



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

Yours faithfully

Council Offices
Wigston
14 November 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	To Follow
	To read, confirm and sign the minutes of the previous meeting in accordance with Rule 17 of Part 4 of the Constitution.	
4.	Petitions and Deputations	
	To receive any Petitions and, or, Deputations in accordance with Rule 24 of Part 4 of the Constitution.	
5.	Ash Dieback in the Borough: Strategy and Action Plan	1 - 14
	Report of the Arboricultural Officer	
6.	Report of the Planning Control Team Leader	15 - 46



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. 18/00260/FUL - Land South, Newton Lane, Wigston, Leicestershire**
- b) Application No. 18/00432/FUL - 9 Hill Way, Oadby, Leicestershire, LE2 5YG**
- c) Application No. 18/00433/FUL - 20 Burgess Street, Wigston, Leicestershire, LE18 1PF**

For more information, please contact:

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

t: (0116) 288 8961
e: planning@oadby-wigston.gov.uk



Development Control Committee	Thursday, 22 November 2018	Matter for Information
--	---------------------------------------	-----------------------------------

Report Title: **Ash Dieback in the Borough: Strategy and Action Plan**

Report Author(s): **Michael Bennetto (Arboricultural Officer)**

Purpose of Report:	This report is to inform Members about the tree disease 'Ash Dieback' and how it will be addressed within the Borough.
Report Summary:	As a Borough of the wider Leicestershire County, the Council would look to follow the Leicestershire County Council Ash Dieback Action Plan in addition to other guidance from the Forestry Commission, the Department for Environment, Food, and Rural Affairs (DEFRA), The Tree Council and other technical guidance notes as applicable.
Recommendation(s):	That Members note the contents of the report and appendix.
Responsible Strategic Director, Head of Service and Officer Contact(s):	<p>Stephen Hinds (Director of Finance & Transformation) (0116) 257 2606 stephen.hinds@oadby-wigston.gov.uk</p> <p>Adrian Thorpe (Head of Planning, Development and Regeneration) (0116) 257 2645 adrian.thorpe@oadby-wigston.gov.uk</p> <p>Michael Bennetto (Arboricultural Officer) (0116) 257 2697 michael.bennetto@oadby-wigston.gov.uk</p>
Corporate Priorities:	Effective Service Provision (CP2) Green & Safe Places (CP4)
Vision and Values:	Accountability (V1)
Report Implications:-	
Legal:	The Council as a tree owner has a direct responsibility to ensure that its trees do not pose a danger to the public or property and are managed appropriately.
Financial:	The costs within Leicestershire County Council's Action Plan are for the whole County. As it is currently unknown how many trees fall under the ownership of this Authority, the financial impact has not yet been calculated. Once this calculation has been completed provision will be made within the Council's budget as necessary.
Corporate Risk Management:	Decreasing Financial Resources (CR1) Reputation Damage (CR4) Failure to Respond to a Significant Incident (CR7)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.

Human Rights:	There are no implications arising from this report.
Health and Safety:	There may be health and safety implications as a result of Ash Dieback.
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:	New Guidance on Managing Ash in Woodland in Light of Ash Dieback (October 2018)
Appendices:	1. Ash Dieback Action Plan, Leicestershire County Council

1. Introduction

- 1.1 Ash dieback, sometimes known as 'Chalara', affects ash and other *Fraxinus* species of tree. It is caused by the fungal pathogen *Hymenoscyphus fraxineus*.
- 1.2 The fungus arrived from Asia into Europe during the 1990's and has spread rapidly. While the first official record in Britain was only as recently as 2012, anecdotal evidence suggests its arrival here over a decade earlier.
- 1.3 This invasive fungus causes a range of symptoms from leaf and branch dieback to death of *Fraxinus excelsior* (Ash) trees and other *Fraxinus* species. Once infected, a high proportion of trees will die. A few ash trees may survive the infection because of genetic factors which give them tolerance of, or resistance to, the disease but the percentage of the UK's ash trees that are likely to be resistant to the fungus is unknown (as at the middle of 2018). Evidence from mainland Europe suggested that only 10% of trees were found to be moderately resistant to the disease, with 1-2% having high levels of resistance.
- 1.4 Other *Fraxinus* species which are not affected by ash dieback are susceptible to a pest called the Emerald Ash Borer, which is currently progressing through Russia towards Europe. It is also in the United States where it has killed hundreds of millions of ash trees since 1990.
- 1.5 All trees in the Borough are situated on land which is affected by human activities. These activities often encroach onto the living environment of trees and therefore some form of management is required during their life span.

2. Information

- 2.1 As a Borough of Leicestershire County, the Council would look to follow the Leicestershire County Council Ash Dieback Action Plan as applicable (**Appendix 1**) as well as guidance from Forestry Commission (FC), DEFRA, The Tree Council and other technical guidance notes as may be applicable. The FC has recently published updated guidance for managing Ash in woodlands, separate advice will shortly be produced on management of non-woodland ash, particularly those adjacent to roads and rights-of-way, providing a suite of guidance for managers and regulators of trees. It should be noted that the Leicestershire County Council Ash Dieback Action Plan covers the whole County and therefore the costs

contained within that document relate to the whole County. The actual cost to the Borough Council will be determined by the outcomes of the work described below.

- 2.2 With regard to the surveying of trees for ash dieback, the first stage is to establish the land for which the Council is responsible. Legal Services has compiled an exhaustive index of sites that are within OWBC ownership and/or responsibility. This now needs to be mapped and digitised so that it can be added onto the tree survey software, this is something IT services can do however it is of course resource dependant.
- 2.3 Sites can then be zoned according to usage and footfall in order to triage the survey roster, with significant size/age trees to be surveyed as a priority and each subsequent visit adding more detail. For example, it is not necessary to plot and survey a young tree in good condition or even in poor condition if the potential for damage and target occupancy is sufficiently low.
- 2.4 Opposed to the targeted surveying of ash trees, it would be more expedient to survey all trees within the Council's ownership; as well as structural weaknesses there are many other pests, diseases and disorders that affect a whole host of species, many of which pose greater risk to persons and property than Ash dieback. Resources need to be used efficiently, addressing risks to health and safety as a priority. As a fungus that acts through dysfunction (i.e. dieback) the symptoms of ash dieback are quite pronounced unlike many subtle decay fungi such as those that affect the principle root structure without any apparent visual indicators of ill health.
- 2.5 There is growing evidence that once trees are infected by *H. fraxineus*, and the disease has progressed sufficiently, the trees become susceptible to colonisation by secondary pathogens such as *Armillaria spp.* (honey fungus). These secondary pathogens can result in butt or root rot, destabilisation of the tree making them prone to falling, and may ultimately be the final cause of tree decline and death.
- 2.6 With regard to trees affected now, guidance is to judge each case on their merits taking into account health and safety and environmental benefits. By retaining as many ash as practicable, it is hopeful that resistant stock can be found. Even where conservation is a key objective the potential risk to people from dead and dying trees must always be assessed and appropriate action taken.

Ash Dieback Action Plan

July 2018

Table of Contents

1. Summary.....	3
2. About Ash Dieback.....	4
3. Ash in Leicestershire	6
4. Ash Dieback in Leicestershire	7
5. Potential Financial Impacts of Ash Dieback	9
6. Action Plan	10
7. Risks and Issues	14
8. Governance.....	18
9. Dependencies	18
10. Links to Other Strategies and Policies	18
Appendix 1: Ash Dieback – Indicative Cost Estimates.....	20

1. Summary

- 1.1. In line with the best practice approach advocated by Defra and the Tree Council, Leicestershire County Council have developed this action plan to outline how we plan to manage the anticipated risks and issues associated with the spread of ash dieback across the county.
- 1.2. This action plan has been prepared to help ensure that the necessary work streams are put in place to ensure that the county is ready and adequately resourced both to respond to the effects of the disease and to minimise long term adverse impacts through promoting resilience. During the next 5 to 15 years the disease is likely to become prevalent across the county and we should use this time wisely.
- 1.3. Based on experience from other northern European countries, it is prudent to assume that ash dieback may result in the loss of between 75% and 90% of ash trees in Leicestershire. However, the levels of decline and mortality that will result are matters of considerable uncertainty.
- 1.4. The Tree Management Strategy (approved by Cabinet on 8 March 2011) identifies a standard for the management of the tree resource under the stewardship of the County Council. The Strategy has been evaluated and is considered to be fit for purpose for the management of ash dieback and will therefore be used as the basis of the approach.
- 1.5. In line with the Tree Management Strategy, the County Council will take a risk based approach to the management of ash dieback. The emphasis will be on maintaining the highest levels of health and safety for the public while aiming to minimise the impacts on landscape, ecology and the environment. High risk areas are considered to be highways, schools, country parks, and other areas where the public has access.
- 1.6. At present, the disease appears to only be prevalent in immature ash stock in Leicestershire which presents a low risk in terms of health and safety. Current tree inspection procedures for LCC trees (and those in private ownership impacting the highway) provide for annual routine inspections by accredited operational staff (e.g. highways inspectors) and specialist inspections by qualified tree inspectors every 3 years. Additionally tree inspectors provide ongoing advice to operational staff to ensure one off / emergency situations are dealt with appropriately.
- 1.7. Examples of key areas of work covered by the action plan include:
- a) Policy and Strategy
 - Ensure ash dieback actions are included in relevant team plans and performance and development reviews (PDRs)

- Carry out an audit of the relevant policies and processes that may need to be reviewed in light of ash dieback
- b) Communication
 - Development of a comprehensive communications and engagement plan
 - c) Training
 - Investigate training requirements and produce a training plan
 - d) Operational
 - Develop a matrix for the assessment, reporting and management of infected trees
 - Investigate opportunities for the development of a free/low cost tree replacement scheme
 - e) Commercial Opportunities
 - Produce an outline business case for commercial opportunities linked to the spread of ash dieback (e.g. tree inspection / management service, production of wood chip for biomass boilers etc)

2. About Ash Dieback

- 2.1. Ash dieback, sometimes known as 'Chalara', affects ash and other *Fraxinus* species of trees and is caused by a fungal pathogen.
- 2.2. The fungus, *Hymenoscyphus fraxineus* (anamorph - *Chalara fraxinea*), arrived from Asia into Europe during the 1990's and has spread rapidly. Although the first official record in Britain was only as recently as 2012, anecdotal evidence now suggests it may have arrived here over a decade earlier.
- 2.3. This invasive fungus causes a range of symptoms from leaf and branch dieback to death of *Fraxinus excelsior* (Ash) trees and other *Fraxinus* species. Once infected, a high proportion of trees will die. A few ash trees may survive the infection because of genetic factors which give them tolerance of, or resistance to, the disease but the percentage of the UK's ash trees that are likely to be resistant to the fungus is unknown (as at the middle of 2018). Evidence from mainland Europe suggested that only 10% of trees were found to be moderately resistant to the disease, with 1-2% having high levels of resistance.
- 2.4. The rate of decline of any individual tree varies with age, young trees dying quickly and mature trees declining more slowly. As an example, the photographs show the change in one tree in Devon over a one year period (photographs taken 06/07/16 and 07/07/17 respectively). The pictures

show a 10 -15% decline in the canopy in a single year and anecdotal reports from areas of the UK currently infected by ash dieback support this as a typical rate of decline. However, some individual trees (depending on their health and condition) could decline much more rapidly.



- 2.5. Related to the concern about ash dieback, Defra's Chief Scientific Adviser established an expert group in 2012 which reported that evidence from the continent suggested that trees with ash dieback older than 10 years and less than 40 years old will die in 3-5 years, particularly if they are also infected with other pathogens such as honey fungus, and likely more rapidly if they are already debilitated¹.



¹ <https://www.forestry.gov.uk/forestry/infd-8zss7u>

- 2.6. Infection mostly occurs through sexually produced ascospores landing on leaves or twigs but can also occur at the base of trunks (the root collar) and through root infection. Each spore has the potential to grow within, and colonise, parts of the ash tree. The windborne ascospores are produced from fruiting bodies (small white mushrooms) on the central stem (the rachis) of last year's fallen ash leaves.
- 2.7. As it grows, the fungus causes the conducting vessels of the infected tree, the phloem² and xylem³, to produce gums and tyloses⁴ in an attempt to restrict the growth of the fungus. These gums and tyloses block the vessels and prevent the movement of water and nutrients up and down the tree. This causes the leaves to wilt and eventually, this lack of water and nutrient movement will cause the branches of the tree to die back. This die back of the branches can allow the invasion of secondary pathogens (e.g. honey fungus), cause the tree to become unstable, shed branches and eventually succumb to the disease.
- 2.8. Where root collar infection occurs, the affected trees may become infected by another pathogen such as honey fungus. This can cause the tree to become unstable and dangerous over a relatively short period of time without any obvious dieback symptoms in the canopy. This makes identifying 'dangerous' ash trees considerably harder. Basal infection has been seen extensively across Europe but seems to occur mainly in areas of denser ash populations such as woodlands.
- 2.9. For more detailed information on the biology of ash dieback see: <https://www.forestry.gov.uk/fr/INFD-9KCHLT>

3. Ash in Leicestershire

- 3.1. There are no exact figures as to the number of ash trees in Leicestershire. However, it is estimated that there are over 500,000 ash trees in Leicestershire of which:
- 6,020 are recorded as being located on adopted highway verges
 - 1,546 are recorded as being located on school sites
 - 468 are recorded as being located on other LCC sites
 - 5,500 are estimated (non-recorded) as being located in LCC woodlands adjacent to areas of public use
 - 120,000+ are estimated as being in private ownership within falling distance of the highway
 - 83% of recorded ash trees are 6 metres plus in height

² Phloem vessels transport nutrients from the leaves to the rest of the plant.

³ Xylem vessels transport water from the roots to the leaves.

⁴ Tyloses are balloon like outgrowths in the conducting vessels.

- 600 ash trees are currently identified as veteran (or near veteran) trees. Veteran trees have cultural, historical, landscape and nature conservation value because of their age, size, or condition
- It is possible that there may be 6,000 over mature ash trees in Leicestershire (i.e. trees that are no longer growing).

3.2. Leicestershire County Council is responsible for the inspection and maintenance of all trees on land it owns and manages, including the adopted highway. LCC is also responsible, as highway authority, for the safety of all road users and as such, has measures in place which identifies hazardous trees in private ownership adjacent to the highway. Such measures include procedures to contact tree owners and ensure that the necessary remedial work is undertaken.

4. Ash Dieback in Leicestershire

- 4.1. Currently, ash dieback is present throughout Leicestershire and is particularly evident on young trees, new shoots (e.g. trimmed hedgerows) and in young plantations. Sample survey areas on main routes throughout Leicestershire and on selected school sites have been identified and inspections of mature trees taken place. These inspections have been undertaken in mid to late summer when the symptoms of the disease are likely to be most evident. These inspections will continue during the summer months each year to monitor the development of symptoms on mature trees.
- 4.2. At present there is very little evidence of the disease affecting mature trees which is a pattern reported in many areas of the country. This suggests that young growth, particularly close to ground level where the fungus over-winters (i.e. on discarded leaf stalks) is highly susceptible whereas young shoots in the canopy of mature trees are affected less. This may indicate a degree of resistance in our mature trees but may also reflect that fungal spores are currently being distributed close to ground level, with consequent infection of young shoots on younger stock.
- 4.3. Ash dieback was first identified in Leicestershire in 2012 within newly planted landscape plots at the Park and Ride car park in Birstall. The disease is thought to have been brought to the site on infected nursery stock.
- 4.4. The Tree Management Strategy recognises the tree resource under the stewardship of the County Council and identifies a standard for its management. This standard includes the frequency and level of specialist tree inspections based on the extent of risk posed to site users. The strategy criteria remain the same regardless of the particular disease/disorder affecting the condition of the tree and consequently there

is no need to amend the strategy to accommodate ash dieback. However, there will potentially be a need to increase resources to achieve the inspection targets specified in the strategy.

- 4.5. The County Council's approach to ash dieback should accord with the Tree Management Strategy and as with other trees on its sites, inspection and maintenance regimes should be based on levels of site usage and the associated risk posed.
- 4.6. As previously mentioned, it is difficult to predict at this stage how ash dieback will affect the mature ash population within Leicestershire. The levels of mortality and the extent of crown die-back may be less or similar to those experienced in continental Europe. As with any defective tree, any action specified should be based on the minimum work required to remove the identified hazard to the highway or site user. Trees in low risk areas should, where possible be left to conserve their ecological and landscape value. In high risk areas however, where a progressive decline is noted, it may be prudent to consider the removal of the tree and appropriate replacement planting.
- 4.7. The potential loss of trees in Leicestershire and the adverse effect on the county's landscape is a significant consideration. It is essential that a robust replanting programme forms a major part of the authority's approach to managing ash dieback. Although the authority currently runs a suite of schemes to encourage landowners to plant trees, a much wider ranging approach with significantly increased targets is required. A range of suitable native and naturalised tree species, appropriate to the planting location should be made available to encourage early replacement planting to mitigate ash dieback.
- 4.8. As part of this action plan, the County Council will approach suppliers of nursery stock to ensure that appropriate quantities of suitable stock are available. In order to maintain bio-security and ecological integrity, such stock will be specified as originating from British provenance seed which has been germinated and grown in Britain for the full extent of the tree's life
- 4.9. Trials have been established in East Anglia to measure resistance to ash dieback from young ash stock which has been grown from a range of seed provenances collected from throughout the British Isles. The purpose of the trials is to identify provenances which exhibit high levels of resistance to ash dieback. Additionally, mature ash trees throughout Britain exhibiting resistance will also be identified through normal inspection procedures. When suitably resistant sources have been identified, it is anticipated that the nursery industry will eventually be able to start producing resistant ash stock through appropriate propagation techniques.

5. Potential Financial Impacts of Ash Dieback

- 5.1. Ash dieback has been identified in the Medium Term Financial Strategy as a future potential financial development/pressure.
- 5.2. The financial implications of the spread of ash dieback will be more fully understood as individual business cases are produced as part of the implementation of this Ash Dieback Action Plan.
- 5.3. Current knowledge suggests that there is little immediate resource requirement. As individual business cases are produced appropriate funding profiles and resources will be identified in conjunction with Corporate Resources.
- 5.4. Appendix 1 contains some initial, and very indicative, cost projections with regard to the management of ash dieback over a 15 year period. The costs cover the areas of:
- Adopted highway verges
 - Schools
 - Other LCC sites
- 5.5. The current projections do not include information on providing ash dieback related tree management services to private landowners as further work is required in this area as detailed in Section 6 below.
- 5.6. With regard to the re-planting of trees there is the potential of external funding from a scheme run by the Woodland Trust to help in this area. Further work is required to investigate this possibility as detailed in Section 6 below.

6. Action Plan

Policy & Strategy

Ref	Task	Lead Discipline	Delivery Date	Others Involved
A1	Develop a performance reporting process / schedule.	Environment	September 18	
A2	Ensure that ash dieback actions are included in relevant team plans and performance and development reviews (PDRs)	Board members	September 18 (and ongoing)	
A3	Ensure that additional costs associated with ash dieback are coded to specific ash dieback budget code	Board members	July 18	Finance
A4a	Carry out an audit of the relevant highways and other policies and processes that may need to be reviewed in light of ash dieback e.g. process for reporting tree issues, road closures policy, etc. This needs to be aligned with the BAU risk based approach being implemented by Highways	Highways Delivery	December 18	Countryside Services
A4b	Agree and sign off policy changes	Highways Delivery	t.b.c.	Countryside Services
A4c	Resource profiling – model the potential resource implications of proposed policy / process changes	Highways Delivery	t.b.c.	Countryside Services

Communication

Ref	Task	Lead Discipline	Delivery Date	Others Involved
A5a	Produce and deliver a comprehensive communication & engagement plan – both internal and external (including information targeted at private landowners; general public, district councils, parish councils; schools / academies, Woodland Trust, National Forest, Tree Council, DEFRA, and voluntary groups). This plan must also link into other relevant local and national initiatives	Communications	July 18	Board Members Appropriate External Bodies Trading Standards
A5b	Produce ash dieback FAQ's and publish on the LCC website	Communications	t.b.c.	Countryside Services Environment Highways Delivery Trading Standards
A5c	Design advertising materials targeted at private landowners to provide them with information about the disease and how to recognise it, their legal responsibilities, and, if appropriate, our service offering and how to contact us about our service offering	Communications	t.b.c.	Commercial Services Environment Countryside Services
A6	Alert Trading Standards to any reports of rogue tree contractors linked to ash dieback and work together to resolve/ minimise issues as appropriate	Communications	ongoing	Trading Standards Environment Countryside Services

Training

11

521

Ref	Task	Lead Discipline	Delivery Date	Others Involved
A7a	Investigate training requirements & produce a training plan – including who is to be trained in what e.g. highway inspectors, tree wardens, volunteers, etc.	Learning and Development	September 18	Highways Delivery
A7b	Follow up basic tree inspection training with ash dieback training for highways inspectors	Highways Delivery	t.b.c.	Countryside Services
A7c	Investigate what training materials are available from external bodies such as the Woodland Trust	Learning and Development	September 18 (and ongoing)	
A8	Liaise with further education colleges on the provision of suitable arboriculture courses	Learning and Development	t.b.c.	
A9	Trading standards officers to provide awareness raising session for tree inspectors regarding the remit of the trading standards section and the likely types of offences that may occur linked to ash dieback	Trading Standards	t.b.c.	Countryside Services

Operational

Ref	Task	Lead Discipline	Delivery Date	Others Involved
A10	Develop a matrix for the assessment, reporting and management of infected trees	Countryside Services	September 18	Tree Officers Tree Inspectors Highways Delivery Insurance
A11	Produce ash dieback survey / inspection plan	Countryside	July 2018	Highways Delivery

12

522

Ref	Task	Lead Discipline	Delivery Date	Others Involved
	outlining methodology, frequency and reporting. Include consideration of innovative surveying methods e.g. photography, video and whether statistical significance can / should be achieved.	Services		
A12	Sample surveys to be repeated on an annual basis. Sample areas to be reviewed and expanded as and when appropriate.	Countryside Services	Ongoing, annual	
A13a	Investigate opportunities for the development of a tree replacement scheme to provide free / low cost trees to landowners to mitigate tree loss due to ash dieback	Countryside Services Environment	December 2018	
A13b	Subject to business case, implement new free / low cost tree scheme	Countryside Services Environment	April 2019	
A14	Develop a tree purchasing standard to ensure high levels of biosecurity / provenance in trees purchased by LCC	Environment	December 2018	Commissioning Support Unit
A15	Investigate the implementation of a voluntary Register of Ash trees that are perceived as being important so as to protect any resistant ash trees. (Note: this is not legally enforceable)	Ecology	October 2018	
A16a	Monitor developments in techniques for testing / identifying individual trees that are resistant to ash dieback	Environment	Ongoing	Countryside Services
A16b	As / when testing techniques become available, identify individual trees in LCC ownership that are resistant to ash dieback	Countryside Services	t.b.c.	

13

523

Commercial Opportunities

Ref	Task	Lead Discipline	Delivery Date	Others Involved
A17a	Produce an outline business case (OBC) for commercial opportunities linked to the spread of ash dieback (e.g. tree inspection / management service, production of wood chip for biomass boilers etc.)	Commercial Services	September 2018	Countryside Services Facilities Management Highways Delivery Legal Services
A17b	Depending on the outcome of the OBC, produce full business case(s) for identified opportunities	Commercial Services	t.b.c.	Legal Services

524

7. Risks and Issues

a. Risks

The owner for all the risks is the Ash Dieback Project Board with responsibility delegated to the representative of the agreed Lead Discipline

Ref.	Detail	Mitigation	Lead Discipline	Impact	Likelihood	Risk Rating
R1	Health and safety risk to life, services and transport networks caused by diseased	Inspection and management of ash trees in line with policies in the Tree	Highways Delivery	5	3	15 Red

14

Ref.	Detail	Mitigation	Lead Discipline	Impact	Likelihood	Risk Rating
	trees falling down / shedding branches	Management Strategy				
R2	Threats to the local landscape character, land use or biodiversity in terms of changes in the landscape characteristics of Leicestershire	Leave standing dead wood in place where the health and safety risks are considered to be acceptable based on current best practice and minimum legal requirements. Tree planting / replanting scheme.	Environment	3	4	12 Amber
R3	Reputational risk to LCC of ash dieback not being appropriately managed in Leicestershire	Preparation and delivery of ash dieback action plan	Project Board	5	2	10 Amber
R4	Climate impacts in terms of reduced ecosystem services; Increased pollution or flooding as a result of ash tree decline; Reduced shading and cooling in hot weather	Tree planting / replanting scheme.	Environment	3	4	12 Amber
R5	Lack of accurate data on ash stocks and their condition	Ongoing inspection of ash trees in line with policies in the Tree Management Strategy	Countryside Services	3	2	6 Green
R6	Insufficient resource with the relevant skills in specialist tree inspection and management, collection of tree data, etc. (identification, removal and replacement)	Assessment of required resources Training	Countryside Services	4	3	12 Amber
R7	Disjointed approach to the management of Ash Dieback	The Project Board will ensure that all ash dieback management processes and related systems are	Project Board	4	3	12 Amber

Ref.	Detail	Mitigation	Lead Discipline	Impact	Likelihood	Risk Rating
		joined up with all other relevant inter and cross departmental processes and systems to ensure that this action plan is implemented in a consistent and joined up fashion. Opportunities for information sharing and collaboration with external partners (e.g. districts, National Forest etc) around the management of ash dieback will be explored where advantageous to do so.				
R8	Lack of communication with non-LCC landowners about the extent and impact of ash dieback e.g. advice on tree legislation with reference to things such as Tree Preservation Orders and Felling Licences	Preparation of comprehensive communications plan.	Communications	3	2	6 Green
R9	Lack of or insufficient service offered to local landowners in the identification, removal and replacement of infected ash trees	Preparation of business case for commercial opportunities	Countryside Services	2	3	6 Green
R10	Insufficient resource to implement the action plan e.g. lack of funding to replace non-woodland trees, carry out sufficient survey work etc.	Funding is provisionally earmarked within the Council's Future developments. As plans develop the financial implications will become	Finance	5	2	10 Amber

8. Governance

8.1. The ongoing development and delivery of the Ash Dieback Action Plan will be monitored by the Ash Dieback Board which will in turn report progress to the Environment Strategy Delivery Board. Delivery of the Environment Strategy is overseen by chief officers sitting as the Corporate Management Team (CMT).

9. Dependencies

- 9.1. The service is currently investigating the need for increased tree inspections to deal with a current backlog. The outcome of this will have an impact on the frequency and approach to inspections.
- 9.2. In order to ensure that there is a consistent and joined up approach to tree inspection and the reporting of any issues it is essential that joined up processes and systems are put in place.
- 9.3. The Highways service is currently going through a process of defining a risk based approach to highways maintenance activities. This work will need to be aligned to the work undertaken on producing a risk matrix as detailed in Section 6 above.

10. Links to Other Strategies and Policies

- 10.1. This ash dieback action plan supports the following aims within the LCC Environment Strategy:
 - Conserve and enhance the character, diversity and local distinctiveness of Leicestershire landscapes and towns, and provide opportunities for public access and enjoyment of green spaces
 - Protect people from harm caused by climate change and the deteriorating condition of the environment and climate change
 - Demonstrate and promote environmental good practice to show community leadership
- 10.2. Ash dieback presents both a threat and an opportunity to the Council's Environment Strategy. It threatens the council's ambition to protect and enhance the environment of Leicestershire and to support biodiversity improvements. But it also presents an opportunity for the council to take action which will improve the biodiversity value of its own land and that of the wider county and to create, protect and enhance sustainable green infrastructure. It also provides an opportunity for the council to respond to the impacts of climate change, protect people from harm caused by climate change and the deteriorating condition of

Ref.	Detail	Mitigation	Lead Discipline	Impact	Likelihood	Risk Rating
		clearer and appropriate funding levels will be defined and explicitly identified through the MTFS refresh process. Training				
R11	Risk that landowners will refuse / be unable to meet costs of undertaking works to affected trees. Legal costs to reclaim costs may be prohibitively high.	Tolerate	Highways Delivery	4	3	12 Amber

Issues

Ref.	Detail	Resolution	Lead Discipline	Resolution Date	Progress
11	Lack of national information regarding Chalara and potential spread and infectious potential in the non-woodland ash population	Keep up to date with national position and latest research	Countryside Services	ongoing	
12	Rogue traders falsely using ash dieback as a reason to persuade residents to undertake unnecessary / inappropriate works to trees	Communications plan Cross departmental working	Trading Standards	ongoing	

the environment as well as protecting the local distinctiveness of the Leicestershire landscape.

10.3. As previously discussed, the Tree Management Strategy (approved by Cabinet on 8 March 2011) identifies a standard for the management of the tree resource under the stewardship of the County Council. The Strategy has been evaluated and is considered to be fit for purpose for the management of ash dieback and will therefore be used as the basis of the approach.

Appendix 1: Ash Dieback – Indicative Cost Estimates

Adopted Highway Verges

Felling Costs

Anticipated cost is between £1.875m - £2.625m

Anticipated annual cost spread over 15 years is £125k - £175k p.a.

Replanting Costs

The cost of replacing felled trees is approx. £225k - £300k

Annual cost over 15 years is between £15k - £20k p.a.

Additional Inspection Costs

£30k p.a.

Anticipated total annual cost over 15 years is between £170k & £225k

Schools

Felling Costs

Anticipated cost is between £525k - £675k

Anticipated annual cost spread over 15 years is £35k - £45k p.a.

Replanting Costs

The cost of replacing felled trees is between £45k - £75k

Annual cost over 15 years is approximately £5K

Additional Inspection Costs

£15k p.a.

Anticipated annual cost over 15 years is between £55k & £65k

Other LCC sites

Felling Costs

Anticipated cost is between £1.875m - £2.625m

Anticipated annual cost over 15 years is between £125k - £175k p.a.

Replanting Costs

The cost of replacing felled trees is between £225k - £300k

Annual cost over 15 years is between £15k - £20k

Additional Inspection Costs –

£15k p.a.

Anticipated annual cost over 15 years is between £155k - £210k

Summary

	Adopted Highway	Schools	Other LCC Sites	Total
Total Cost over 15 year period	£2.55m - £3.375m	£825k - £975K	£2.325m - £3.150m	£5.7m -£7.5m
Annual Costs	£170k - £225k	£55k - £65k	£155k - £210k	£380k - £500k

This page is intentionally left blank

Agenda Item 6

Application Number

Address

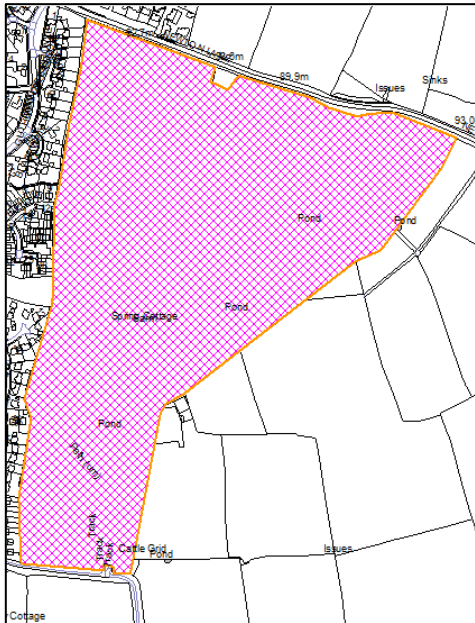
Report Items

- a. 18/00260/FUL
Land South
Newton Lane
Wigston
Leicestershire

- b. 18/00432/FUL
9 Hill Way
Oadby
Leicestershire
LE2 5YG

- c. 18/00433/FUL
20 Burgess Street
Wigston
Leicestershire
LE18 1PF

a.	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



© Crown copyright. All rights reserved Oadby & Wigston Borough Council LA100023293
Published 2014

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 Submission Draft Local Plan Policy 12 prescribe 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, 4 bedroomed 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.

Amended plans relating to a number of matters including the dimensions of certain of the garages, alterations to highways layout in certain locations, amendments to soft landscaping and alterations to drainage have been submitted in addition to the above.

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

Originally submitted documents and drawings;

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 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 – Comments received 24 October 2018 – to be reported verbally.

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 engineers 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 S106 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 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.

Development Control Committee
Thursday, 22 November 2018

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

Amended Drawings;

Leicestershire County Council (Highways) – Awaiting comments

OWBC Tree Officer – Comments that further information is required to enable a detailed assessment of the submitted drawings with the request forwarded to the agent / applicant for action.

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".
- * 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

Development Control Committee

Thursday, 22 November 2018

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

Supplementary Planning Document

Residential Development Supplementary Planning Document

Submission Draft Local Plan

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 of land within the overall site in which the latter parts of the housing development are intended to be delivered as shown on the proposed layout plan.

The proposal also includes the following:

- * 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 – 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.

It should be noted, however, that discussions are on-going with the agent / applicant in respect of both the proposed conditions and Section 106 Legal Agreement provisions. On this basis, it is possible that there will be alterations, additions and / or removals to the conditions listed at the end of this Committee report.

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:

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.

Development Control Committee
Thursday, 22 November 2018

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 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
 - 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, 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.

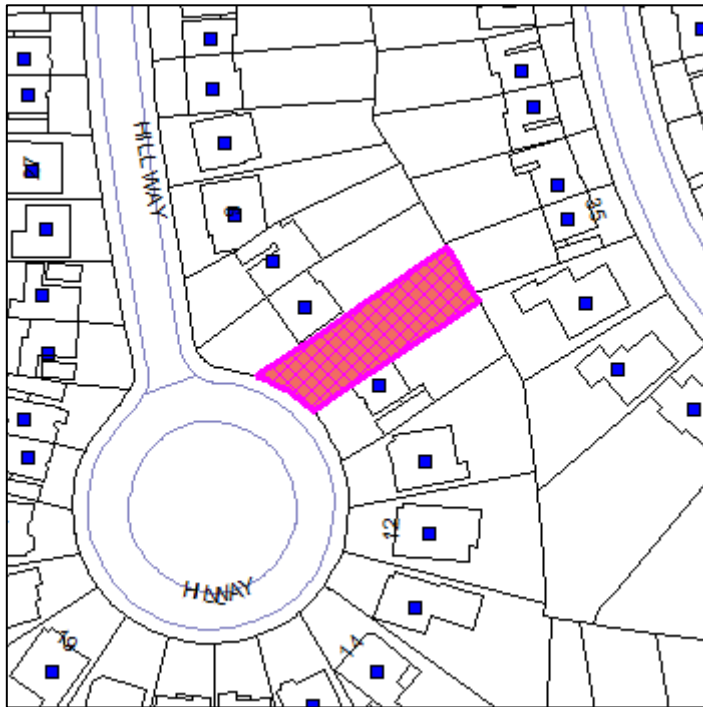
The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, 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 the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

b.	18/00432/FUL	9 Hill Way Oadby Leicestershire LE2 5YG
	26 September 2018	Proposed ground floor front and rear extensions, two storey side extension and loft conversion.
	Case Officer	Tony Boswell



© Crown copyright. All rights reserved Oadby & Wigston Borough Council LA100023293
Published 2014

Site and Location

The end of Hill Way, Oadby is marked by a circular end to the cul-de-sac (a "frying pan" turning head). Number 9 Hill Way is one of the semi-detached houses and gardens on the east side of that arrangement.

Description of proposal

The proposal has several elements as follows:

- * A two storey side extension which would occupy the current sideway. This would be marginally set back behind the front main wall, up to a point level with the rear main wall. That would generate a pitched roof which would be slightly lower than the main roof. That would render its appearance subsidiary to the main house and also reduce any tendency to create a "terracing" effect.
- * A single storey front extension under a hipped and lean to roof. This would include an enclosed front porch and a very short "garage" to the frontage. That garage and a retained side passage would, however, retain a route from front to rear to allow for the storage and removal of refuse and recycling bins. The extended frontage would then sit level with the front main wall of number 8 adjoining.
- * A single storey rear extension under a lean to roof, with a depth of 4 metres behind the rear main wall. Although greater than the normally accepted 3.5 metre depth, due to its orientation this would not appear to have significantly adverse effect upon the light, air and outlook to the rear windows of the adjacent number 10 Hill Way. (Although the 45 degree "rule" is not met.)
- * A fifth bedroom would be added within the existing roof space that would be lit by two rear facing flush skylights and one to the front elevation. These would be high level skylights and would not appear to threaten privacy.

The statutory determination period for this application expires on the 21 November 2018 and it is intended to issue a decision as soon as practicably possible after the Committee meeting.

Relevant Planning History

None Relevant

Consultations

None

Representations

Eight near neighbours were notified by direct mail and a site notice has been displayed, all to expire by 25 October 2018. At the time of drafting three letters of objection have been received which in fair summary make the following points:

- * Loss of privacy of bungalows at the rear from roof level skylights.
- * Spoil the look of this 1950s house
- * Loss of light and outlook to the adjacent number 8 Hill Way
- * Will inhibit the future potential for extensions to number 8 adjoining.
- * The immediate neighbour expects to be notified under the Party Wall Act.

Development Control Committee
Thursday, 22 November 2018

Councillor Latif has also made representations on the application – concerned about loss of privacy to bungalows to the rear from rear facing windows/skylights.

Relevant Planning Policies

National Planning Policy Framework

Oadby & Wigston Core Strategy

Core Strategy Policy 14 : Design and Sustainable Construction

Oadby and Wigston Local Plan

Landscape Proposal 1 : Design of new development subject to criteria

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

Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document

Planning Considerations

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

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

The impact of the proposal on the street scene

The proposals would substantially alter the frontal appearance of the existing house. However, in the absence of any Conservation Area or similar “special” controls that change to appearance cannot be, in itself, objectionable.

The impact of the proposal on neighbouring residential properties.

The issue of overlooking from the proposed rear facing roof lights is not supportable. The dwellings to the rear are approximately 35 metres away which is substantially greater than the minimum 22 metres “back to back” distance that is normally required for window to window purposes.

The other significant issue is mainly to do with the depth of the single storey rear extension. As pointed out earlier, at 4 metres depth from the rear main wall it would be some 500 mm (18 inches) beyond the normally accepted limit in relation to the adjacent number 10 Hill Way. However, and in view of the orientation to south, that in itself is not assessed as unacceptable.

Number 10 on the opposite side is positioned well forward of the house at 9 Hill Way and, in part for that reason, that same single storey rear extension would marginally violate the Council’s normal 45 degree “rule”. In fact the rear corner of the proposed extension would be some 7 metres away from the nearest rear window of number 10 and at an angle of around 60 degrees (rather than 45 degrees). Any loss of light and outlook arising from that relationship is partly mitigated by the presence of boundary vegetation and tree in proximity. The net loss of light and outlook arising from the proposed rear extension in that location is, therefore, assessed as unobjectionable. The objector’s other point about their belief that these proposals might inhibit their own future proposals is not supportable.

Conclusion

Development Control Committee

Thursday, 22 November 2018

Although around the limit of what might be done to a two storey semi-detached house, these proposals are supportable, subject to compliance with the conditions as recommended.

Implications Statement

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

Recommendation

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 All external materials used in the development shall match those of the existing building in colour, size, coursing and texture unless otherwise first agreed in writing with the Local Planning Authority.
Reason: To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 3 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.

1804P - 01; 02; 03; 04; 05; 06 and 07, 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 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.
- 2 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.
- 3 The Application as submitted was considered to be acceptable and therefore discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4 Appeals to the Secretary of State

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

If you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

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

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.

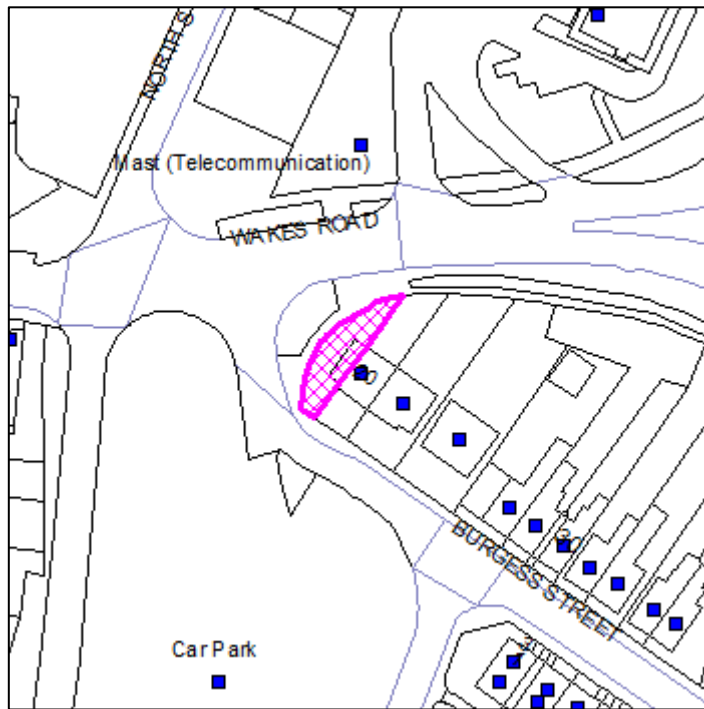
The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements,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

c.	18/00433/FUL	20 Burgess Street Wigston Leicestershire LE18 1PF
	5 October 2018	Retrospective planning permission to subdivide No.20 Burgess Street into two separate dwellings with associated parking and amenity space.
	Case Officer	Alex Matthews



© Crown copyright. All rights reserved Oadby & Wigston Borough Council LA100023293
Published 2014

Site & Location

No.20 Burgess Street, Wigston is a semi-detached dwellinghouse situated on the north-east side of Burgess Street on the corner of the junction of Wakes Road. The property is situated amongst other residential properties and directly fronts a car park which serves Wigston Town Centre. The application site is situated within the Wigston Town Centre. The dwellinghouse is set back from the roadside, with an open fronted driveway. Materials and finishes of the property include brickwork, and UPVC windows and doors. The site has been extended by way of a two storey side extension approved in 2017 and subsequently amended in early 2018.

The application site is not situated within a conservation area and such is not listed. The site is, however, classed as being situated within the Wigston Saint Wistans Landscape Character Area as defined in the Oadby & Wigston Landscape Character Assessment (2018).

Description of Proposal

Planning permission was granted on 9 January 2017 under application reference 16/00517/FUL for the erection of a proposed two storey side extension to the property of No.20 Burgess Street. Following on from this, a further planning application under reference 18/00014/FUL was submitted and subsequently granted on 2 March 2018 for the retrospective conversion of the garage at No.20 Burgess Street into a kitchen-diner and associated alterations.

The applicant is now seeking retrospective planning permission to subdivide No.20 Burgess Street into two separate dwellings with associated parking and amenity space. The two separate dwellinghouses as presented are completely separate with no internal connectivity between the units. Car parking provisions and rear amenity areas have been provided for each of the separate units. The development for which retrospective permission is sought has seen the extension approved and built in 2017 (then subsequently amended) sub-divided from the original dwelling and converted to a two-bed dwelling. The ground floor element of this property facilitates an open-plan kitchen, a storage area and a lounge/ diner with bi-folding doors opening out to the rear amenity area. The first floor facilitates two bedrooms (one with an en-suite), one separate bathroom, a study and a storage area. The main front doorway access is facilitated from the north-west facing side elevation. The gross internal floor area for the new unit has been calculated as 74.6 square metres.

Ground Floor: 5.7m x 7.3m = 41.6sqm

First Floor: 5.0m x 6.6m = 33.0sqm

Gross Internal Floor Area: 41.6sqm + 33.0sqm = 74.6sqm

This planning application, therefore, also seeks permission to convert the original dwellinghouse of No.20 Burgess Street back to its form prior to the implementation of the proposed two storey side extension permitted under application reference 16/00517/FUL. This would, however, be without the side garage/ storage structure which was not connected to the property internally. The gross internal floor area for this unit has been calculated as 84.0 square metres.

Ground Floor: 5.6m x 7.5m = 42.0sqm

First Floor: 5.6m x 7.5m = 42.0sqm

Gross Internal Floor Area: 42.0sqm + 42.0sqm = 84.0sqm

The statutory determination period for this application expires on 30 November 2018, and it is intended to issue a decision as soon as practicably possible after the Committee meeting.

Relevant Planning History

18/00014/FUL - Retrospective conversion of the garage into a kitchen-diner and associated alterations. - Application Permitted: 2 March 2018

16/00517/FUL - Erection of a proposed two storey side extension. - Application Permitted: 9 January 2017

Consultations

Planning Policy (Oadby & Wigston Borough Council) -

" Relevant Planning Policy for the aforementioned proposal is as follows:

**National Planning Policy Framework (2018)*

**Local Plan Submission Document (2018) (material consideration)*

**Leicestershire Highways Design Guide (2018)*

**Adopted Core Strategy (2010)*

Please note that the Council's new Local Plan is currently being examined by an Independent Planning Inspector. The Hearing Sessions for the Plan have taken place and Main Modifications have been proposed. The Main Modifications public consultation period commenced on Friday, 21 September 2018 and will run for a 6 week period until Friday, 2 November 2018. The Council is expecting to adopt the new Local Plan during December 2018.

The new Local Plan is therefore considered to be a material consideration in relation to any newly submitted planning applications.

This proposal is seeking retrospective planning permission to subdivide No.20 Burgess Street, Wigston, into two separate dwellings with associated parking and amenity space.

National Planning Policy Framework (2018)

The National Planning Policy Framework (NPPF) states that Local Planning Authorities should 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs'.

Local Policy relating to principle of development

Adopted Core Strategy (2010)

The Case Officer must be satisfied that the proposed scheme at the abovementioned address illustrates high quality inclusive design that respects local character and is sympathetic to its surroundings to conform to Core Strategy Policy 14: Design and Construction.

In addition to that, Core Strategy Policy 15: Landscape and Character states that:

'All development proposals will be considered against the need to protect and enhance the distinctive landscape and historic character of the Borough. They should reflect the prevailing quality, character and features such as settlement pattern, views, biodiversity and local distinctiveness.'

Emerging Draft Local Plan Submission Document (2018)

Draft Local Plan Policy 6 High Quality Design and Materials in the emerging draft Local Plan Submission Document (2018) states that:

'The Council will require the highest standards of inclusive design and use of the highest quality materials for all new development and major refurbishment in the Borough.

Proposals for new development should create a distinctive environment by;

**Respecting the local and historic character;*

**Utilising inclusive design principles, including layout, orientation, landscape, streetscape, scale materials, natural surveillance and sustainable construction;*

**Ensuring patterns of development are sympathetic to their surroundings.'*

**Draft Local Plan Policy 11 Housing Choices states that:*

'To ensure that new residential development promotes healthy living and dwellings are of the appropriate size for its proposed occupants; (unless there is a demonstrable reason for not doing so) all new dwellings should provide sufficient space for kitchen, dining, bedroom, and living facilities, and should include appropriate levels of internal storage ... All residential proposals for conversion, sub-division and / or changes of use will be considered on a case-by-case basis, and must take account the Government's National Technical Housing Standards'.

The submitted plans for this proposal do not indicate the proposed internal sizes of both the existing and the proposed dwelling, and therefore, it is not possible to understand if the proposed layout for both dwellings created through this proposed sub-division meets the required National Technical Space Standards, that in accordance with this Policy, all proposals for sub-division in the Borough must now adhere to. For reference, the National Technical Space Standards are contained within Appendix 2 of the Submission Draft Local Plan (2018).

Draft Local Plan Policy 15 Urban Infill Development states that:

'The Council will not accept development proposals that 'over develop' a site from its original intended or existing use'.

Draft Local Plan Policy 44 Landscape and Character states that:

'All development proposals within the Borough will be considered against the need to conserve and enhance the distinctive landscapes in the Borough. The Council will seek to ensure that all development proposals reflect the prevailing quality, character and features such as settlement patterns, important views, open spaces and significant natural habitats.

Development proposals will only be accepted where it is in keeping with the area in which it is situated.'

Conclusion

The Case Officer must be satisfied that the proposed sub-division of No. 20, Burgess Street, Wigston satisfies the National Technical Space Standards, as contained within Appendix 2 of the Submission Draft Local Plan (2018).

Access and parking arrangements for the site may need to take account of the guidance as per the Leicestershire Highways Design Guide (2018).

Taking account of all of the above National and Local policy considerations, should the Case Officer be satisfied that the submitted scheme will not have a detrimental impact upon the site and its surrounding amenity, Planning Policy would not have any further comments. "

Comments Received: 30 October 2018

Environmental Health (Oadby & Wigston Borough Council) -

" Bedroom adjacent to Study is less than the required 6.5m squared. "

Comments received: 23 October 2018

Highways (Leicestershire County Council) -

No comments received at the date of writing this report.

Deadline for comments: 15 November 2018

Representations

Neighbour notifications have been carried out and a site notice placed in front of the application site. At the time of writing this report no representations have been received. The date for the receipt of comments expired on the 15 November 2018. It is, however, noted that Highways at Leicestershire County Council were consulted after the initial consultees and an expiry date of 15 November 2018 has been generated for any representations from the Highways team.

Ward Councillor Mrs Linda M Broadley has requested that this planning application gets taken to Planning Committee. Comments are presented below:

*" Good Afternoon,
I do wish to call this to committee as I also have the same concerns as Councillor Helen Loydall.
Regards
Linda. "*
[Councillor Mrs Linda M Broadley]

*" Dear Alex,
This application is not in my ward and I would ask that Linda Broadley looks at this. I do have concerns that we are sub dividing properties which goes against our policy. Has this been built with this in mind.
If Linda does not call it to committee I still think that the planning committee should look at this.
Reasons; goes against policy/ too small/parking too tight/access too dangerous. Do we need a site visit?
Regards Helen "*
[Councillor Mrs Helen E Loydall]

Development Control Committee
Thursday, 22 November 2018

Relevant Planning Policies

National Planning Policy Framework

Oadby & Wigston Core Strategy

Core Strategy Policy 4 : Sustainable Transport & Accessibility

Core Strategy Policy 14 : Design & Sustainable Construction

Core Strategy Policy 15 : Landscape & Character

Oadby & Wigston Local Plan

Landscape Proposal 1 : Design of New Development subject to criteria

Landscape Proposal 2 : Prohibiting Backland Development subject to criteria

Housing Proposal 13 : Prohibiting Infill Development subject to criteria

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

Local Plan Submission Document (2018) (Material Consideration)

Supplementary Planning Document/ Other Guidance

Residential Development Supplementary Planning Document (2005)

Landscape Character Assessment (2018)

Planning Considerations

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

*Design, Character & Appearance

*Amenity

*Impact on Neighbour Amenity

*Highways/ Access Issues

*Other Issues

Design, Character & Appearance:

No.20 Burgess Street, Wigston is a semi-detached dwellinghouse situated on the north-east side of Burgess Street on the corner of the junction of Wakes Road. The property is situated amongst other residential properties and directly fronts a car park which serves Wigston Town Centre which the application site is classed as being situated within. The application site is not situated within a conservation area and such is not listed. The site is, however, classed as being situated within the Wigston Saint Wistans Landscape Character Area as defined in the Oadby & Wigston Landscape Character Assessment (2018). The dwellinghouses are set back from the roadside, with open fronted driveways. Materials and finishes of the property include brickwork, and UPVC windows and doors.

The design, character and appearance implications of the scheme of development have been thoroughly considered. The Local Planning Authority considers the scheme of development to be reasonable in terms of design, character and appearance. The scheme is considered not to be out of character with regards to the existing building or in relation to that of the surrounding locality. The scheme is considered by the Local Planning Authority to be appropriate. Overall, the scheme is considered to be acceptable with regards to design, character and appearance.

Development Control Committee

Thursday, 22 November 2018

Amenity:

The applicant is seeking retrospective planning permission to subdivide No.20 Burgess Street into two separate dwellings with associated parking and amenity space. It is vitally important that the Local Planning Authority consider any amenity issues in the assessment of this planning application.

The scheme of development facilitates a separate dwellinghouse to the north west of the original property of No.20 Burgess Street in the previously approved and implemented extension. The ground floor element of this property would facilitate an open-plan kitchen, a storage area and a lounge/ diner with bi-folding doors opening out to the rear amenity area. The first floor of the proposed new dwellinghouse would facilitate two bedrooms (one with an en-suite), one separate bathroom, a study and a storage area. The gross internal floor area for the new unit has been calculated as 74.6 square metres.

This planning application, therefore, also seeks permission to convert the original dwellinghouse of No.20 Burgess Street back to its form prior to the implementation of the proposed two storey side extension permitted under application reference 16/00517/FUL. This would, however, be without the side garage/ storage structure which was not connected to the property internally. The gross internal floor area for this unit has been calculated as 84.0 square metres.

Draft Local Plan Policy 11 (Housing Choices) of the Local Plan Submission Document (2018) states that *"To ensure that new residential development promotes healthy living and dwellings are of the appropriate size for its proposed occupants; (unless there is a demonstrable reason for not doing so) all new dwellings should provide sufficient space for kitchen, dining, bedroom, and living facilities, and should include appropriate levels of internal storage. ... All residential proposals for conversion, sub-division and/ or changes of use will be considered on a case-by-case basis, and must take account the Government's National Technical Housing Standards"*. The Local Planning Authority has, therefore, undertaken a full consideration of the Government's National Technical Housing Standards which are attached to the Local Plan Submission Document (2018) for the assessment of this planning application. In addition to this Draft Local Plan Policy 15 (Urban Infill Development) of the Local Plan Submission Document (2018) states it is also necessary to ensure that development proposals do not "over develop" sites from original intended or existing uses.

On 1 November 2018 the applicant provided the Local Planning Authority with floor plans including the dimensions for the rooms of the property under drawing reference 2725-02 Rev.j to assist in the analysis of this development proposal. The Local Planning Authority have calculated and considered the internal floor areas for both of the dwellings which the applicant is seeking permission for. The gross internal floor area for the dwelling contained in the double storey side extension is calculated as 74.6 square metres. The Local Planning Authority, based on the information provided, class this dwelling as being a two storey, two bedroomed property for three people. This is, therefore, compliant with the 70.0 square metres as required and set out within the Government's National Technical Housing Standards which are attached to the Local Plan Submission Document (2018).

The gross internal floor area for the element which is proposed to be converted back to No.20 Burgess Street (to its form prior to the implementation of the proposed two storey side extension permitted under application reference 16/00517/FUL) has been calculated as 84.0 square metres. The Local Planning Authority, based on the information provided, class this dwelling as being a two storey, three bedroomed property for four people (based on plans attached to previous planning submissions). This is, therefore, compliant with the 84.0 square metres as required and set out within the Government's National Technical Housing Standards which are attached to the Local Plan Submission Document (2018).

The proposed two separate dwellings are each considered by the Local Planning Authority to be compliant with required guidelines as set out within the Government's National Technical Housing Standards which are attached to the Local Plan Submission Document (2018). In addition to this the Local Planning Authority considers the associated parking and amenity space provided for each of the dwellings to be reasonable. The Local Planning Authority, therefore, does not have any objection to the scheme of development as presented with regards to amenity.

Impact on Neighbour Amenity:

Analysis of the site together with the plans submitted has been undertaken by the Local Planning Authority. Assessment has been undertaken with specific regards to design and appearance; amenity accommodated within the proposed scheme; and also any potential impact on the neighbouring properties with regards to loss of daylight/ sunlight, overlooking or providing an overbearing feel.

The proposed development scheme is considered by the Local Planning Authority not to cause a substantial impact on neighbouring amenity. The Local Planning Authority considers this development scheme not to significantly detract from neighbouring amenity. The proposed scheme of development is, therefore, considered by the Local Planning Authority to be acceptable on neighbour amenity grounds.

Highways/ Access Issues:

Highways access and access into the site is to remain unchanged from its current form. The submitted proposed plans present a reasonable off-street car parking provision with two car parking spaces on the frontage of the site for each of the separate dwellings. The Local Planning Authority has consulted the Highways team at Leicestershire County Council with regards to this proposal. At the time of writing this report no comments have been provided by the Highways team. The Local Planning Authority has, however, considered the proposed scheme and any potential issues in relation to highways and access. The proposed scheme is considered not to present any major issues in relation to such. The presented off-street car parking provision is considered to be relatively generous in the context of the locality. The Local Planning Authority have noted that the application site is situated within Wigston Town Centre. Within local centres car parking is generally considered less of an issue. The Local Planning Authority, therefore, has no objection to this development proposal on highways and access grounds.

Other Issues:

No other matters need to be considered.

Conclusion

In summary, the Local Planning Authority have considered this planning application on the grounds of Design, Character & Appearance; Amenity; Impact on Neighbour Amenity; Highways/ Access Issues; and Other Issues. The scheme of development is considered not to compromise design, character and appearance, fall short on amenity, impact on neighbouring residential properties, or the safe and efficient use of the highway. This planning application is, therefore, being recommended for approval.

Implications Statement

Health	No Significant implications
Environment	No Significant implications

Development Control Committee
Thursday, 22 November 2018

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 Notwithstanding the provisions of Classes A, B, C, D, and E of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order revoking and re-enacting that Order, the two separate dwellings hereby permitted shall not be altered or extended (including any alterations to its roof), no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the dwellings unless planning permission has first been granted by the Local Planning Authority.
Reason: To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, the Oadby & Wigston Core Strategy, and the Oadby & Wigston Local Plan.
- 2 The car parking provision as presented on the approved documentation shall be provided in a bound material and thereafter made available at all times.
Reason: In the interests of highway safety and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4 of the Oadby & Wigston Local Plan.
- 3 Unless otherwise first approved in writing (by means of a Non-Material Amendment/ Minor Material Amendment or a new Planning Permission) by the Local Planning Authority the development hereby permitted shall be carried out in accordance with the approved plans and particulars listed in the schedule below:

Application Form - Ref: N/A - Provided by: The Drawing Room (Architects) Ltd. - Received by the Council: 26/09/2018

Design & Access Statement - Ref: N/A - Provided by: The Drawing Room (Architects) Ltd. - Received by the Council: 05/10/2018

As Built Plans & Elevations - Ref: 2725-02 Rev.j - Provided by: The Drawing Room (Architects) Ltd. - Dated: 09/2018 - Received by the Council: 01/11/2018

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.

Development Control Committee
Thursday, 22 November 2018

- 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 Application as submitted was considered to be acceptable and therefore discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

6 **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.** 18/00260/FUL
- b.** 18/00432/FUL
- c.** 18/00433/FUL