



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

Yours faithfully

Council Offices
Wigston
12 December 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 read, confirm and sign the minutes of the previous meeting in accordance with Rule 17 of Part 4 of the Constitution.	To Follow
4.	Petitions and Deputations To receive any Petitions and, or, Deputations in accordance with Rule 24 of Part 4 of the Constitution.	
5.	Report of the Planning Control Team Leader 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	1 - 12



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. 18/00420/FUL - 19 Arndale, Wigston,
Leicestershire, LE18 3UF**

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

Agenda Item 5

Application Number

Address

Report Items

- | | | |
|----|--------------|---|
| a. | 18/00420/FUL | 19 Arndale
Wigston
Leicestershire
LE18 3UF |
|----|--------------|---|

a.	18/00420/FUL	19 Arndale Wigston Leicestershire LE18 3UF
	18 September 2018	Change of use from dwelling house (Use Class C3) to a residential care home (Use Class C2), including two storey rear and single storey side extensions and alterations plus new vehicular access from Newton Lane.
	Case Officer	Mrs Tracey Carey



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

Site and Location

The site is located at the edge of the built-up area of the Meadows Estate and immediately adjacent to the start of the countryside. The property is located within a cul-de-sac and sited behind nos. 21 and 23 Arndale. Whilst the site is accessed from Arndale the property fronts Newton Lane.

The property is a large detached property with a detached building to the rear.

Description of proposal

The application is for a Change of Use from dwelling house (Use Class C3) to a residential care home (Use Class C2), including two storey side/rear extension and alterations plus new vehicular accesses from Newton Lane.

The extension measures approx. 3.6m wide at the front x 10.369m deep x 8.8m wide to the rear in line with the existing two storey shorter projection to the rear. The extension has two side gables with the front one being smaller at 7.5m than the rear which is around 8.5m high. The extensions will result in a 14 bedroom property (each with an en-suite) for use as a care home with an office, kitchen/breakfast room, two lounge areas and a dining room.

The application forms submitted indicate there will be 7 full time and 7 part time members of staff.

The plans as submitted propose two vehicular accesses onto Newton Lane (an IN and OUT) and a plan showing 7 parking spaces has also been provided.

The statutory determination period for this application expired on the 13 November 2018 and it is intended to issue a decision as soon as practicably possible after the Committee meeting.

Relevant Planning History

06/00531/FUL – New vehicular access onto Newton Lane – Refused – Appeal Dismissed

06/00065/FUL – Retention of garage conversion to new dwelling – Refused- Appeal Dismissed

03/00324/8P – Removal of condition 6 to approved application 93/0112/8M for access onto Newton Lane – Refused

02/00470/8P – Retention of vehicular access – Refused

00/0463/8P Relaxation of condition 6 (96/0553/8M) to allow retention of access onto Newton Lane – Refused

00/0374/8P - Relaxation of condition 6 (96/0553/8M) to allow retention of access onto Newton Lane – Withdrawn

Consultations

Development Control Committee Meeting

20 December 2018

Leicestershire County Council (Highways) – The Local Highway Authority (LHA) understands the proposal would create a new access and utilise the existing access on Newton Lane, Wigston. The proposed change of use will generate an increase in traffic in comparison to the existing use and therefore the new and existing access is required to be safe and suitable for the use type and should be designed in accordance with the details set out in the Leicestershire Highway Design Guide (LHDG). It is also noted that the access is within close proximity to the new roundabout on Newton Lane. The LHA would advise the applicant provides an access that has adequate width, surfacing and visibility splays for the use type and 85th percentile speeds on Newton Lane as per the details set out in the LHDG.

The proposed number of parking spaces is substandard for the use type as per details set out in the LHDG. The LHA would advise the applicant seeks to provide additional parking provision to ensure vehicles are not required to park within the highway, in the interest of highway safety.

OWBC Planning Policy – Although the location is not ideal to provide residents with access to local services in Wigston Town Centre and the scale of the proposed extension will make this property significantly larger than many others in the surrounding area, the proposed use will address a specialist care need as identified in the HEDNA and therefore, provided the Highways Authority is satisfied that the access and parking arrangements are acceptable, Planning Policy would have no further comment.

OWBC Environmental Health – No comments.

Representations

Neighbours have been informed and a site notice placed with one letter of representation being received plus two further letters (one with 11 signatures from six properties and one from two properties, previously included within the previous letter at the time of writing this report. The issues raised are:

- * Overdevelopment of the site;
- * Loss of light;
- * Overlooking;
- * 7 parking spaces is insufficient for the level of staff and visitors, thus Arndale would be used for parking putting pressure on the cul-de-sac with regards to congestion, additional noise, which could be at any time day or night;
- * No provisions for storage of waste (possibly clinical). A separate area would add to the overdevelopment of the site. Where would this be removed as there does not appear to be sufficient space on the frontage;
- * All deliveries will be made via Arndale, this will cause congestion in the cul-de-sac as this will be open 365 days a year causing disruption to existing residents;
- * Object to construction traffic for both the conversion and the extension using Arndale entrance;
- * Objection to any traffic to/from the care home having access from Arndale;
- * Covenants within the title deeds indicate no more than four dwellings to be erected on the land and that the property to be used as a private dwelling in single family occupation only.

The application is presented to Committee at the request of Councillors Mrs Loydall and Charlesworth.

Development Control Committee Meeting

20 December 2018

Relevant Planning Policies

National Planning Policy Framework

Oadby & Wigston Core Strategy

Core Strategy Policy 10	:	Community Infrastructure
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 Local Plan

Landscape Proposal 1	:	Design of new development subject to criteria.
Housing Proposal 14	:	Residential care in the Community
Housing Proposal 17	:	Criteria for extension developments

Emerging Local Plan Policy

Policy 11	:	Housing Choices
-----------	---	-----------------

Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document

Landscape Character Assessment

The Leicester and Leicestershire Housing and Economic Development Needs Assessment (2017) (HEDNA)

Leicestershire Highways Design Guide (2018)

Planning Considerations

The main issues to consider are:

- * The principle of the proposed use
- * The impact on the amenities of neighbouring properties
- * Highway/Access

The principle of the proposed use

The Adopted Core Strategy Policy 12, Housing needs of the Community, states that:

'Where proposals are made for development to meet specific local housing needs, the following criteria should be applied:

- * Proposals should be located within or adjoining the Leicester Principal Urban Area where there is access to a range of essential local services and facilities;*
- * Proposals should be close to public transport routes and accessible by a range of transport modes; and*
- * Proposals should be integrated into the existing wider community to help create mixed and inclusive communities.*

The Saved Local Plan Housing Proposal 14 states that:

'planning applications for residential care homes and for the conversion of existing houses to care homes will not be permitted unless:

- 1) The property is easily accessible to, and conveniently located in relation to, public transport, shops and other community facilities according to the needs of residents and their visitors;*
- 2) The conversion or alteration of existing buildings... is undertaken without affecting the building or its environs;*
- 3) The amenities of adjoining residents are not unduly affected; and*
- 4) Adequate land is available within the site for usable private garden space and to accommodate required car parking and servicing facilities without the loss of established trees and prominent landscaping.*

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 the Main Modifications have been proposed. The Main Modifications public consultation period commenced on Friday, 21 September 2018 and concluded on 2 November 2018. The Council is expecting to adopt the Plan in December 2018.

The new Local Plan is, therefore, considered to be a material consideration in relation to newly submitted planning applications and thus the following policy is relevant:

The Local Plan Submission Document Policy 11, Housing Choices, states that:

'The Council will support the development of bungalows, student halls of residence, specialist care accommodation, elderly care accommodation and retirement accommodation that meets an identified need and is proposed in appropriate sustainable locations.

All residential proposals will need to reflect the character of the area in which they are located.

The Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) states at paragraph 9.2 that:

'A key driver of change in the housing market over the next few years is expected to be the growth in the population of older persons. Indeed, as population projections show, the number of older people is expected to increase significantly over the next few years. Many older households are equity rich and able to exercise housing choice. However, with people living longer, there is expected to be an increasing need for specialist housing'.

In view of the above and given the site proximity to the new direction for growth site and that the proposed use will address a specialist care need as identified in the HEDNA, the principle of the use is considered acceptable in this location.

The impact on the amenities of neighbouring properties

There are some concerns regarding the design and siting of the proposal as submitted, particularly the height and proximity to the boundary. As a result of this the proposed two storey side extension by reason of its height and proximity to the boundary breaches the 25 degree code from the neighbouring dwelling (No.23 Arndale) at a height of 3.5m and would result in an overbearing form of development detrimental to the amenities of this property.

Development Control Committee Meeting

20 December 2018

The applicant has been made aware of these concerns and revised plans have been submitted which remove the first floor side element of the proposal, reducing the number of bedrooms to twelve. Given that a single storey extension up to 4m high could be constructed in this location under permitted development (as part of the existing residential use) there is no objection in principle to single storey development in this location. The revised height of approx. 5.3m (max) would still breach the 25 degree code, however, given what could currently be erected under permitted development and the double gable design which reduces the impact, it is not considered that the additional 1.3m for each gable would significantly impact on the amenities of the neighbouring property.

Highways/Access

The Local Highway Authority (LHA) initial response to the proposal for two new vehicle accesses concluded that the proposal failed to provide a safe and suitable access given the close proximity to the nearby roundabout and that there was a lack of information in relation to visibility splays and on-site turning/parking facilities for the proposed change of use.

Following the concerns raised by the Highway Authority the applicant has revised the scheme which now incorporates one new vehicle access, associated parking provision and subsequent vehicular tracking information for ambulances.

The Highway Authority have been consulted on the amendments made and are satisfied that a safe and suitable access can be provided, a large vehicle can enter and exit the site safely and that adequate parking provision can be accommodated within the site.

In view of this, the Local Highway Authority consider that the residual cumulative impacts of the development can be mitigated and are not considered severe in accordance with the National Planning Policy Framework 2018, subject to conditions requiring the access arrangements, pedestrian visibility, parking and turning facilities to be implemented prior to occupation of the proposed use.

Other Matters

Reference has been made in respect of covenants on the property, however, it should be noted that these are not a material planning consideration.

Conclusion

In summary, the principle of such a use in this location is considered acceptable and the proposed development is not considered to harm the character and appearance of the existing property or that of the surroundings, the amenity of neighbouring residential properties or the safe and efficient use of the highway and is, therefore, recommended for approval subject to the conditions outlined in the report.

Implications Statement

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

Development Control Committee Meeting

20 December 2018

	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 No deliveries shall be taken at or despatched from the site except between the hours of 8.00am and 6.00pm Monday to Friday, 9.00am to 2.00pm on Saturday. There shall be no deliveries or dispatches on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and the locality in general in compliance with Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 4 The existing garage/outbuilding shall only be used for storage in association with the residential care home hereby permitted and for no other purpose.
Reason: In the interests of the amenities of local residents and the locality in general in compliance with Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 5 The existing gates fronting Arndale shall remain in situ and there shall be no vehicular access to the site from Arndale unless otherwise first agreed in writing by the Local Planning Authority.
Reason: In the interests of the amenities of local residents and the locality in general in compliance with Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 6 No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on drawing number 24599_08_020_01 have been implemented in full.
Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2018).

Development Control Committee Meeting

20 December 2018

- 7 No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway and, once provided, shall be so maintained in perpetuity.
Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2018).
- 8 The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number 24599_08_020_01. Thereafter, the onsite parking provision shall be so maintained in perpetuity.
Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2018).
- 9 Unless otherwise first approved in writing (by means of a Non-material Amendment/Minor Material Amendment or a new Planning Permission) by the Local Planning Authority the development hereby permitted shall be carried out in accordance with the approved plans and particulars listed in the schedule below:

Application form submitted to and received by the Local Planning Authority on 18 September 2018
Location Plan, Drawing No. 3089-01 Rev B submitted to and received by the Local Planning Authority on 4 December 2018
Proposed Parking Plan/Block Plan, Drawing No. 3089-06 Rev G submitted to and received by the Local Planning Authority on 4 December 2018
Proposed Plans and Elevations, Drawing No. 3089-03 Rev B submitted to and received by the Local Planning Authority on 1 November 2018
Vehicular and Pedestrian Visibility Splays, Drawing No. 24599_08_020_01 submitted to and received by the Local Planning Authority on 16 November 2018
Ambulance Vehicle Tracking Plan, Drawing No. 24599_08_110_01 submitted to and received by the Local Planning Authority on 16 November 2018
Reason: For the avoidance of doubt as to what is permitted by this permission and in the interests of proper planning.

Note(s) to Applicant :

- 1 You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.
- 2 If the proposal involves the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Etc. Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.

Development Control Committee Meeting
20 December 2018

- 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 Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
- 6 In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7 **Appeals to the Secretary of State**

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

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

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

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

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

Development Control Committee Meeting

20 December 2018

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. 18/00420/FUL