the site by Great Crested Newts or new surveys shall be provided prior to the commencement of works to each parcel of the development. The approved mitigation measures shall be implemented in full.

Reason: In accordance with Core Strategy Policy 14 and National Planning Policy Framework paragraph 109.

- 8 No development shall take until a revised Badger survey (with an associated mitigation strategy) has been submitted to and approved in writing by the Local Planning Authority. The submitted survey shall not be more than 2 years old at the time of the commencement of site works and shall either provide measures to prevent access to the site by Great Crested Newts or new surveys shall be provided prior to the commencement of works to each parcel of the development . The approved mitigation measures shall be implemented in full.

Reason: In accordance with Core Strategy Policy 14 and National Planning Policy Framework.

- 9 Prior to submission of the first application for approval under any of the conditions herein a programme of archaeological trial trenching shall be undertaken in accordance with a detailed Written Scheme of Investigation, to be submitted to and approved by the local planning authority in writing in advance of commencement. The scheme shall include an assessment of significance and research questions; and:

- i) The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
- ii) The programme for post-investigation assessment

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- iii) Provision to be made for analysis of the site investigation and recording
- iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- v) Provision to be made for archive deposition of the analysis and records of the site investigation
- vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. A report of the results of the archaeological trial trenching shall be produced and, if the results indicate a need for subsequent archaeological mitigation work, a further Written Scheme of Investigation detailing the proposed mitigation scheme shall be submitted to the local planning authority for approval. No development shall commence until the final archaeological mitigation scheme has been approved and implemented.

Reason: To ensure satisfactory archaeological assessment of the development area to inform the need for and scope of any necessary archaeological mitigation, and in accordance with Core Strategy Policy 15 and National Planning Policy Framework.

- 10 Unless otherwise first agreed in writing by the Local Planning Authority the development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 3 September 2013, reference Rev C, compiled by EWE Associates and the following mitigation measures detailed within the FRA:

- (1) There shall be no development located within areas shown to be at flood risk as identified on Drawing No. EWE/831/01 Rev. A: Feasibility - Modelled Flood Envelopes.
 - (2) Provision of a 9 metre easement from the top of bank of any watercourse.
 - (3) Finished floor levels are elevated at least 200mm above the adjacent external ground levels.
 - (4) Provision of safe access and egress routes for all parts of the site.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants, to provide an accessible easement for future maintenance of the watercourses, to mitigate against any localised flooding resulting from surface water runoff, and to ensure future residents are steered to the safe route outside of areas susceptible to flooding in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 9.

- 11 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To ensure that there is not a severe impact on their ecological value of the site. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 9.

- 12 Prior to the commencement of each phase of development as confirmed in the phasing plan agreed under condition 4 of the earlier outline planning permission 13/00403/OUT,

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the ponds within that phase shall have been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: This condition is necessary to ensure that the proposed ponds are developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. The National Planning Policy Framework also states that opportunities to incorporate biodiversity in and around developments should be encouraged

- 13 Prior to the first occupation of any of the residential development as hereby permitted full details of the improvements to the Newton Lane/Moat Street traffic signal controlled junction (which shall be in general accordance with Drawing 209711/WTd/SA/06/005 rev B) shall be submitted for approval by the Local Planning Authority and the approved details shall be implemented in full prior to the first occupation of any residential dwelling as hereby permitted.

Reason: To ensure that the impact of the development on the highway network is mitigated and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

- 14 Prior to the first occupation of any of the residential development as hereby permitted full details of the improvements to the Wakes road roundabout (which shall be in general accordance with Drawing 209711/WTd/SA/06/006) shall be submitted for approval by the Local Planning Authority and the approved details shall be implemented in full prior to the first occupation of any residential dwelling.

Reason: To ensure that the impact of the development on the highway network is mitigated and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

- 15 Prior to the first occupation of any of the residential development as hereby permitted full details of the shared pedestrian/cycleway and traffic calming measures on Newton Lane (which shall be in general accordance with Drawing 209711/WTd/SA/06/008 rev C) shall be submitted for approval by the Local Planning Authority and the approved details shall be implemented in full prior to the occupation of the 50th residential dwelling within the wider development as a whole.

Reason: To ensure that there is safe access to the site for non-vehicle users and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

- 16 Prior to the first occupation of any of the residential development as hereby permitted full details of the proposed improvements at the Moat Street/Bushloe End/Long Street junction (which shall be in general accordance with Drawing 209711/WTd/SA/06/013) shall be submitted for approval by the Local Planning Authority and the approved details shall be implemented in full prior to the occupation of the 150th residential dwelling within the wider development as a whole.

Reason: To ensure that the impact of the development on the highway network is mitigated and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

- 17 Prior to the first occupation of any of the residential development as hereby permitted full details of the proposed improvements at the Station Road/Pullman Road junction (which shall be in general accordance with Drawing 209711/WTd/SA/06/001 rev A) shall be submitted for approval by the Local Planning Authority and the approved details

shall be implemented in full prior to the occupation of the 114th residential dwelling within the wider development as a whole.

Reason: To ensure that the impact of the development on the highway network is mitigated and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

- 18 The internal road layout to the site shall provide bus access from Newton Lane to the southern boundary of the site to allow future provision of bus services to the wider area.

Reason: To ensure buses can access the site safely and the single point of access is adequately designed to have a reasonable likelihood of remaining open to traffic in the event of works on the highway and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

- 19 Prior to the first occupation of any of the residential development full details of a shared cycleway/footway from Foston Gate to the application site (and linking in with the road/cycleway/footway within the application site) shall be submitted for approval by the Local Planning Authority and the approved details shall be implemented in full prior to the occupation of the 114th residential dwelling.

Reason: To provide a high quality walking route along the shortest walking distance to existing bus stops from the new development and to encourage sustainable means of transport in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

- 20 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including construction traffic routing, wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. 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 to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area in accordance with the aims and objectives of Core Strategy Policy 4.

- 21 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.

(Documents list to follow following receipt of additional or amended drawings).

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 This decision is also conditional upon the terms of the planning agreement which has been entered into by the developer and the Council under Section 106 of the Town and Country Planning Act 1990 (as amended). The Agreement runs with the land and not to any particular person having an interest therein.

- 2 Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. Therefore, should birds or bats be present, works should be deferred until the late summer/autumn.
- 3 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 4 The applicant is advised that no demolition works or associated works or operations should take place on the site except between the hours of 8.00am and 6.00pm Monday to Friday, 9.00am to 2.00pm on Saturday and at no time on Sundays or Bank Holidays.

5 Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

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

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

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

Purchase Notices

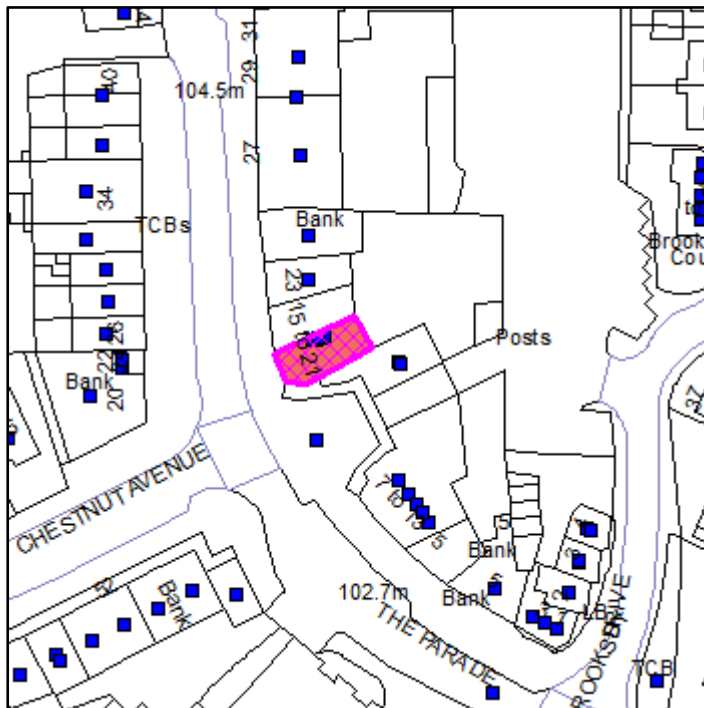
If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in

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the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

c.	18/00405/COU	17 - 19 The Parade Oadby Leicestershire LE2 5BB
	6 September 2018	Change of use from shop (A1) to laundrette (Sui-generis) and use of first floor for service washes.
	Case Officer	Tony Boswell



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Site and Location

The application site is both the ground and first floors of the former Tippetts flower shop on the east side of The Parade in central Oadby. Being adjacent to The Square on its south side the premises has in practice two glazed frontages. One to The Parade, and one to The Square. There is a ground floor rear entrance to the adjacent service yard, which has two car spaces allocated to its use.

Description of proposal

The application for a change of use in the premises is essentially in two parts:

- a. The ground floor of the former shop would be converted to serve as a launderette serving the public on a "self-service" basis, or assisted by staff. This would enable customers to leave the premises for local shopping or other purposes for the 60 – 90 minutes that would otherwise be taken up by waiting for their wash to be completed. It is intended that this ground floor use would be open from 07:00 until 21:00 on a seven day week basis.
- b. The first floor would be accessed from the rearward service yard (with two car spaces) and would be used to provide service washes for those persons or businesses who do not attend the premises. From conversations with the applicant it is intended that this would operate on a Monday to Saturday basis between the hours of 08:00 and 18:00.

No changes have been proposed to the frontage appearance, although two ventilation cowls would emerge from the rear main wall and rise to roof level above. (See conditions recommended re ventilation equipment).

The applicants (Clarendon Laundry) have submitted the following explanation of their proposals:

"The premises will be partitioned in to two sections

1. Self-Service launderette

On the ground floor there will be coin operated washing machines and tumble dryers, where customers can wash and dry household linen. Staff will be available to help customers operate these machines and will be able to give change and soap powder.

2. Laundry Services

There will also be a counter on the ground floor where customers can drop off their items of linen and request for Clarendon Laundry to launder their items. These services will be carried out on the first floor. Services that will be available are:

- * Bulk service wash (wash dry fold)*
- * Service wash with ironing*
- * Iron Only*
- * Wet cleaning (eco-friendly alternative to dry cleaning)*
- * Alteration and repair services*
- * Collection and delivery service.*

Situated on the first floor will be steam tables, finishing machinery, wet cleaning machinery, washers and dryers to perform and accommodate the laundry services. On the first floor

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finishing and packaging will take place as well as an office and staff area. All collection and delivery items will enter and leave through the rear premises car park. There are two parking bays to accommodate this service.

The statutory determination period for this application expires on the 1 November 2018, and it is intended to issue a decision as soon as practicably possible after the Committee meeting.

Relevant Planning History

18/00192/COU – similar proposal – refused planning permission on 1 August 2018 for the following reason:

"The proposed use as a launderette is not a use within Use Class A1 as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended) and thereby comprises a material change of use from the former flower shop which did occupy the premises at 17-19 The Parade, Oadby. Given the very prominent location of the proposed ground floor launderette, that proposed use would have a harmful effect upon the retail vitality and viability of the defined primary frontage of The Parade as a whole. Furthermore, the Local Planning Authority are unclear how the proposed commercial laundry at first floor level could be serviced other than via the ground floor frontage to the street, thus disrupting the free flow of pedestrian and vehicular traffic in proximity and thus aggravating that same threat to retail vitality and viability. Finally, there is an outstanding but as yet un-executed planning permission for the construction of new homes immediately above that proposed first floor laundry. That future residential development would be hampered by noise and disturbance from the proposed commercial laundry beneath. The proposed change of use would thereby be contrary to Policy 2 of the Oadby and Wigston Core Strategy and Policy 3 - "Primary Frontages" of the Oadby and Wigston Town Centres Action Plan".

Consultations

Leicestershire County Council (Highways) – "There would appear to be no material impact on the Public Highway and therefore the Local Highway Authority has no comments to make".

OWBC Town Centre Manager – Replied as follows:

"I understand that the above named premises has applied for change of use from A1 to Sui Generis, to allow a launderette to operate in this unit.

As the Town Centre Manager for Oadby I would support this application due to the potential regenerative benefits of this unit being filled by a launderette.

The unit in question has been empty for around a year and forms part of a gateway into the town centre. With the unit being vacant, this has had a detrimental look to the area in question. Having this unit occupied will enhance the look and feel of the area.

With the potential use being changed to a launderette, this use is likely to increase the footfall in this area of town. Thus benefitting other businesses in the direct vicinity, as people will see the other businesses when they visit the launderette and are then likely to visit these businesses. I therefore think that a launderette in this location would bring a regenerative benefit to this part of town and fully support this application."

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Lead Local Flood Authority (LCC) – were consulted about alleged local drainage and sewerage issues when considering the previous application 18/00192/COU.

Severn Trent Water Ltd - were consulted about alleged local water supply issues when considering the previous application 18/00192/COU.

Oadby Civic Society – Object as follows:

"The Society objects to this application on the following grounds, reiterating the objections raised to the previous application.

The proposed change of use from a shop to a launderette is unacceptable as it is considered to be an inappropriate business for an important and central location in the middle of the Town Centre. The proposed opening times of 07:00 – 21:00 seven days a week are also totally unacceptable, particularly on a Sunday when other outlets are not able to trade until later in the day.

The supporting documentation states that this change of use would help to regenerate the Town Centre, Oadby requires more retail outlets in order to regenerate the Centre not service operations of this type, there are not enough retail units to encourage shoppers to visit Oadby and to approve this application will not improve that situation.

We request that this objection be taken into consideration when this application is determined"

OWBC Environmental Health – As with the previous application 18/00192/COU, suggest conditions regarding sound deadening and ventilation equipment.

OWBC Forward Plans – Replied as follows:

Town Centres Area Action Plan Policy 3 – Primary Frontages states that:

'At the ground floor level of primary frontages as identified on the proposals map, planning permission will be granted for non-A1 uses, provided that more than 70% of units within all such frontages in Wigston (90% of units on Bell Street) and 65% in Oadby remain in A1 retail use, and no more than three consecutive units are in non-A1 use on the identified frontages. Proposals that do not conform to these requirements will not be permitted unless significant regenerative benefits can be demonstrated.'

Town Centres Area Action Plan Policy 9 - Use of Upper Floors and the Submission Draft Local Plan Policy states that:

'Proposals for the change of use of floorspace above ground floor level to residential, office and other appropriate services or community uses, which contribute to the centre's vitality and viability, will be considered favourably.'

The ground floor of No. 17-19 The Parade is currently permitted for retail (use class A1). The applicant and the Council's Town Centre Manager have provided evidence to suggest that the proposed change of use of the unit to a Launderette demonstrates significant regenerative benefits for The Parade, Oadby. The Case Officer must be satisfied that the proposed change of use of the first floor to use class Sui Generis would not have a

detrimental impact upon the vitality and viability of Oadby District Centre or upon neighbouring first floor uses.

The Case Officer should be satisfied that access and parking arrangements for deliveries of service washes will not have a detrimental impact on neighbouring retailers. The Case Officer should also be satisfied that the proposed opening hours are acceptable and should planning permission be granted, the permission should be specifically linked to a launderette, rather than to use class Sui Generis in general.

Representations

Fifteen near neighbours have been notified by direct mail and a site notice posted, all of which expired on the 8 October 2018.

At the time of writing a total of nine letters have been received, three objecting and six in support.

A representative reason for objection reads: (Other objectors make similar points).

"...I think that this premises is not suitable for a launderette, and certainly not for service washes. To me it would appear suitable to be located on an industrial complex. It would certainly detract from what is now a very pleasant shopping area".

The following two extracts are representative of the comments contained within the six letters of support:

"I strongly support this application and politely request that the Council, community surrounding and those who make use of The Parade consider the application for its many merits. I became a commercial customer of Clarendon Laundry having done comprehensive research into laundry service companies in and around Leicester. I chose Clarendon Laundry for their professionalism and helpfulness when I made our initial enquiry. I have now been a customer for two years and in that time they have maintained extremely high standards in all aspects and have become an essential support to my business. Over the last two years I have witnessed the loyalty of other customers and the positive contribution the owner and staff have made to surrounding community. I strongly support the expansion of Clarendon Laundry into The Parade as a thriving small business who take pride and are successful in what they do. This will create employment, fill an empty retail space and bring business diversity to the Parade. I have no doubt that should permission be granted that Clarendon Laundry will become bedrock in securing the future of the Parade and will act as a catalyst to bring further trade to other retailers. The opportunity to bring a high quality independent business to the Parade and support its growth is not an opportunity to be wasted".

And:

"A valuable service in the Oadby community run by professional, friendly people. This location would help me as I'm frequently shopping in this area and can now organise my ironing/washing there too. I hope this can go ahead".

In addition, a letter has been submitted via Councillor Carter from the adjacent 15 The Parade "Chestnuts Coffee Shop", which has been submitted with 333 signatures who have signed their names to the following text:

"This is a letter of OBJECTION regarding planning application number 18/00405/COU change of use from shop A1 to Launderette Sui-Generis and use of first floor for service washes.

We are strongly against the change of use for the following reasons:

- * Out of character for The Parade and surrounding businesses.*
- * Environmental issues regarding noise, pollution and disturbance due to long opening hours 7 days a week.*
- * Size of development with regards the amount of machinery and the accelerated noise levels and pollution from that amount of washing machines and dryers.*
- * Drainage not able to sustain substantial increase in waste water.*
- * The Parade needs retail shops not a commercial launderette therefore building must stay as A1 retail.*
- * Visually the building will not enhance area with ugly washing machines along the front window of premises".*

Councillor David Carter has also made representations on the application as follows:

"Further to our conversation at the end of last week, may I request that the above application is brought before the Development Control Committee for consideration.

- * The justification for the proposal appears to be that it will:*
- * enhance the look and feel of the area.*
- * increase the footfall in this area of the town and, therefore, benefit other businesses in the direct vicinity.*

From representations made to me as ward councillor for the area together with my own observations, I believe that there is an alternative narrative / view that this development will have a negative impact on the area, namely:

- * the industrial nature of the commercial laundry is inappropriate for the area*
- * that customers who use the laundrette will exacerbate the parking problems experienced in the immediate vicinity*

I, therefore, request that elected members are given the opportunity to consider the pros and cons of this application and to make a decision about its potential impact".

Relevant Planning Policies

National Planning Policy Framework

Paragraphs 85 to 90 in particular.

Oadby & Wigston Core Strategy

Core Strategy Policy CS2 - Development in the Centres of Oadby, Wigston and South Wigston.

Development Plan Document/Other Guidance

OWBC Town Centres Area Action Plan DPD (2013).

Development Control Committee Meeting
25 October 2018

Planning Considerations

This proposal is essentially in two parts, although the subject of this single planning proposal which would replace the former Tippet's flower shop.

The first element is the use of the ground floor as a normal "walk in" launderette. As proposed this would have hours of 07:00 until 22:00. Although visually very similar to a retail shop within Use class A1, a launderette would be sui-generis – thus creating a material change of use requiring planning permission. Note that this application does not include any proposals to change the shop front of the former flower shop, although normal fascia and similar signs are to be expected.

The second element is in the use of the rather larger first floor as a commercial laundry to provide service washes and similar services. This would be accessed via the ground floor rear service yard with its two car spaces, although it can also be accessed via an internal stair from the rear of the ground floor launderette. As discussed with the applicant's agent this would operate under normal working hours - 08:00 to 18:00 were verbally agreed.

Core Strategy Policy 2 includes – *"... All new buildings and public spaces within town and district centres should be of high design quality, promote vitality and maximise economic potential. Any development proposals that would compromise the viability of town, district and local centres will not be permitted"*

Policy SH5 of the saved Oadby and Wigston Local Plan (1999/2007) states – *"Within the primary and secondary shopping areas planning permission for non-retail use will be refused where it would result in three or more adjoining units being put to such use"*.

Town Centres Area Action Plan Policy 3 – Primary Frontages states that:

'At the ground floor level of primary frontages as identified on the proposals map, planning permission will be granted for non-A1 uses, provided that more than 70% of units within all such frontages in Wigston (90% of units on Bell Street) and 65% in Oadby remain in A1 retail use, and no more than three consecutive units are in non-A1 use on the identified frontages. Proposals that do not conform to these requirements will not be permitted unless significant regenerative benefits can be demonstrated.'

The observations of the Town Centre Manager reported earlier should be noted regarding the anticipated regenerative benefits of the proposal. In light of the applicant's explanation of their proposals cited earlier, it is clear that the use of both floors of the building would operate in synergy.

Town Centres Area Action Plan Policy 9 - Use of Upper Floors and the Submission Draft Local Plan Policy states that:

'Proposals for the change of use of floorspace above ground floor level to residential, office and other appropriate services or community uses, which contribute to the centre's vitality and viability, will be considered favourably.'

In view of the focus upon retail vitality and viability in the above planning policies it should be noted that the present ground floor has two glazed frontages, one to the Parade and also to the prominent adjacent square on its south side. In the view of officers, the sight of

washing machines, dryers and waiting customers through that frontage would not be objectionable – any more than say a café, furniture shop or a food store obliterated with advertising material.

Conclusion

Currently Clarendon Launderette operate at Clarendon Park Road, Leicester (as one of six local shops within a largely residential area) and have customers who come from around Leicester. As discussed with officers, over the last few years they have noticed that they have a lot of customers who come from Oadby/Kibworth and surrounding areas. Those customers generally come in 1 -2 times a week to drop of their laundry and then to collect later in that week. Thus they regard the Laundry as a destination in its own right. This puts officers in mind of the Mary Portas Review which was commissioned by Government in 2011. She summarised:

"It is these social and cultural experiences which will provide critical reasons to go into town as opposed to driving to the shopping centre. For this reason I think we need a more sophisticated understanding of what a good deal for consumers is, looking beyond simply price based considerations to include community wellbeing and long term sustainability.

My goal is to breathe economic and community life back into our high streets and town centres. I want to see our high streets bustling with people, services and jobs. They should be vibrant places that people chose to visit. They should be destinations. Anything less is a wasted opportunity.

The proposed laundry is clearly such a "destination" in its own right and would promote net additional visits to Oadby Town Centre as a whole. Subject only to compliance with the safeguarding conditions recommended below, Grant conditional planning permission.

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 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and all subsequent amendments thereof, this planning permission shall only permit the use of the ground floor of the premises as a self-service launderette for use by visiting members of the public and the receipt of service washes, along with the first floor of the premises for the processing and dispatch of service washes with ancillary staff and office accommodation. No other use of the premises shall take place without the prior written approval of the Local Planning Authority following the submission of a planning application for that purpose.

Reason: To safeguard the retail vitality and viability of this part of the Oadby Town Centre and in accordance with the objectives of Policy SH5 of the saved Oadby and Wigston Local Plan (1999/2007) and OWBC Town Centres Area Action Plan policies 3 and 9.

- 3 The rear service yard shown to be part of the premises shall be kept in a clean and tidy condition along with the two off-street parking spaces that are allocated for the use of the premises. Those two parking spaces shall be reserved for use either by employees or vehicle(s) used in the collection or delivery of service washes from the premises.

Reason: To safeguard the retail vitality and viability of this part of the Oadby Town Centre and in accordance with the objectives of OWBC Core Strategy policy 2.

- 4 The ground floor self-service launderette shall only be open to the public between the hours of 07:00 and 21:00. The first floor for use for the processing and dispatch of service washes shall only operate on a Mondays to Saturdays basis between the hours of 07:00 and 18:00 with Sundays and Bank Holidays excluded.

Reason: To safeguard the retail vitality and viability of this part of the Oadby Town Centre and in accordance with the objectives of OWBC Core Strategy policy 2.

- 5 The rear vents shown on submitted drawings to vent tumble dryers on the ground and first floors shall be installed prior to operation of any of those dryers and shall be coloured and then maintained in a black external colour. Each of those vents shall be fitted internally and then maintained over time with carbon filters configured to prevent the emission of deleterious smells into the wider environment above or around the premises.

Reason: In the interests of visual and noise amenity to protect the visual appearance of the area and to protect neighbouring/surrounding amenity.

- 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.

Streetwise Maps Location Plan (including rear car park); Girbau UK's drawings entitled "Dimensions and allocation of the equipment", and "Ducting layouts", all as submitted with the application.

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. 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

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.** 18/00258/FUL
- b.** 18/00260/FUL
- c.** 18/00405/COU