



## YouTube Live Stream

A direct link to the live stream of the meeting's proceedings on the Council's YouTube Channel is below.

<https://youtu.be/aMAuqnStuXA>

### 1. Apologies for Absence

To receive apologies for absence from Members to determine the quorum of the meeting in accordance with Rule 7 of Part 4 of the Constitution.

### 2. Appointment of Substitutes

To appoint substitute Members in accordance with Rule 26 of Part 4 of the Constitution and the Substitution Procedure Rules.

### 3. 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'.

### 4. Minutes of the Previous Meeting 4 - 6

To read, confirm and sign the minutes of the previous meeting in accordance with Rule 19 of Part 4 of the Constitution.

### 5. Report of the Development Control Manager (May 2020) 7 - 54

Report of the Development Control Manager

#### a. Application No. 19/00474/REM - HM Young Offenders Institute Glen Parva, Tigers Road, Wigston, Leicestershire, LE18 4TN 8 - 20

Report of the Planning Control Officer

#### b. Application No. 19/00523/REM - Land Opposite, Stoughton Farm Park, Gartree Road, Oadby, Leicestershire, LE2 2FB 21 - 39

Report of the Development Control Manager

#### c. Application No. 19/00524/REM - Land Opposite, Stoughton Farm Park, Gartree Road, Oadby, Leicestershire, LE2 2FB 40 - 52

Report of the Development Control Manager

**For more information, please contact:**

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LE18 2DR

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**Development Control Committee  
(Remote Video Conference)**

Thursday, 21 May 2020

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# Agenda Item 4

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE  
COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 27 FEBRUARY 2020  
COMMENCING AT 7.00 PM**

## **PRESENT**

L A Bentley                      Chair  
Mrs L M Broadley              Vice-Chair



## **COUNCILLORS**

G A Boulter  
F S Broadley  
Mrs S Z Haq  
Miss P V Joshi  
J Kaufman  
C D Kozlowski  
Mrs H E Loydall  
R E R Morris  
Dr I K Ridley

## **OFFICERS IN ATTENDANCE**

S J Ball                              Trainee Solicitor  
D M Gill                             Head of Law & Democracy / Monitoring Officer  
A Matthews                        Planning Control Officer  
R Redford                         Development Control Manager  
A Thorpe                            Head of Built Environment

## **OTHERS IN ATTENDANCE**

M Drew                              Public Speaker, Applicant/Agent

## **25. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Miss Amandeep Kaur.

## **26. APPOINTMENT OF SUBSTITUTES**

None.

## **27. DECLARATIONS OF INTEREST**

None.

## **28. MINUTES OF THE PREVIOUS MEETING**

By affirmation of the meeting, it was

### **UNANIMOUSLY RESOLVED THAT:**

**The minutes of the previous meeting held on 19 December 2019 be taken as read, confirmed and signed.**

**29. REPORT OF THE DEVELOPMENT CONTROL MANAGER (FEBRUARY 2020)**

**29a. APPLICATION NO. 19/00475/FUL - HM YOUNG OFFENDERS INSTITUTE GLEN PARVA, TIGERS ROAD, WIGSTON, LEICESTERSHIRE, LE18 4TN**

Mr M Drew spoke upon the application on behalf of the applicant.

The Committee gave consideration to the report (as set out at pages 6 - 14 of the agenda reports pack) with reference to the Officers' Presentation (as set out at slides 3 - 9) which asked it to determine a planning application for the erection of an operational building of 2,355.064 sqm floorspace within a secure zone of an approved new prison at the site of the former HMP and YOI Glen Parva.

The Committee requested that all references within the report to the Committee's purported ability to "approve" the design, character and appearance of the proposed new operational building itself be removed from the report as it was not a planning consideration open to this Local Planning Authority to directly assess and/or control.

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

**RESOLVED THAT:**

- (i) The application be GRANTED planning permission in accordance with the submitted documents and plans subject to the prescribed conditions (as amended at (ii), (iii) and (iv) below);**
- (ii) A condition be added such that the applicant be advised that all works, ancillary operations and deliveries in association with the implementation of the development is to be carried out only between the hours of 0800 and 1800 Monday to Fridays, 0800 and 1300 on Saturdays and no work is to be carried out on the site on Sundays or Bank Holidays (as per the outline application under the reference of 16/00575/OUT);**
- (iii) An informative be added such that the applicant and the developer be requested to carefully consider the routing of the proposed systems for the disposal of surface water and foul sewage, with particular regard to be given to the adjacent residential properties off Crete Avenue and recommending that careful consideration is given to these adjacent properties and an arrangement of routing whereby the proposed systems can avoid these; and**
- (iv) An informative be added such that the attention of the applicant and the developer be drawn to Condition 9 of the outline application (under the reference of 16/00575/OUT which was granted planning approval on 4 September 2017) insofar as given that the development approved by this decision (referenced 19/00474/FUL) would fit within the wider development of the site, the applicant and the developer be advised that the requests of Condition 9 should also be applied to this approval.**

|                      |    |
|----------------------|----|
| <b>Votes For</b>     | 10 |
| <b>Votes Against</b> | 0  |
| <b>Abstentions</b>   | 1  |

**29b. APPLICATION NO. 19/00511/P3JPA - LYN HOUSE, 39 THE PARADE, OADBY, LEICESTERSHIRE, LE2 5BB**

The Committee gave consideration to the report (as set out at pages 15 - 19 of the

agenda reports pack) with reference to the Officers' Presentation (as set out at slides 10 - 12) which asked it to note a prior notification for a change of use from offices (B1) to 40 bed sits (C3).

It was requested by Councillor Mrs H E Loydall that it be specifically minuted that this Committee, under normal circumstances following ordinary planning policy, process and procedure, would object to this prior notification in the strongest possible terms.

The Member said that the proposed development at Lyn House would put the health and wellbeing of prospective occupants at considerable risk and that this Local Planning Authority ought not to be held directly responsible or accountable for any potential health and safety implications arising from the proposed development itself.

The Member was also critical of the Secretary of State for Communities and Local Government's decision to allow such prior notifications to be submitted under Class O of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 without proper recourse to due local planning policy, process and procedure.

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

**UNANIMOUSLY RESOLVED THAT:**

**The comments made by Councillor Mrs H E Loydall (as reflected in the preceding minutes of the meeting's proceedings) be formally adopted by the Committee as the collective view of the Local Planning Authority.**

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

**UNANIMOUSLY RESOLVED THAT:**

**The prior notification be noted for APPROVAL.**

**THE MEETING CLOSED AT 8.02 PM**



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**Chair**

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**Thursday, 21 May 2020**

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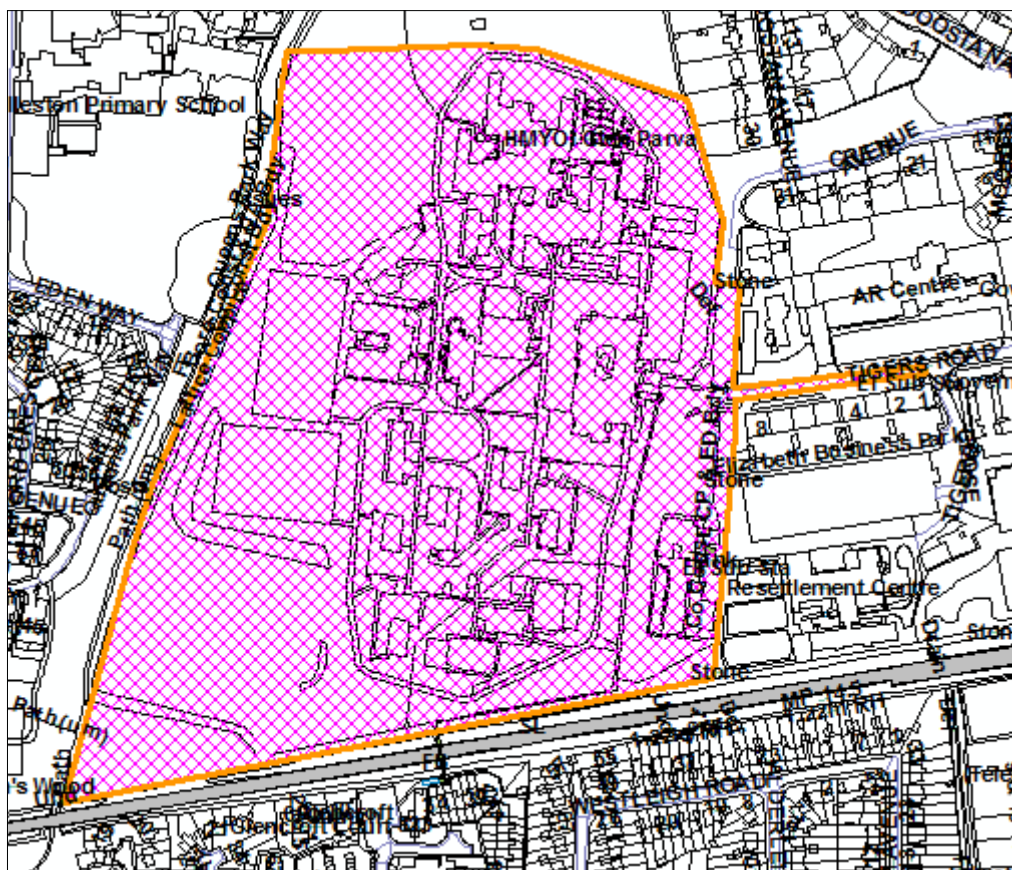
**Application Number**

**Address**

**Report Items**

- a. 19/00474/REM** HM Young Offenders Institute Glen Parva  
Tigers Road  
Wigston  
Leicestershire  
LE18 4TN
- b. 19/00523/REM** Land Opposite  
Stoughton Farm Park  
Gartree Road  
Oadby  
Leicestershire  
LE2 2FB
- c. 19/00524/REM** Land Opposite  
Stoughton Farm Park  
Gartree Road  
Oadby  
Leicestershire  
LE2 2FB

|           |                        |  |
|-----------|------------------------|--|
| <b>a.</b> | <b>19/00474/REM</b>    | HM Young Offenders Institute Glen Parva<br>Tigers Road<br>Wigston<br>Leicestershire<br>LE18 4TN  |
|           | <b>5 December 2019</b> | Reserved matters submission for the demolition of existing HMYOI Glen Parva and construction of a new prison (Use Class C2a) (max floor space 62,437 SQM GEA) with a secure perimeter fence together with access, parking, energy centre, landscaping and associated engineering works considering appearance, landscaping and layout (Outline Application approved on 4 September 2017 under ref 16/00575/OUT including access and scale). (Re-submission of 18/00230/REM). |
|           | <b>Case Officer</b>    | Alex Matthews  |



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## Site and Location

The application site, HM Young Offenders Institute Glen Parva, is situated partly within the western edge of the administrative area of Oadby & Wigston Borough Council. Situated within the administrative areas of both Blaby District Council and Oadby & Wigston Borough Council, the majority of the site is located within the Blaby District Council administrative area. Only the access along Tigers Road and a small section running along the eastern edge of the application site which incorporates a small section of visitor parking, an area of amenity grassland, and an element of perimeter fencing are within the Oadby & Wigston Borough Council administrative area.

The application site is approximately 16.3 hectares in size and it is located to the eastern edge of the built-up area of Glen Parva. The site currently comprises a cleared vacant site with secure perimeter fencing still intact. The site is constrained to the north by adjacent land owned by the Ministry of Justice (approximately 5.5 hectares) which comprises former HMYOI recreational and horticultural land but which is no longer used and Eyres Monsell Park beyond within the administrative area of Leicester City Council.

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

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

## Description of Proposal

The applicant is seeking planning permission in the form of a reserved matters submission for the demolition of existing HMYOI Glen Parva and construction of a new prison (Use Class C2a) (max floor space 62,437 SQM GEA) with a secure perimeter fence together with access, parking, energy centre, landscaping and associated engineering works considering appearance, landscaping and layout.

This reserved matter submission relates to the outline application which was approved on 4 September 2017 under ref 16/00575/OUT including access and scale. This planning decision authorises the demolition of the existing HMYOI Glen Parva and the construction of a new prison (Category C adult male) with a minimum floor space of 62,437sqm which approved the matters of access and scale.

The reserved matters application now under consideration is the re-submission of 18/00230/REM, which proposed "Reserved matters submission for the demolition of existing HMYOI Glen Parva and construction of a new prison (Use Class C2a) (max floor space 62,437 SQM GEA) with a secure perimeter fence together with access, parking, energy centre, landscaping and associated engineering works considering appearance, landscaping and layout (Outline Application approved on 4 September 2017 under ref 16/00575/OUT including access and scale)" which was granted planning permission on 27 July 2018. This permission approved the details of x17 buildings.

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## The Whole Development

The reserved matters application now under consideration seeks to alter the previously approved reserved matters including the removal of the kitchen block, relocation of the ancillary structures removal of some buildings to the north of the compound and re-configuration of the residential blocks. The kitchen block has been re-submitted under a FUL application referenced 19/00475/FUL which was granted planning permission on 28 February 2020.

A total of 12 buildings (excluding the ancillary structures 113A, 113B, 113C, 113D, 113E, 114 and the kennels) are proposed, comprising various external materials (to be confirmed by condition), including sandstone brickwork, metal profile wall panels, dark grey detailing to guttering, door, louvre and window details.

The northern section of the site comprises a variety of buildings (approximate dimensions indicated) including:

- \* Building 102 - entrance and resource hub - footprint 2,540sqm (excluding delivery loading bay) with varied roof design and flat roof height of 13 metres (with the extraction units taking the full height up to approximately 14 metres).
- \* Building 103 - reception building has been removed.
- \* Building 104 - support building - footprint 564sqm with pitched roof of 8.4 metres.
- \* Building 105 - central services hub - footprint 2,531sqm with flat roof height of 11.4 metres.
- \* Building 106 - health centre has been removed from the application.
- \* Building 107 - kitchen building - has been removed from this application and submitted under 19/00475/FUL which was granted planning permission on 28 February 2020.
- \* Building 108 - workshop - footprint 4,440sqm with a dual pitched roof measuring 12 metres.
- \* Building 109 - energy centre has been removed.
- \* Building 110 - care and support unit (CASU) - footprint 606sqm with flat roof of 5.2 metres.
- \* Building 111 - seven residential blocks with associated offices - footprint 1,498sqm with flat roof of 12.2 metres to the top of the parapet.

Car parking for 430 vehicles is shown to the north-west with 63 spaces for visitors and 367 spaces for staff. These parking areas, a bus stop/ drop off area and delivery vehicle access to a loading bay on the northern side of Building 102 would be served solely via a road from the end of the un-adopted Tigers Road (as existing), which joins Saffron Road (B5366) via a mini-roundabout.

## The Oadby & Wigston Borough Council administrative area

The area of the site within the Oadby & Wigston Borough Council administrative area comprises - in relation to the site as a whole - a relatively narrow strip to the eastern side of the site. An assessment of the submitted plans shows that this area, as proposed, will comprise of a very small section of the internal road to the parking area, a strip of landscaping, x3 ancillary structures

situated within the area of landscaping just to the north of the entrance, and new boundary treatments.

The proposed internal road has been labelled on the submitted Landscape Masterplan as being finished with macadam surfacing to the engineer's specification. The entirety of the proposed car park is also presented as being finished with the same material. In respect of the landscaping treatments as detailed on the submitted plans a variety of different tree, hedge and shrub species have been incorporated. The x3 ancillary structures from north to south are labelled as 113E and 113D both Western Power (DNO) HV Supply Housing, and 114 Income Gas Meter Housing. The Red Line outlining the application site to the north-east, within close proximity to the car park, has been labelled as facilitating new boundary treatments. No elevation details for either the ancillary buildings or the new boundary treatments have been provided for consideration as part of this Reserved Matters planning submission.

Along the eastern boundary of the site to the north of Tigers Road the submitted plans are annotated to indicate the provision of "extent of new boundary treatment" and "new 2.4m high boundary treatment". No elevation details of this are provided as part of this submission. Condition 6 of the outline permission does however require these details to be provided before the implementation of the development and it is understood that full details will be provided in due course before construction work begins in-line with this condition.

#### Note

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

The statutory determination period for this planning application expired on 5 March 2020. An Extension of Time has been requested and agreed. The Local Planning Authority intends to issue a decision as soon as practicably possible after the committee meeting.

#### **Relevant Planning History**

It should firstly be noted that as the application site hereby under consideration falls over two separate Local Authorities, the Reserved Matters planning application has been submitted to both Blaby District Council and Oadby & Wigston Borough Council for consideration.

On 28 April 2020 Blaby District Council issued planning approval for the Reserved Matters planning application currently under consideration here by Oadby & Wigston Borough Council. This decision was issued, under the Blaby District Council planning reference of 19/1553/RM, with a range of planning conditions attached.

The following outlines the recent Oadby & Wigston Borough Council planning history for the site currently under consideration:

19/00475/FUL Granted 28 February 2020

Erection of an operational building of 2,355.064 sqm floorspace within secure zone of approved new prison at the site of the former HMP and YOI Glen Parva

18/00230/REM Granted 27 July 2018

Reserved matters submission for the demolition of existing HMYOI Glen Parva and construction of a new prison (Use Class C2a) (max floor space 62,437 SQM GEA) with a secure perimeter fence together with access, parking, energy centre, landscaping and associated engineering works

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considering appearance, landscaping and layout (Outline Application approved on 4 September 2017 under ref 16/00575/OUT including access and scale).

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

16/00575/OUT Granted 4 June 2017

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

14/00346/FUL Granted 2 December 2014

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

13/00211/REN Granted 19 September 2013

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

10/00049/FUL Granted 18 May 2010

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

83/00732/8G Granted 19 September 1983

Erection of garage

## **Consultations**

Ecology (Leicestershire County Council): Further bat surveys are not needed as the site has been cleared.

Environment Agency: No objection.

Environmental Health (Oadby & Wigston Borough Council): Note the proposed layout, landscaping and site sections illustrating the boundary treatment, however given the proximity of residential property to the east of the site boundary would request further detail (preferably a visual image of the line of sight) of what our residents will see.

Highways (Leicestershire County Council): The LHA does not believe the impacts from the proposed development on the road network would be severe. Therefore, the LHA would not wish to change its formal highway observations dated 11 December 2019. The comment dated 11 December 2019 stated that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. The development does not conflict with paragraph 109 of the National Planning Policy

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Framework (2019), subject to the conditions and/or planning obligations. Condition recommended with regards to the implication of parking and turning facilities in accordance with the plans.

Lead Local Flood Authority (LLFA) (Leicestershire County Council): No concerns. Leicestershire County Council as the LLFA advises the LPA that the application documents as submitted are sufficient to allow the LLFA to support the reserved matters details.

Leicestershire Police: No objection.

Severn Trent Water Ltd: A condition and an informative have been suggested with regards to the disposal of surface water and foul sewage.

## **Representations**

Neighbours have been informed and a press and site notice placed with one letter of representation being received at the time of writing this report. The date for the receipt of comments expired on the 11 April 2020. The points of concern outlined can be summarised as follows:

- \* Any mention of Crete Avenue and Hindoostan Avenue has been removed.
- \* The Crete Avenue boundary fence still hasn't been decided upon.
- \* Concerns with regards to Radio Mast and Radio Tower.

## **Relevant Planning Policies**

National Planning Policy Framework (NPPF) (2019)

Oadby & Wigston Borough Council Local Plan (Adopted April 2019)

|           |   |  |
|-----------|---|--|
| Policy 1  | : | Presumption in Favour of Sustainable Development           |
| Policy 6  | : | High Quality Design and Materials                          |
| Policy 10 | : | Public Realm   |
| Policy 38 | : | Climate Change, Flood Risk and Renewable Low Carbon Energy |
| Policy 39 | : | Sustainable Drainage and Surface Water                     |
| Policy 44 | : | Landscape and Character                                    |

Supplementary Planning Documents:

Landscape Character Assessment (2018)

Leicestershire Highways Design Guide (2018)

Local Highway Authority current standing advice (Sept 2011)

## **Planning Considerations**

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

With the exception of x3 ancillary structures, and boundary treatments as referenced above, all of the built form in the development submitted as part of this reserved matters application is within the administrative area of Blaby District Council. While there is a need to be mindful of the

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development as a whole, the decision can only be made on elements of the proposal within the Oadby & Wigston Borough Council administrative area of control and based on planning matters.

The main issues to consider in the determination of this Reserved Matters planning application predominantly include; design, character and appearance implications; impact on amenity; highways and access matters; and disposal of surface water and foul sewage.

### Design, Character and Appearance

The Local Planning Authority (OWBC) cannot assess and control the design, character and appearance implications of the proposed built form of the proposed scheme of development which fall within the administrative area of Blaby District Council. It is therefore for Blaby District Council to assess and control these factors.

The Local Planning Authority (OWBC) can, however, consider the design, character and appearance implications associated with the elements of the proposed scheme, which are situated within the relatively narrow strip to the eastern side of the site, falling within the Oadby & Wigston Borough Council administrative boundary. These elements include a very small section of the internal road to the parking area, a strip of landscaping, and x3 ancillary structures situated within the area of landscaping just to the north of the entrance onto Tigers Road. Further to this, the Local Planning Authority can also control the boundary treatments along the site boundary to the north-east of the site under consideration which have been labelled within the Reserved Matters planning submission currently under consideration as "extent of new boundary treatment" and "new 2.4m high boundary treatment".

The proposed landscaping details as presented are considered by the Local Planning Authority to be appropriate and reasonable in terms of design, character and appearance. Further to this the section of internal road to the parking area as proposed is not considered to present any issues relating to design, character and appearance implications.

With regards to the proposed new boundary treatment and the x3 ancillary structures situated within the area of landscaping just to the north of the entrance to the site the Local Planning Authority would require more details in order to make a well-informed assessment. No elevation details for either of these elements have been provided as part of this planning submission for consideration. Should the Local Planning Authority therefore be minded to recommend planning approval, conditions shall be attached to the decision notice to enable to Local Planning Authority to request details and assert control over these elements of the proposed scheme of development.

### Amenity

The Local Planning Authority (OWBC) cannot assess and control the neighbouring amenity implications associated with the proposed built form which falls within the administrative area of Blaby District Council. It is therefore for Blaby District Council to assess and control these factors.

With regards to the elements of the proposed Reserved Matters planning submission which fall within the Oadby & Wigston Borough Council administrative area, potential implications on amenity have been considered. These elements include the small section of the internal road, strip of landscaping, x3 ancillary structures situated within the area of landscaping, and boundary treatments along the site boundary to the north-east of the site. The Local Planning Authority has considered the potential impact on amenity that these elements may potentially present. The submitted scheme of landscaping, incorporating a variety of different tree, hedge and shrub species is considered by the Local Planning Authority to provide an appropriate outlook from nearby residential and commercial sites within the borough facing the site as well as minimising the

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additional extent of the development from that previously existing on the site from the same neighbours. Further, it also serves to potentially afford enhanced ecological benefits in the locality to the benefit of the area and various species.

The Local Planning Authority has noted a consultation comment received from the Environmental Health department with regards to requesting more details of proposed boundary treatments. As mentioned in the section above, should the Local Planning Authority be minded to recommend planning approval, conditions shall be attached to the decision notice to enable the Local Planning Authority to request details and assert control over boundary treatments along the site boundary to the north-east of the site.

#### Highways/ Access

This Reserved Matters planning submission has been assessed by the Highways department at Leicestershire County Council, as the relevant local highway authority. The Highways department has responded to the consultations undertaken and informed the Local Planning Authority that, in its professional opinion, it does not believe that the impacts from the proposed development on the road network would be severe. The Highways department has also stated that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

The Highways department has stated that overall it considers the proposed scheme of development to not conflict with paragraph 109 of the National Planning Policy Framework (2019). This is subject to the relevant planning conditions. At the request of the Highways department, should the Local Planning Authority be minded to recommend planning approval, a condition shall be attached to the decision notice with regards to the implication of parking and turning facilities.

#### Disposal of Surface Water and Foul Sewage

The Local Planning Authority has considered potential issues with regards to the disposal of surface water and foul sewage in response to the consultation comments received from both the Lead Local Flood Authority (LLFA) and Severn Trent Water. The LLFA has informed the Local Planning Authority that it has no concerns with regards to the proposed Reserved Matters planning submission. Severn Trent Water has requested that a condition and an informative be incorporated into the decision notice should the Local Planning Authority be minded to recommend planning approval.

Should the Local Planning Authority be minded to recommend planning approval for this Reserved Matters planning submission conditions and informatives shall be incorporated into the decision notice. These conditions shall ensure that prior to first occupation of the new prison details of any SuD's basin (including an updated Flood Risk Assessment, accompanied by a water drainage strategy) shall be submitted to and agreed in writing. The development shall then be implemented in accordance with the approved recommendations and maintained in perpetuity. Further to this drainage plans for the disposal of surface water and foul sewage shall be submitted and agreed, and also implemented in full. This is to ensure that the proposed development would not exacerbate flood risk.

#### Other Matters

No other matters to be considered.

## Conclusion

The proposed scheme of development as submitted is recommended by the Local Planning Authority (OWBC) for planning approval subject to the incorporation of conditions and informatives into the decision notice as detailed.

## Implications Statement

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

## RECOMMENDATION: GRANTS

Subject to the following condition(s)

- 1 Prior to first occupation of the new prison, full details including comprehensive plans and elevations, of the eastern site boundary treatment between the northern most point and Tigers Road shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and maintained in perpetuity.  
**Reason:** For the avoidance of doubt and in the interests of residential amenity.
- 2 Prior to first occupation of the new prison, full details including comprehensive plans and elevations, of Ancillary Structures 113E, 113D & 114 shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and maintained in perpetuity.  
**Reason:** For the avoidance of doubt and in the interests of residential amenity.
- 3 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 321530-3515-PEV-GPI000-ZZ-DR-A-9008-B0700 Rev P04. 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 (2019).
- 4 Prior to the first occupation of the new prison, details of any SuD's basin (including an updated Flood Risk Assessment, accompanied by a water drainage strategy) shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved recommendations and maintained in perpetuity.  
**Reason:** The proposed development would not exacerbate flood risk to the site.

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- 5 Prior to the first occupation of the new prison, drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. The disposal of surface water by means of soakaways should be considered as the primary method.  
**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
- 6 Unless otherwise first approved in writing (by means of a Non-Material Amendment/ Minor Material Amendment or a new Planning Permission) by the Local Planning Authority the development hereby permitted shall be carried out in accordance with the approved plans and particulars listed in the schedule below:

Application Form - Ref: N/A - Received: 25 November 2019  
Site-Block Plan-Proposed-Planning-Main - Ref: 321530-3515-PEVGPI000-ZZ-DR-A-9001-B0700 Rev P04 - Received: 25 November 2019  
Sections-Site-Proposed-Planning-Sheet 1 - Ref: 321530-3515-PEVGPI000-ZZ-DR-A-9003-B0700 Rev P02 - Received: 25 November 2019  
Sections-Site-Proposed-Planning-Sheet 2 - Ref: 321530-3515-PEVGPI000-ZZ-DR-A-9004-B0700 Rev P03 - Received: 25 November 2019  
Sections-Site-Proposed-Planning-Sheet 3 - Ref: 321530-3515-PEVGPI000-ZZ-DR-A-9005-B0700 Rev P02 - Received: 25 November 2019  
Site-Block Plan-Proposed-Planning-RM Overlay - Ref: 321530- 3515-PEV-GPI000-ZZ-DR-A-9008-B0700 Rev P04 - Received: 25 November 2019  
Site-External Window Mesh Location Plan - Ref: 321530-3515- PEV-GPI000-ZZ-DR-A-9009-B0700 Rev P03 - Received: 25 November 2019  
Plan-Planning-L00 (Ground) - Ref: 321530-3515-PEV-GPI102-00- DR-A-9000-B0700 Rev P02 - Received: 25 November 2019  
Plan-Planning-LR3 (Roof) - Ref: 321530-3515-PEV-GPI102-R3-DRA-9003-B0700 Rev P02 - Received: 25 November 2019  
Elevations-Ext-Planning-Colour - Ref: 321530-3515-PEV-GPI102- ZZ-DR-A-9010-B0700 Rev P03 - Received: 25 November 2019  
Elevations-Ext-Planning-No Colour - Ref: 321530-3515-PEV-GPI102-ZZ-DR-A-9011-B0700 Rev P03 - Received: 25 November 2019  
Plan-Planning-L00 (Ground) - Ref: 321530-3515-PEV-GPI104-00- DR-A-9000-B0700 Rev P02 - Received: 25 November 2019  
Plan-Planning-LR1 (Roof) - Ref: 321530-3515-PEV-GPI104-R1-DRA-9002-B0700 Rev P02 - Received: 25 November 2019  
Elevations-Ext- Planning-Colour - Ref: 321530-3515-PEV-GPI104- ZZ-DR-A-9010-B0700 Rev P03 - Received: 25 November 2019  
Elevations-Ext- Planning-No Colour - Ref: 321530-3515-PEVGPI104-ZZ-DR-A-9011-B0700 Rev P03 - Received: 25 November 2019  
Plan-Planning-L00 (Ground) - Ref: 321530-3515-PEV-GPI105-00- DR-A-9000-B0700 Rev P03 - Received: 25 November 2019  
Plan-Planning-LR3 (Roof) - Ref: 321530-3515-PEV-GPI105-R3-DRA-9003-B0700 Rev P03 - Received: 25 November 2019  
Elevations-Ext-Planning-Colour - Ref: 321530-3515-PEV-GPI105- ZZ-DR-A-9010-B0700 Rev P03 - Received: 25 November 2019  
Elevations-Ext-Planning-No colour - Ref: 321530-3515-PEV-GPI105- ZZ-DR-A-9011-B0700 Rev P03 - Received: 25 November 2019

Plan-Planning-L00 (Ground) - Ref: 21530-3515-PEV-GPI108-00-DRA-9000-B0700 Rev P02 - Received: 25 November 2019

Plan-Planning-LR1 (Roof) - Ref: 321530-3515-PEV-GPI108- R1-DR-A-9002-B0700 Rev P02 - Received: 25 November 2019

Elevations-Ext-Planning-Colour - Ref: 321530-3515-PEV-GPI108- ZZ-DR-A-9010-B0700 Rev P03 - Received: 25 November 2019

Elevations-Ext-Planning-No colour - Ref: 321530-3515-PEV-GPI108- ZZ-DR-A-9011-B0700 Rev P03 - Received: 25 November 2019

Plan-Planning-L00 (Ground) - Ref: 321530-3515-PEV-GPI110-00- DR-A-9000-B0700 Rev P02 - Received: 25 November 2019

Plan-Planning-LR0 (Roof) - Ref: 321530-3515-PEV-GPI110-R0-DRA-9001-B0700 Rev P02 - Received: 25 November 2019

Elevations-Ext-Planning-Colour - Ref: 321530-3515-PEV-GPI110- ZZ-DR-A-9010-B0700 Rev P03 - Received: 05 December 2019

Elevations-Ext-Planning-No colour - Ref: 321530-3515-PEV-GPI110- ZZ-DR-A-9011-B0700 Rev P03 - Received: 25 November 2019

Plan-Planning-L00 (Ground) - Ref: 321530-3515-PEV-GPI111-00- DR-A-9000-B0700 Rev P02 - Received: 25 November 2019

Plan-Planning-LR3 (Roof) - Ref: 321530-3515-PEV-GPI111-R3-DR-A-9004-B0700 Rev P02 - Received: 25 November 2019

Elevations-Ext-Planning-Colour - Ref: 321530-3515-PEV-GPI111- ZZ-DR-A-9010-B0700 Rev P03 - Received: 25 November 2019

Elevations-Ext-Planning-No Colour - Ref: 321530-3515-PEV-GPI111- ZZ-DR-A-9011-B0700 Rev P03 - Received: 25 November 2019

Proposed Ground Levels - Ref: 321530-3515-PEV-GPI000-XX-DR-C-0111-D0100 Rev P07 - Received: 06 January 2020

Comprehensive Landscape Masterplan - Ref: 321530-3515-PEV-GPI000-XX-DR-L-0003-D0100 Rev P04 - Received: 12 March 2020

Sections-Site-Proposed-Planning-Clarified - Ref: 321530-3515-PEV-GPI000-ZZ-DR-A-9010-B0700 Rev P02 - Received: 12 March 2020

**Reason:** For the avoidance of doubt as to what is permitted by this permission and in the interests of proper planning.

Note(s) to Applicant :

- 1 The conditions attached to the outline planning permission, under the reference of 16/00575/OUT, to which this Reserved Matters planning approval relates still apply and shall be complied within in full. The applicant is advised to also again review the informatives attached to this Outline planning approval.
- 2 Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
- 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

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application. If this is the case then you should allow at least 8 weeks before the intended start date to gain approval for such amendments. Further advice can be obtained by contacting the Planning Section of the Council on any amendments (internal or external).

- 5 This permission requires you to submit further details to the Local Planning Authority on the proposal prior to the commencement of works on site. There is a fee payable to the Local Planning Authority when a request is made for the discharge of one or more conditions on the same permission or for confirmation of compliance with a condition or conditions. At the time of writing, the fee is payable per written request to discharge conditions not per condition and therefore any number of conditions may be included on a single request. The fee for such a request associated with this permission (at the time of this decision notice) is £116. The fee must be paid when the request is made. The Local Planning Authority has a statutory period of 8 weeks for the determination of such requests.
- 6 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.

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse permission 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 can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but 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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

## **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.



## **Site and Location**

As a whole the application site comprises 2 parcels of land – one to the north of Gartree Road (parcel 1) and the second to the south of Gartree Road and the west of Stoughton Road (parcel 2) with a combined total area of 13.5 hectares.

Parcel 1 – part of the former Stoughton Grange Estate - has an existing vehicular access off Gartree Road with it serving a number of commercial units (outside of the application site), parking area serving the commercial units, a pair of semi-detached residential dwellings and a number of modern agricultural units. This parcel of land is bordered from adjacent land by a mixture of hedgerows, post and rail fencing, buildings and trees. To the west and north of this parcel is agricultural land with Shady Lane bordering the fields to the west beyond which is The Arboretum, an area of open space within the administrative boundary of, and owned by, Leicester City Council. To the east of this parcel are a number of commercial units and a residential dwelling with a number of other buildings to the north-east. Near to the northern and eastern boundaries of this parcel is the administrative boundary that separates Oadby and Wigston Borough Council from Harborough District Council. The area of land within the Harborough District Council administrative area is a Conservation Area.

Parcel 2 comprises two fields – currently being used for arable purposes – separated from each other by a small watercourse, with 2 wooded areas. Its boundaries comprise of a mixture of trees, hedging, post and rail fencing, and mesh fencing (albeit along its western edge where it has fallen down in parts). To the immediate south of this parcel are residential dwellings while to its west is a public footpath and other agricultural land (in the applicant's ownership but not forming part of this application due to its historic and current allocation for a road) beyond which are further residential dwellings. Further along Gartree Road to the north west of the dwellings is the Spires Hospital. To the east of this parcel, on the other side of Stoughton Road, are the sports fields owned and used by students at the University of Leicester.

Outline planning permission with access has been approved on the site for up to 310 dwellings and a car parking area with other associated work.

The site for this reserved matters submission relates to part of parcel 1 and the entire extent of parcel 2 as set out above.

## **Description of proposal**

As submitted the application is a reserved matters submission for the appearance, landscaping, layout and scale for 310 dwellings with associated roads, landscaping and infrastructure (condition 2) as well as the discharge of phasing (condition 8) and tree method statement (condition 18) across both northern and southern parcels of land as approved on outline planning application 18/00178/OUT on 15 October 2019.

Submitted as part of the application were drawings showing the layout and elevations of all the proposed house types and the site layout indicating roads, paths, dwellings and their gardens, public open spaces etc. Full details on materials as well as all hard and soft landscaping were

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provided. A plan showing the proposed phasing for the implementation of the development has been provided as well as a tree method statement in respect of conditions 8 and 18 respectively.

Following receipt of a number of consultee responses, amended and additional plans have been provided relating to the site layout and house types.

The statutory determination period for this application expires on the 31 May 2020 following an extension of time having been agreed, and it is intended to issue a decision as soon as practicably possible after the committee meeting.

### **Relevant Planning History**

Outline planning application, with access, for the demolition of the existing buildings located at Stoughton Grange, including 2x dwellings, and the subsequent construction of up to 310x dwellings across two land parcels (Stoughton Grange and land to the south of Gartree Road), with associated landscaping, public open space, on-site infrastructure and car parking provision including a new reconfigured car park for Stoughton Grange, and private amenity space. (18/00178/OUT) – Approved 15 October 2019.

Reserved matters submission of appearance, landscaping, layout and scale for a 91 space car park on part of the northern parcel of land as approved on outline planning application 18/00178/OUT on 15 October 2019. (19/00524/REM) – Under consideration

Erection of 2x advert signs (20/00127/ADV) – Under consideration

### **Consultations**

Cadent – Comment:

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

National Grid – No comments received.

Severn Trent Water – No comments received.

Western Power – No comments received.

Natural England – Has no comments to make on the submission.

Historic England – Comment:

Do not wish to offer comment, suggesting the LPA seek the views of its specialist conservation and archaeological advisors.

Harborough District Council – No comments received.

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Leicester City Council – No comments received.

Leicestershire County Council (Archaeology) - Comment:

Whilst they have no specific comments to make on these particular reserved matters, they advise the LPA that there remains an outstanding archaeological condition secured against the Outline Planning Permission 18/00178/OUT. They have recently approved a Written Scheme of Investigation (specification) for the archaeological mitigation work- this was prepared by University of Leicester Archaeological Services, who are acting on behalf of the applicant, and we understand that the fieldwork is due to commence shortly. The pre-commencement archaeological condition should not therefore be discharged until the archaeological fieldwork has been completed in accordance with the approved WSI.

Leicestershire County Council (Ecology) – Comment:

The general layout, species-mixes and habitats shown on the landscape plans appears acceptable. Have concerns in respect of Condition 22 on the outline approval that requires a 10m distance between built development and woodland / hedgerows.

Leicestershire County Council (Heritage) - No objections

The heritage consideration letter received appears to acknowledge some of the legislative and policy obligations associated with developing close to the nearby statutory listed buildings. The change in house type on plot 3 and the increase in space between Lodge Cottage and the proposed development is welcomed. Some of the benefits that will be gained by the increased separation will be lost through the erection of a pair of two storey houses but accept the valid point made in the letter that 'this allows for a greater distance between Lodge Cottage and the built development to the rear than was shown on the Illustrative Masterplan'. The use of relatively simple house types and additional planting are also beneficial in my opinion and help to overcome some of the concerns expressed previously.

Leicestershire County Council (Highways) – No objections

Following an initial objection detailing that more details / amendments were required, the Local Highway Authority Advice following receipt of the amended / additional information is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and/or planning obligations outlined in this report.

Leicestershire County Council (Lead Local Flood Authority) – Further consultation needed:

Highlight that Leicestershire County Council as the LLFA advises the LPA that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage in relation to the reserved matters application.

Leicestershire County Council (Planning) – No comments received.

Leicestershire County Council (Rights of Way) – No comments received.



Leicestershire Police - Comment:

Has no objections to the proposal with permeability not being an issue but suggests CCTV be provided which also includes Automatic Number Plate Recognition, while also providing cycle and bin storage areas amongst other features.

Leicestershire Fire and Rescue – Comment:

In order to maintain public safety on any proposed sites, developers and architects are reminded of the need to comply with Building Regulations 2010 Approved Document B Volume 1: Dwelling houses (2006 edition as amended), B5, Section 11, Access and facilities for the Fire and Rescue Service.

Leicestershire East Midland Ambulance – No comments received.

OWBC Environmental Health – No comments to make.

OWBC Planning Policy – No objection

The plans provided show the proposal includes on-site open space for most categories that meet requirements while the Section 106 legal agreement provides for elsewhere.

OWBC Tree Officer – Comment

Subject to the regularisation of TPO referencing in the Arboricultural Method Statement being regularised, has no objections. (N.B. – the Method Statement has been amended as per these comments)

Oadby Civic Society - No comments received.

## **Representations**

Neighbours have been informed and a site notice placed on site. The submission has also been publicised via a notice in the press. 8 letters of representation being received at the time of writing this report comprising 1 representation, 1 of support and 6 objecting. The date for the receipt of comments expired on the 25 March 2020.

The reasons for objection can be summarised as follows: -

- \* It being out of character;
- \* protection of trees – no work to be done;
- \* visual amenity;
- \* insufficient details of extent of hedgerow being cut back meaning no assessment of how it will affect the viability of the hedgerow;
- \* could a condition be attached limiting the trimming of the hedge to remove excess growth only;
- \* increased traffic and pollution levels;
- \* increased congestion;
- \* need for an up-to-date traffic survey;
- \* insufficient infrastructure re schools, GPs etc;
- \* detrimental impact on the environment;

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- \* it is factually incorrect there is a need for more housing stock;
- \* impact upon heritage assets, especially the northern parcel of land;
- \* impact on bio-diversity;
- \* reduction in green wedge between Oadby and Evington village; and
- \* flooding.

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

- \* The developer, Bellway Homes, have a high building standard as evidenced by other local developments;
- \* new homes adjacent to existing properties will be of a similar size with smaller homes phased across the site;
- \* the building line will be retained within the development; and
- \* there will be no open access from the development to reduce security to existing dwellings.

The representation related to the following:-

- \* Wanting to be removed from the notification list.

## **Relevant Planning Policies**

### National Planning Policy Framework

#### Oadby and Wigston Local Plan

|           |   |  |
|-----------|---|--|
| Policy 1  | : | Presumption in Favour of Sustainable Development |
| Policy 5  | : | Improving Health and Wellbeing                   |
| Policy 6  | : | High Quality Design and Materials                |
| Policy 8  | : | Green Infrastructure                             |
| Policy 9  | : | Open Space, Sport and Recreation Facilities      |
| Policy 11 | : | Housing Choices                                  |
| Policy 12 | : | Housing Density                                  |
| Policy 13 | : | Affordable housing                               |
| Policy 18 | : | Stoughton Grange Direction for Growth            |
| Policy 34 | : | Car Parking                                      |
| Policy 37 | : | Biodiversity and Geodiversity                    |
| Policy 40 | : | Culture and Historic Environment Assets          |
| Policy 44 | : | Landscape and Character                          |

### Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document

## **Planning Considerations**

As the submission relates to the discharge of conditions numbered 2, 8 and 18 of the outline development approved under reference 18/00178/OUT, the main issues to consider in the determination of this reserved matters submission include the following:

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- \* Appearance;
- \* landscaping;
- \* layout;
- \* scale;
- \* highways and parking;
- \* amenity;
- \* phasing;
- \* trees;
- \* neighbour objection

#### Layout:

Due to the nature of the site being split into 2 parcels, for ease this section of the report will look at each parcel separately from the other before providing combined comments.

The northern parcel of land shows the provision of 26 dwellings with a combination of integral and detached garages along with private rear / side garden amenity areas. Access will be via the access point approved as part of the outline application and along the associated road which runs in a south-east to north-west direction off which a number of smaller roads branch off on both sides. The dwellings have been arranged in a manner to maximise building frontages facing on to the internal roads while minimising the extent of boundary treatments abutting the road ways to maintain a visually attractive appearance and flow within this parcel of land. There is a balancing pond toward the front of the site adjacent to Gartree Road with the dwellings set behind it facing towards Gartree Road while amended plans provided following dialogue between the agent and officers, including the LCC Heritage advisor, has resulted in a change to the design, appearance and location of some of the dwellings to increase the gap and relationship between them and the adjacent listed buildings. The layout proposed, including the amendments received, results in this parcel having a more spacious nature than the southern parcel that is more respectful of the location of this parcel of land beside open countryside, as well as having an arrangement more in-keeping with the adjacent commercial units.

Turning to the southern larger parcel of land that forms part of the application area for housing, the site has been laid out in a manner that retains the existing planting comprising a mixture of trees and hedgerows closest to both Gartree Road and Stoughton Road, with the exception of where the 2 access points approved as part of the outline permission are to enter the site, as well as retaining the larger wooded areas. A single road connects the two access points off which all other internal roads flow to afford access and servicing to the dwellings and other areas of space. This road layout as well as the location and layout of the dwellings, including their associated private amenity space and parking areas, serve to provide the majority of the dwellings proposed including the affordable housing element of the scheme. The dwellings have been arranged and set out in a manner that has primary frontages looking outwards while ensuring boundary treatments to roads are minimal. Designated open space areas are distributed throughout the site serving to break up the mass of the development whilst also providing appropriate soft areas so contributing to an attractive, flowing character and appearance.

Within the development the various house types are distributed well across the site along with the private drives and landscaping serving to ensure the dwellings have sufficient parking provision and landscaping themselves. In the wider context of the site the hard and soft landscaping provide an attractive balance that will enhance the site itself while also enabling it to fit in with the existing, adjacent built up-areas. Open space has been provided in strategic locations while the balancing ponds are sited in the appropriate locations as well.

#### Scale:

The majority of the dwellings proposed are traditional two-storey buildings with pitched roof above. There are also a number of dwellings where an extra floor is provided in the roof space where the rooms are served by a combination of roof lights and dormer windows. Further, there are a number of bungalows and units contained on a single floor above an undercroft located in the proposal. The extent, nature and location of the dwellings of this scale are arranged in a manner that is reflective of the area while also serving to provide areas of interest. They do not appear at odds or out of keeping with the character and appearance of the proposal itself nor existing dwellings adjacent to the site.

#### Appearance:

The originally submitted house details as well as the amended house details provided show 40 dwellings of different house names although there are a number of permutations of these with some house types being able to be built of brick, render or with Tudor style timbers. These are of varied layouts and external appearance but all have features and characteristics that are seen by officers to relate to existing dwellings within the area so enabling them to fit in with the character and appearance of existing dwellings in the area. Furthermore, their design, appearance, scale massing and proportions of the dwellings also relate to each other so enabling the proposal to form an attractive, connected development.

A number of the dwellings will have garages detached from the dwelling that they will serve. These will be either a single detached garage, double detached garage or a detached garage building providing two single parking spaces to serve two separate dwellings. The design, appearance, scale, bulk and massing of these relate to the dwellings they will serve and will fit in with the area without raising any adverse or detrimental impacts.

The location, siting and orientation of the dwellings and garages alongside open areas including roads will provide an appearance that is considered by officers to be acceptable and will contribute to an enhancement of the area in a manner not out of keeping with the character and appearance of neighbouring / surrounding residential areas.

#### Landscaping:

The submitted plans show full hard and soft landscaping details for the development as a whole including not only the dwellings proposed but also the roads and footpaths around the site. In respect of the hard materials, these provide a variety of materials all of which are appropriate to the development proposed on their own as well as in conjunction with the other hard materials. With

regards to the soft landscaping, a wide variety of soft landscaping is proposed from grass and shrubs to trees. These also relate well to the development within the context of the individual dwellings and areas of open space as well as in relation to each other. Furthermore, both hard and soft landscaping measures proposed complement each other in a manner that is considered positive to the area and the proposal so as to not result in any adverse or detrimental issues.

#### Highways and parking:

In February 2020 the Local Highway Authority (LHA) provided initial highway observations on this reserved matters submission for the appearance, landscaping, layout and scale for 310 dwellings with associated roads, landscaping and infrastructure (condition 2) as well as the discharge of phasing (condition 8) and tree method statement (condition 18) across both northern and southern parcels of land as approved on outline planning application 18/00178/OUT on 15 October 2019.

The initial highway observations highlighted a number of concerns with the proposed layout which meant that the proposed development would not be adopted by the LHA and would remain private. The Applicant has now submitted the following drawings and documents to the LPA on 9 April 2020 to address the initial issues raised:

- \* Drawing Ref: S100-500-02-Rev D:- Planning Layout
- \* Initial Highway Comments including Developers Response
- \* Swept Path Analysis Plans
- \* Engineering Layout Plans
- \* Amended Arboricultural Method Statement (AMS)

Further to the original comments made by the Highway Authority raising issues needing to be addressed, the applicant submitted dimensioned plans which show compliance with the Local Highway Design Guide (LHDG) in most areas. The increase to 5m from 4.8m width for a Residential Access Road serving less than 50 dwellings for the area to the North of Gartree Road is accepted by the LHA given the tracking information provided. The Applicant has designed the road serving plots 194-244 at 5.5m which should necessitate a 25m forward visibility envelope. Given the double bend geometry, in this instance, a forward visibility of 17m will be acceptable. It is assumed that this is due to the double bend having the effect of slowing traffic down thus reducing the need for greater visibility.

In respect of speed control, the LHA is satisfied that any speed control measures can now be adjusted as part of the Section 38 detailed design process as no changes to geometry will be required.

With regards to junctions and turning heads, the turning head geometry is now in accordance with figure DG4b of Part 3 of the LHDG. Further discussions regarding phased implementation and adequate turning facilities can be reserved for the Section 38 detailed design phase. All junction geometry is now in accordance with table DG5 of Part 3 of the LHDG. Refuse vehicle tracking is acceptable, other than where some of the turning heads shown on the Swept Path Analysis plans appear to be too small. The LHA is content that these issues can be dealt with as part of Section 38 process. The positioning of the driveway for plot 69 is now acceptable.

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As highlighted above, reduced forward visibility at plots 202 and 241 is acceptable due to double bend geometry while bend widening has now been provided which is welcomed by the LHA.

The LHA welcomes the Applicant's review of all parking and driveway dimensions and confirmation that they are now in accordance with the dimensions specified in the LHDG as shown on drawing no S100-500-02 D. The initial highway observations highlighted that the location of some of the driveways to their associated dwellings front doors were quite remote. The Applicant has confirmed that any repositioning of the parking in between dwellings 54 and 55 would create a similar walking distance. The LHA accept that for some house types parking is always going to be a slight walk from the front door and would not request any further amendments which would jeopardise the number of dwellings or layout of the site in this location. Parking for plot 74 is not ideal and the LHA believes this could lead to on street parking. The LHA do not accept the argument given by the Applicant, however, this would not be a reason for the LHA to refuse the application or request amended plans. The Applicant has confirmed that parking for plots 261 and 262 is as close to the dwellings as possible. This is accepted by the LHA given the orientation of the plot.

All drainage infrastructure should be in accordance with Leicestershire Highway Design Guide, Part 3, Section DG12. Drainage infrastructure will be considered in detail at Section 38 approval stage. Gradients within the development must accord to table DG1 of Part 3 of the LHDG. Any issues related to gradients of roads and or drives or traffic calming positions could have an impact on plot layout/earthworks and/or provision of retaining structures. The Applicant must ensure that surface water from private land / drives does not run onto or pool in the public highway. All layout and construction details should be in accordance with the LHDG. Any trees adjacent to the highway may require root protection and the tree type should be such that they have 2 metre clear stem so they do not introduce obstruction to pedestrians and/or visibility. All planting must be located at least 0.5m behind the highway boundary to allow for growth.

Based on the revised plans submitted by the Applicant the layout is now considered appropriate for inclusion in a Section 38 agreement.

In summary, a review of all of the information submitted demonstrates a layout which the LHA considers acceptable for the purposes of the planning application and appropriate for inclusion in a Section 38 agreement. Therefore, the LHA would not seek to resist application 19/00523/REM on highway grounds subject to the inclusion of the conditions outlined below. Furthermore the LHA would have no objection if the LPA wishes to discharge conditions 8 and 18 as part of this application.

Parking spaces have been provided throughout the development in the form of both open parking and garaging with the garaging either being integral to the dwelling it serves or detached from it. Parking levels comply with standards as do the actual size of the spaces proposed. It is considered appropriate to attach a condition requiring the parking spaces be provided prior to occupation of the dwellings with the garages also conditioned to be used as garages only as well as ancillary to the dwellings they serve in order to ensure that the necessary parking spaces are provided then subsequently retained.

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### Amenity:

The development and dwellings proposed have been laid out in a manner so as to prevent loss of privacy through overlooking as well as to avoid dwellings having an overbearing and dominating impact on both existing dwellings and those proposed in the submission. Furthermore, the location of the dwellings on both parcels of land which form the site are to the north of existing dwellings meaning there will be no unacceptable impact through the loss of sunlight.

A number of the dwellings proposed across the site, including a number along the southern edge of the larger parcel of the site, have flank wall windows serving bathrooms and toilets that are considered to require being fitted and thereafter retained with obscure glazing in the interests of amenity.

The layout, as originally submitted and as amended, is such that the dwellings proposed are afforded with a reasonable level of private amenity space to the benefit of future occupiers. Furthermore, the garden areas are of sufficient depth so as to ensure their use will not impact on existing dwellings nor the other dwellings proposed as part of the submission.

Within the site there are also a number of areas of open amenity space that serves to provide a setting for the development as well as general purpose open space and dedicated for recreational purposes.

### Open Space:

The submitted plans show various areas of open space outside the boundaries of the residential dwelling plots, however, specific details on the amount of space for the various typologies was not detailed within the submission. Following a request to the agent, a plan was provided setting out 0.526ha of parks and recreational areas, 0.34ha of children and young people areas, 2.51ha of informal open space, 0.43ha of ponds and 0.94ha of woodland.

Having reviewed the additional plan provided by the agent setting out the areas the total amounts of open space being provided for the typologies of Parks and Recreation Grounds, Children's and Young People Space, and Informal Open Space meet the minimum requirements in terms of space. An assessment of the proposal against the provisions of open space requirements has been undertaken and it is considered that the areas provided will provide for the aims and objectives to be met as, for example, there is a Local Equipped Area of Play and informal recreational opportunities for teens in one of the wooded areas.

Within the Section 106 agreement attached to the outline permission, there is provision for financial contributions to outdoor sports space which will need to be provided through contribution due to no on-site provision being provided. Further, the agreement also makes provision for a financial contribution in respect of a community facility building which, in this instance, is Coombe Park Pavilion as per the provisions of policy 18.

### Heritage:

In their original consultation response on this reserved matters application, Leicestershire County Council's Heritage Officer commented that in response to the relevant outline application they stated that the proposed illustrative master plan had failed to take into account adequately the overarching legislative requirement under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give great weight to the preservation of the setting of the listed buildings on Gartree Road. It also set out the reasons why they believed that their long-standing, open setting contributes to the significance of the historic lodges. They indicated that the submitted plans appear to show new suburban housing and access roads encroaching even closer towards the designated heritage assets. In their view this would compromise their setting even more than originally feared. While appreciating that they were not involved in the original or any subsequent negotiations that may have taken place since outline approval was granted and there could be a clear and convincing justification (as required by paragraph 194 of the NPPF) why the statutory and National planning policy obligations relating to the preservation of the setting of listed buildings ought to be relaxed on this occasion. Unfortunately such information does not appear to form part of the current reserved matters application as submitted.

Further to these comments being received and forwarded to the agent, discussions took place via e-mail with amended site layout and house type plans being submitted that increased the distance between the listed buildings and the proposed dwellings while also giving them a more respectful, proportionate appearance and scale.

Following receipt of these amended house types and layout, the heritage officer is pleased that the heritage consideration letter acknowledges some of the legislative and policy obligations associated with developing close to the nearby statutory listed buildings. The change in house type on plot 3 and the increase in space between Lodge Cottage and the proposed development are welcomed. Some of the benefits that will be gained by the increased separation will be lost through the erection of a pair of two storey houses but they accept the valid point made in the letter that 'this allows for a greater distance between Lodge Cottage and the built development to the rear than was shown on the Illustrative Masterplan'. Further the Heritage officer has also indicated that the use of relatively simple house types and additional planting are also beneficial and help to overcome some of the concerns they expressed previously.

On the basis of the changes made and the comments received, Officers are of the opinion that the proposal serves to respect the heritage assets and their setting. As such it is considered that the proposal will not have an unacceptable or detrimental impact upon them.

### Phasing:

The phasing plan shows the development taking place across the suite as a whole in 3 phases – phases 1A, 1B and 2.

The phasing plan provided shows the development being implemented in a logical, systematic approach across the site in a manner that starts at the south of the site and moves north. This



approach will serve to provide the proposed dwellings beside existing dwellings at the south of the site first in order that they contribute to providing a buffer between these neighbouring dwellings and the remainder of the site so contributing to minimise impact. This arrangement is considered to be acceptable.

#### Trees:

As detailed in the description of the development above, the submission also seeks to discharge condition 18 of the outline permission in relation to a tree management plan. This housing element of the proposal, due to its nature and the associated infrastructure, serves to have potential impacts upon trees and in order to address the requirements of the condition, a Tree Method Statement has been provided.

Following an initial assessment by the LPA's Arboricultural officer, discussions took place resulting in an amended method statement being prepared and submitted. An assessment of this amended method statement by the arborist has concluded that it is acceptable thus enabling condition 18 to be discharged in part. Its full discharge will take place subject to the completion of the development in accordance with the contents of the statement.

Discussions between officers and the arborist have highlighted that the reserved matters scheme being considered in this application will not, due to the amended method statement and subject to compliance with it, result in any adverse or detrimental impacts on trees.

#### Flooding and Drainage:

Leicestershire County Council, as Lead Local Flood Authority, commented that further information was required on the grounds that the proposed surface water drainage strategy has not been received as part of this application with their requiring full details of this surface water drainage strategy including plan(s), infiltration testing where applicable, outfall details, calculations and demonstration of exceedance flow routes at this stage, to ensure that a sustainable drainage system (SuDS) is feasibly deliverable by the final scheme. As such it advised the LPA that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage in relation to the reserved matters application.

When outline planning permission was granted on 18/00178/OUT, a number of conditions requested by the LLFA were included within the decision notice and were done so in a manner that allowed the details necessary to be submitted prior to the commencement of each stage. While the details have not been provided as part of this application they will be provided in due course prior to the commencement of work on each stage assuming the phasing plan submitted in association with Condition 8 of the outline approval is discharged.

#### Neighbour objections:

The following comments are made in respect of the reasons for objection made on the application.

Officers are of the opinion that the submission is not out of character with the area, fitting in without raising any adverse or detrimental impacts. Furthermore, officers are also satisfied that the proposal will not have any adverse or detrimental impacts on visual amenities that would be unacceptable or justify a refusal being issued.

Matters relating to traffic and highway related matters have been dealt with in both the outline application and in this submission with the Highway Authority, in both instances, having no objections to the submission.

Through the Section 106 agreement associated with this development, financial contributions have been secured for purposes associated with local infrastructure including highways, GPs and education so ensuring any adverse impact is mitigated.

The site is an allocated site within the adopted Local Plan and identified for housing purposes to provide identified housing need as accepted and found sound during the Local Plan process.

It will not have a detrimental impact on the environment whilst also not adversely impacting upon bio-diversity. Through the consultation responses received and negotiations on this submission, it has also been established the proposal would not have an unacceptable impact on heritage assets that would justify a refusal being issued.

## **Conclusion**

In conclusion the submitted and amended documents are satisfactory in respect of the discharge of conditions 2, 8 and 18 of the outline permission. There is the need for further conditions to be attached. As such it is recommended that conditions 2, 8 and 18 be discharged and further conditions added.

## **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 discharge conditions 2, 8 and 18 attached to approved application 18/00178/OUT as follows:

|                           |   |
|---------------------------|---|
| <b>Condition No:</b>      | <b>2 (reserved matters)</b>   |
| <b>Condition Details:</b> | Prior to the commencement of work on site on each phase of the development plans and particulars of the layout, scale, appearance of the dwellings to be erected and the landscaping of the site, which shall include details of protection of the existing tree and hedges to be retained, (hereinafter called "the reserved matters") in that phase shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details that have been approved in writing by the Local Planning Authority.  |
| <b>Reason:</b>            | The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.   |
| <b>Consultation:</b>      | Various   |
| <b>Approved:</b>          | <ul style="list-style-type: none"> <li>- Agent letter ref JBB8685-C7202 dated 23 December 2019 received by the LPA on 31 December 2019;</li> <li>- Application forms received by the LPA on 31 December 2019;</li> <li>- Drawing titled 'Phasing Plan' numbered S100-500-PHPLAN dated 3 December 2019 received by the LPA on 31 December 2019;</li> <li>- Drawing titled 'Location Plan' by Bellway numbered S100-500-102 dated 3 December 2020 received by the LPA on 31 December 2019;</li> <li>- Agent letter ref JBB8685-C7232 dated 15 January 2020 received by the LPA on 15 January 2020;</li> <li>- Arboricultural Method Statement Rev A report by fpcr dated 13 March 2020 received by the LPA on 9 April 2020;</li> <li>- Woodland Management Plan by fpcr dated January 2020 received by the LPA on 9 April 2020;</li> <li>- House Type Brochure 2 booklet received by the LPA on 9 April 2020;</li> <li>- Drawing titled 'Proposed Plot Landscape Proposal Sheet 1 of 5' numbered c-1770-04 Rev A dated 9 April 2020 received by the Local Planning Authority on 9 April 2020;</li> <li>- Drawing titled 'Proposed Plot Landscape Proposal Sheet 2 of 5' numbered c-1770-05 Rev A dated 9 April 2020 received by the Local Planning Authority on 9 April 2020;</li> <li>- Drawing titled 'Proposed Plot Landscape Proposal Sheet 3 of 5' numbered c-1770-06 Rev A dated 9 April 2020 received by the Local Planning Authority on 9 April 2020;</li> <li>- Drawing titled 'Proposed Plot Landscape Proposal Sheet 4 of 5' numbered c-1770-07 Rev A dated 9 April 2020 received by the Local Planning Authority on 9 April 2020;</li> <li>- Drawing titled 'Proposed Plot Landscape Proposal Sheet 5 of 5' numbered c-1770-08 Rev A dated 9 April 2020 received by the Local Planning Authority</li> </ul> |

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|               |  |
|---------------|--|
|               | <p>on 9 April 2020;</p> <ul style="list-style-type: none"> <li>- Drawing titled 'Planning Layout' numbered S100-500-02 Rev D by Bellway dated 9 April 2020 received by the Local Planning Authority on 9 April 2020;</li> <li>- Woodland Management Plan dated January 2020 by fpcr received by the Local Planning Authority on 9 April 2020;</li> <li>- Drawing titled 'Engineering Layout' numbered E781-PH1-10 Rev B dated 9 April 2020 received by the Local Planning Authority on 9 April 2020;</li> <li>- Drawing titled 'Engineering Layout' numbered E781-PH1-11 Rev B dated 9 April 2020 received by the Local Planning Authority on 9 April 2020;</li> <li>- Drawing titled 'Engineering Layout' numbered E781-PH1-12 Rev B dated 9 April 2020 received by the Local Planning Authority on 9 April 2020;</li> <li>- The Heritage letter by 'rps' dated 9 April 2020 received by the Local Planning Authority on 9 April 2020;</li> <li>- Agents highway comment note, un-dated and un-numbered, received by the Local Planning Authority on 9 April 2020;</li> <li>- Drawing titled 'Swept Path Analysis' numbered E781-TRACK 1 dated 9 April 2020 received by the Local Planning Authority on 9 April 2020;</li> <li>- Drawing titled 'Swept Path Analysis' numbered E781-TRACK 2 dated 9 April 2020 received by the Local Planning Authority on 9 April 2020;</li> <li>- Drawing titled 'Swept Path Analysis' numbered E781-TRACK 3 dated 9 April 2020 received by the Local Planning Authority on 9 April 2020; and</li> <li>- Drawing titled 'POS Plan' numbered 10010-POSP-01 dated 20 April 2020 submitted to the LPA on 20 April 2020;</li> <li>- Drawing title 'Planning Layout' numbered S100-500-02 Rev E dated 6 April 2020 submitted to the LPA on 20 April 2020.</li> </ul> |
| <b>Notes:</b> | For this condition to be discharged in full for the part of the site that this submission relates to within the wider site, the development has to be carried out in accordance with the details approved above.   |

|                           |   |
|---------------------------|---|
| <b>Condition No:</b>      | <b>8 (phasing plan)</b>   |
| <b>Condition Details:</b> | Prior to, or concurrent with the submission of the first application for reserved matters, a phasing plan shall be submitted to Local Planning Authority for approval in writing, and the subsequent development implemented in accordance with the approved plan(s). |
| <b>Reason:</b>            | In the interests of environmental, highway and neighbouring amenity and for the avoidance of doubt.   |
| <b>Consultation:</b>      | None  |
| <b>Approved:</b>          | Drawing, by Bellway, titled 'Phasing Plan' numbered S100-500-PHPLAN dated 3 December 2019, submitted to and received by the Local Planning Authority on 31 December 2019.   |
| <b>Notes:</b>             | For this condition to be discharged in full, the development has to be carried out in accordance with the details approved above.   |

|                           |   |
|---------------------------|---|
| <b>Condition No:</b>      | <b>18 (tree protection plan)</b>  |
| <b>Condition Details:</b> | <p>Prior to the commencement of each phase of the development a scheme for the protection of the retained trees in that phase, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS), shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS:</p> <p>a) Location and installation of services/ utilities/ drainage.</p> <p>b) Details of any construction within the RPA or that may impact on the retained trees.</p> <p>c) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing</p> <p>d) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.</p> <p>e) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires</p> <p>f) Boundary treatments within the RPA of retained trees.</p> <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> |
| <b>Reason:</b>            | To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy 37 - Biodiversity and Geodiversity and Policy 44 - Landscape and Character of the emerging local plan and pursuant to section 197 of the Town and Country Planning Act 1990.  |
| <b>Consultation:</b>      | OWBC Arboricultural Officer   |
| <b>Approved:</b>          | Arboricultural Method Statement Rev A by fpcr dated March 2020 submitted to and received by the Local Planning Authority on 13 March 2020.  |
| <b>Notes:</b>             | For this condition to be discharged in full, the development has to be carried out in accordance with the details approved above.   |

And the subsequent imposition of the following conditions:

- 1 Notwithstanding the provisions of Classes A and E of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any Order revoking and re-enacting that Order, the garage accommodation and parking space provided in connection with the development hereby approved shall be made available at all times for the parking of vehicles in relation to the residential use of the premises and for no other purpose including storage or business unless planning permission has first been granted by the Local Planning Authority.  
**Reason:** As recommended by Leicestershire County Council (Highways) in the interests of highway safety and to ensure that adequate off street parking space is provided and in accordance with the aims and objectives of the National Planning Policy Framework and Policy 34 of the Oadby and Wigston Local Plan.

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- 2 All flank wall windows shall be fitted with then subsequently retained, maintained and or replaced as such unless facing onto the public areas such as roads and private drives, or into the primary amenity space for the dwelling they serve.

**Reason:** To ensure that the amenities of approved and neighbouring dwellings are protected.

Note(s) to Applicant :

- 1 In relation to the provisions of Condition 2 above and for the avoidance of doubt, the ground and first floor south facing windows on plots 153, 159 and 166 shall be fitted with obscure glazing to be retained and maintained as obscure glazing thereafter.
- 2 The applicants and agents attention are drawn to the conditions attached to the outline planning permission granted under LPA reference 18/00178/OUT that have not been discharged by this submission. A number of the conditions require further details to be submitted prior to the commencement of work on-site.
- 3 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.
- 4 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.
- 5 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.
- 6 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).
- 7 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.

**Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse permission 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.

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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 can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but 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.

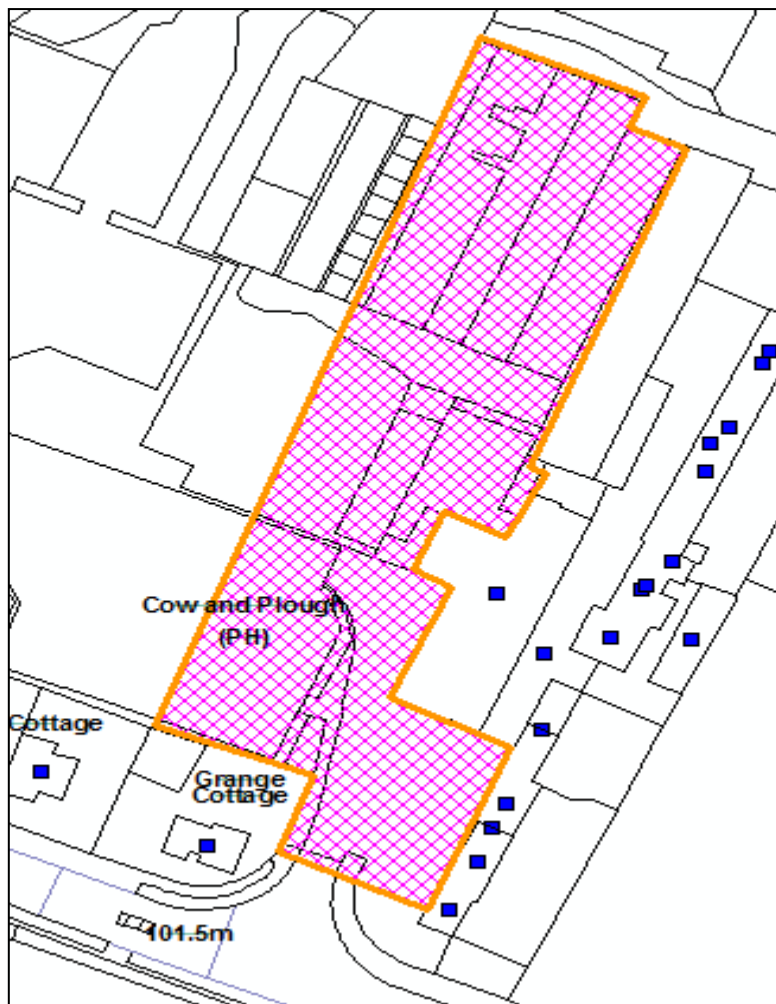
If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

### **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. | <b>19/00524/REM</b>    | Land Opposite<br>Stoughton Farm Park<br>Gartree Road<br>Oadby<br>Leicestershire<br>LE2 2FB   |
|    | <b>28 January 2020</b> | Reserved matters submission of appearance, landscaping, layout and scale for a 91 space car park on part of the northern parcel of land as approved on outline planning application 18/00178/OUT on 15 October 2019. |
|    | <b>Case Officer</b>    | Richard Redford  |



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## Site and Location

As a whole the application site comprises 2 parcels of land – one to the north of Gartree Road (parcel 1) and the second to the south of Gartree Road and the west of Stoughton Road (parcel 2) with a combined total area of 13.5 hectares.

Parcel 1 – part of the former Stoughton Grange Estate - has an existing vehicular access off Gartree Road with it serving a number of commercial units (outside of the application site), parking area serving the commercial units, a pair of semi-detached residential dwellings and a number of modern agricultural units. This parcel of land is bordered from adjacent land by a mixture of hedgerows, post and rail fencing, buildings and trees. To the west and north of this parcel is agricultural land with Shady Lane bordering the fields to the west beyond which is The Arboretum, an area of open space within the administrative boundary of and owned by Leicester City Council. To the east of this parcel are a number of commercial units and a residential dwelling with number of other buildings to the north-east. Near to the northern and eastern boundaries of this parcel is the administrative boundary that separates Oadby and Wigston Borough Council from Harborough District Council. The area of land within the Harborough District Council administrative area is a Conservation Area.

Parcel 2 comprises two fields – currently being used for arable purposes – separated from each other by a small watercourse, with 2 wooded areas. Its boundaries comprise of a mixture of trees, hedging, post and rail fencing, and mesh fencing (albeit along its western edge where it has fallen down in parts). To the immediate south of this parcel are residential dwellings while to its west is a public footpath and other agricultural land (in the applicant's ownership but not forming part of this application due to its historic and current allocation for a road) beyond which are further residential dwellings. Further along Gartree Road to the north west of the dwellings is the Spires Hospital. To the east of this parcel, on the other side of Stoughton Road, are the sports fields owned and used by students at the University of Leicester.

Outline planning permission with access has been approved on the site for up to 310 dwellings and a car parking area with other associated work.

## Description of proposal

The submission seeks reserved matters approval for the appearance, landscaping, layout and scale for a 91 space car park on part of the northern parcel of land required by Condition 2 as approved on outline planning application 18/00178/OUT on 15 October 2019.

Submitted as part of the application was a site layout plan showing the car park and the majority of the parking spaces proposed served by a single loop road as well as two off shoots in proximity to the site entrance. Of the 91 spaces proposed, 4 will be sited adjacent to the site's western boundary on the opposite side of which residential dwellings are proposed. The remaining spaces will be located on the off-shoots (20) or accessed off the loop access road (67). Landscaping is proposed along the majority of the site's western boundary with a number of small areas of landscaping also proposed elsewhere in the site and full details of the landscaping have been provided. Spread throughout the parking spaces are a number of illuminated bollards providing lighting to the car park that will be a mixture of 0.84m and 1.04m high with the light fitting contained within these heights. Details of the surfacing have been provided detailing a mixture of tarmac and block paving.

Details have also been submitted pursuant to the discharge of Condition 8 of the outline planning permission relating to the phasing of the developments implementation. The submitted drawing details the site in its entirety for both the area on which the housing is to be sited as well as the

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area covered by this submission for the car park. Within the drawing it shows that the area covered by this reserved matters submission would be Phase 1 of the developments implementation.

The statutory determination period for this application expires on the 31 May 2020 following an extension of time having been agreed, and it is intended to issue a decision as soon as practicably possible after the committee meeting.

### **Relevant Planning History**

Outline planning application, with access, for the demolition of the existing buildings located at Stoughton Grange, including 2x dwellings, and the subsequent construction of up to 310x dwellings across two land parcels (Stoughton Grange and land to the south of Gartree Road), with associated landscaping, public open space, on-site infrastructure and car parking provision including a new reconfigured car park for Stoughton Grange, and private amenity space. (18/00178/OUT) – Approved 15 October 2019

Reserved matters submission of appearance, landscaping, layout and scale for 310 dwellings with associated roads, landscaping and infrastructure (condition 2) as well as the discharge of phasing (condition 8) and tree method statement (condition 18) across both northern and southern parcels of land as approved on outline planning application 18/00178/OUT on 15 October 2019. (19/00523/REM) – Under consideration

Erection of 2x advert signs (20/00127/ADV) – Under consideration

### **Consultations**

Cadent - No comments received.

National Grid – No comments received.

Severn Trent Water – Comment:

Request a condition relating to drainage for the disposal of surface water and foul sewage and an informative.

Western Power – No comments received.

Harborough District Council – No comments received.

Leicester City Council – No comments received.

Leicestershire County Council (Archaeology) - No comments received.

Leicestershire County Council (Ecology) – No comments received.

Leicestershire County Council (Heritage) - No objections

While the proposed car park lies adjacent to and within the setting of two Grade I listed buildings, the proposal will not result in a greater impact so no objections.

Leicestershire County Council (Highways) – No objections

Are satisfied that based on the original submitted documents as well as the addition vehicle swept path analysis that the site is acceptable for use by cars as well as vehicles servicing the adjacent commercial units so that they can all manoeuvre so as to leave the site in a forward direction. A condition and an informative have been requested.

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Leicestershire County Council (Lead Local Flood Authority) – Further consultation needed: Leicestershire County Council as the LLFA advises the LPA that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage in relation to the reserved matters application.

Leicestershire County Council (Planning) – No comments received.

Leicestershire County Council (Rights of Way) – No comments received.

Leicestershire Police – Comment:

Has no objections to the proposal with permeability not being an issue but suggests CCTV be provided which also includes Automatic Number Plate Recognition, while also providing cycle and bin storage areas amongst other features.

Leicestershire Fire and Rescue – No comments received.

Leicestershire East Midland Ambulance – No comments received.

OWBC Environmental Health – No comments to make

OWBC Tree Officer - Comment:

The details provided appear fine with a good amount of planting to help offset and screen the proposal along with sufficient specification for the planting.

Oadby Civic Society - No comments received.

## **Representations**

Neighbours have been informed in writing with a site notice placed at the site. The submission has also been advertised in the press. The date for the receipt of comments expired on the 27 February 2020.

9 letters of objection and 2 letters of representation have been received.

The reasons for the representation can be summarised as follows: -

- \* Wanting to be removed from the notification list; and
- \* as it's going to effectively be a new car park, will there be provision for electric vehicle charging.

The letters of objection can be summarised as follows: -

- \* Inadequate parking spaces illustrated;  
no area shown on the submitted plans for loading / unloading for the adjacent commercial units;
- \* inadequate room between the front elevation of the public house and the parking spaces re potential damage to the public house;
- \* pedestrian safety concerns;
- \* no traffic calming measures;
- \* the proposal does not indicate a relocated bin storage area to replace that already there being lost;
- \* traffic levels unacceptably high;
- \* congestion;
- \* traffic delays increasing pollution;

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- \* lack of infrastructure in the area;
- \* additional traffic created;
- \* out of character in the area;
- \* the size of the development;
- \* spoiling of views;
- \* no need for a car park;
- \* proposal raises suspicion the Co-op will want to build a supermarket;
- \* the roads can't take the traffic so won't be able to cope with the housing which should have been rejected;
- \* flooding concerns;
- \* will be an eyesore visually; and
- \* it doesn't appear to include electrical vehicle charging points.

## **Relevant Planning Policies**

### National Planning Policy Framework

#### Oadby and Wigston Local Plan

Policy 6 – High Quality Design and Materials

Policy 18 – Stoughton Grange Direction for Growth Allocation

Policy 34 – Car Parking

Policy 40 – Culture and Historic Environment Assets

Policy 44 – Landscape and Character

### Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document

## **Planning Considerations**

The main issues to consider in the determination of this application are the appearance, landscaping, layout and scale of the proposed car park, relationship with the highway, amenities and the objections raised.

### Layout:

The current internal arrangements for the area forming the site see access being taken from Gartree Road following the kerb of the pedestrian area for the adjacent commercial units with a number of 'spurs' taken off with parking on both sides of the access spur. This current internal road also changes direction to the west before the gable end of the Cow and Plough pub closest to Gartree Road although there is a gated service area for the pub adjacent to the pub itself.

The submitted plans show the site laid out in a manner utilising the existing access point from the site onto Gartree Road following the existing access road for a short distance before the current road layout changes. There are two 'spurs' to the west off this initial section of the access providing disabled parking spaces as well as a number of other parking spaces. Beyond these 2 spur areas the access road provides a circular arrangement with parking provided adjacent to the Cow and Plough pub as well as the northern end of the site and 2 rows within the central section of the elongated circular road route. On this loop section no parking spaces are adjacent to the western boundary of the red edged site boundary of this reserved matters submission with there being a strip of soft landscaping between the western site boundary and the western most edge of the road loop.

Dispersed amongst the parking and road are a number of areas of soft landscaping as well as two different height low level lighting not exceeding 1.04m in height.

From a planning perspective this arrangement enables the number of spaces to be provided where the spaces comply with the size dimensions for parking spaces as well as a road way of sufficient size to facilitate the movement and manoeuvring of vehicles. From a visual perspective it also serves to provide an attractive, usable arrangement that is further softened and respectful to the area due to the lighting and landscaping that form part of the proposal. The layout has also been arranged in a manner that ensures the parking spaces are, in the majority, set off the boundary with the dwellings proposed in the reserved matters application for the remainder of the site (being considered under reference 19/00523/REM) and closest to the units that they will serve.

#### Landscaping:

The submitted plan details the hard and soft landscaping proposed as part of this reserved matters submission for the car park. The car park will be laid out with a mixture of tarmac and paver blocks with a number of light posts positioned around the parking area which comprise the hard landscaping while the soft landscaping will comprise a mix of grass and planting.

The soft landscaping extends the full length of the site along its western boundary as well as along a section of the sites southern boundary between the edge of the site and the row of disabled parking spaces. There is also soft landscaping along the sites northern boundary as well as at both ends of the double parking row in the centre of the road loop and adjacent to a section of the Cow and Plough public house.

As submitted the hard landscaping affords the site an appropriate, well laid out area for the movement of vehicles and their users that relates well to the adjacent commercial units as well as the proposed residential dwellings being considered on the adjacent part of the site through a separate reserved matters submission.

In respect of the soft landscaping, the submitted details show a mixture of grass and planting that is located so as to ensure, for the majority of the site, a soft edge as well as a reasonable separation distance between the southernmost parking spaces and the adjacent listed buildings. The planting proposed has been assessed and found to be acceptable.

#### Scale:

The scale and nature of the proposed car park is similar in both respects to that currently in existence, albeit in a different layout, and a more condensed part of the site than at present. It is respectful to the existing commercial units and their operation.

#### Appearance:

At present, the site forms part of a car park that provides a high number of parking spaces for use in association with the adjacent commercial units, however, the surface and general appearance are poor. In the form proposed the development will have a more formal, well laid out appearance utilising materials appropriate to, and in keeping with, the adjacent units and road. This appearance is further enhanced as a result of the soft landscaping proposed that will provide a softening of the surfacing material in-lieu of the current mud surface and relative lack of landscaping. Furthermore, the use of low level lighting not exceeding a maximum height of 1.04m and providing a sufficiently bright level of illumination respectful of the locality, will serve to maintain a rural type feel and appearance of the site.

Collectively the various elements with regards to the materials, landscaping, lighting and layout will work alongside each other as well as the adjacent commercial units to create an enhanced visual appearance in accordance with adopted policy that contributes to the improvement of the site as well as the character and appearance of the area.

### Highways:

The Highway Authority has been consulted and commented that this is a reserved matters application for the appearance, landscaping, layout and scale for a 91 space car park on part of the northern parcel of land adjacent to Stoughton Farm Park on Gartree Road. The car park is a reconfiguration and improvement of an existing car park that serves the adjacent public house and the historic farm buildings of Stoughton Grange which have been converted into commercial units. The site already benefits from an outline planning permission (October 2019) under LPA ref 18/00178/OUT.

Access will be retained via existing point of vehicular access from Gartree Road while the internal layout of the car park is shown on drawing number: S100-500-CPPLAN.

The turning and manoeuvring space available within the parking area is limited and could lead to difficulties negotiating the parking area. The main area of concern is the spacing between parking spaces 33-49 and 54-68. These parking spaces have an approximate length of 4.8m which is below the 5.5m length referenced in the Leicestershire Highway Design Guide (LHDG). This could mean that the 6m manoeuvring space could be reduced due to the extra length of some vehicles that are using those spaces. That said it is anticipated that familiarity would aid regular users and again this matter is not anticipated to impact the public highway as long as the spaces are usable by future occupiers which they appear to just about be. The layout of the disabled parking spaces is also considered tight and appears to be missing some of the hatched access areas detailed within the LHDG. The LHA would recommend the Applicant's amend the layout of the car park to aid usability. Further details can be found in Part 3 Figure DG16 of the Leicestershire Highway Design Guide.

Notwithstanding the above, the LHA would not seek to resist the proposals based on the provision of a private car park. The LHA will not, however, consider the car park for adoption.

Notwithstanding the proposed development, it has been brought to the LHA's attention by the LPA that the adjacent commercial units including the public house will need deliveries via the car park.

Therefore, the proposed layout may impede the ability of HGVs to enter and leave the site in a forward gear. Therefore, the LHA sought the Applicant to provide details of how deliveries will be satisfactorily undertaken given the proposed layout of the site e.g. any private arrangements for access to the car park and/or tracking of the largest HGV that is likely to visit the site. This should be done to ensure the HGV can enter and leave the site in a forward gear.

This request was provided by the Agent and a revised plan provided shown on Bellway drawing ref: S100-500-CPPLAN Rev A along with vehicle swept path analysis of a heavy goods vehicle (HGV) manoeuvring within the site. The Applicant has confirmed in correspondence with the LPA that the size of vehicle assessed, which is 10.5m in length, is the appropriate vehicle dimension used for deliveries to the adjacent public house. The owners of the public house have also confirmed that there is sufficient space available for the required vehicles.

A review of the vehicle swept path analysis drawings by the Highway Authority show that the space within the site to manoeuvre is tight and is likely to rely on deliveries taking place outside of operational hours to ensure some parking spaces are not being utilised at the time. However the HGV can leave the site in a forward gear.

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Furthermore the LHA understands that the public house is the only business on the site that needs to access that area as all the other deliveries and bin collection will be off the part of the complex that is not being amended by the development proposals.

On the basis of these comments, the Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development, therefore, does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to one condition and one informative.

#### Amenities:

The layout of this reserved matters submission for the car park in relation to the existing commercial units is that it will bring a larger amount of parking closer to the units with associated noise. However, it is not considered that these would be sufficient grounds for refusal given that the parking area is to serve these adjacent commercial units.

When the layout is assessed against the residential dwellings proposed on the eastern side of this parcel of land as submitted in application 19/00523/REM for consideration within the larger site, also being considered on this agenda, the proposed parking layout has been arranged in a manner so to be separated from the dwellings by their rear gardens. As such any impacts on the amenities of these dwellings will, in the opinion of officers, not result in any undue levels of noise or other disruption to the detriment of amenity.

#### Other matters:

As set out in the consultations responses Severn Trent Water has commented requesting a condition relating to drainage for the disposal of surface water and foul sewage. When outline planning permission was granted under LPA reference 18/00178/OUT a number of conditions were attached relating to the drainage of the site, as well as condition 27, which requires exactly what has been requested. Given that the condition is already in place for the site, there is no need for it to be attached here.

Leicestershire County Council (Heritage) has commented on the proposal having been consulted as a result of the sites location immediately adjacent to two listed building. They have commented that while the proposed car park lies adjacent to and within the setting of two Grade I listed buildings, the proposal will not result in a greater impact on these listed cottages than current so has no objections to the proposal.

Leicestershire County Council (Lead Local Flood Authority) has also commented detailing that further consultation is needed as the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage in relation to the reserved matters application. As submitted the proposal seeks the discharge of condition 2 (reserved matters) and condition 8 (phasing plan). When outline planning permission was granted a number of conditions requested by Leicestershire County Council as the Lead Local Flood Authority were attached but are not being considered as part of this submission nor at this point with details relevant to those being submitted in due course. As such the omission of the information at this point in time is not an issue as the information will be provided prior to the commencement of each phase.

Leicestershire Police has also commented with a number of points. While of note, they are not relevant planning considerations with the majority being covered by Building Regulations or other legislation.

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## Objections:

In relation to the various grounds of objection received the following are considered relevant.

Officers are satisfied that sufficient parking spaces are proposed while the Highway Authority, following consideration of the matter, are satisfied that there is sufficient turning and manoeuvring space provided.

While it is accepted that no dedicated loading / unloading area is shown on the submitted drawings, space for this does exist on site. Furthermore, the Highway Authority is satisfied that the proposal will not impact upon highway safety including pedestrians nor require any traffic calming measures.

Although there is limited room between a number of the parking spaces proposed and the Cow and Plough pub, this does not represent a valid nor reasonable reason for refusal of the submission.

The omission of a relocated bin storage area from the plans to replace that being lost is not a planning reason for refusal and its replacement would be down to the user(s) of it to facilitate.

Objections in relation to traffic levels, congestion, delay, infrastructure, character and the spoiling of views were considered as part of the outline application and nothing has changed from that position.

Comments made in respect of the proposal raising suspicion that the Co-op will want to build a supermarket are not a planning consideration in the determination of this application. Further, the approval of this submission would not grant nor imply any such should any application be made in the future.

While the inclusion of electrical vehicle charging points could be of benefit, it is not a reason for refusal.

## **Conclusion**

In conclusion it can be seen that the proposed layout, scale, appearance and landscaping of the proposed car parking area are considered to be acceptable and compliant with adopted policy. The consultee responses are generally satisfied with the submission and while Leicestershire County Council as Lead Local Flood Authority has said more information is required, this detail will be provided in due course as a result of other conditions attached to the outline planning approval.

## **Implications Statement**

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

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## Recommendation

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

|                           |  |
|---------------------------|--|
| <b>Condition No:</b>      | <b>2 (reserved matters)</b>  |
| <b>Condition Details:</b> | Prior to the commencement of work on site on each phase of the development plans and particulars of the layout, scale, appearance of the dwellings to be erected and the landscaping of the site, which shall include details of protection of the existing tree and hedges to be retained, (hereinafter called "the reserved matters") in that phase shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details that have been approved in writing by the Local Planning Authority.   |
| <b>Reason:</b>            | The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.  |
| <b>Consultation:</b>      | Various  |
| <b>Approved:</b>          | <ul style="list-style-type: none"> <li>- Application form submitted to and received by the LPA on 31 December 2019;</li> <li>- Agent cover letter submitted to and received by the LPA on 31 December 2019;</li> <li>- Drawing titled 'Phasing Plan' numbered S100-500-PHPLAN dated 3 December 2019 submitted to and received by the LPA on 31 December 2019;</li> <li>- Agent letter dated 23 December 2019 submitted to and received by the LPA on 31 December 2019;</li> <li>- Drawing titled 'Car Park Landscape Masterplan' numbered c-1770-03 Rev B dated 28 January 2020 submitted to and received by the LPA on 28 January 2020;</li> <li>- Proposed Lighting details document submitted to and received by the LPA on 10 February 2020;</li> <li>- Agents e-mail and three attached vehicle tracking drawings (all un-dated and un-numbered) submitted to and received by the Local Planning Authority on 7 April 2020;</li> <li>- Arboricultural Method Statement Rev A report by fpcr dated 13 March 2020 received by the LPA on 9 April 2020;</li> <li>- Woodland Management Plan dated January 2020 by fpcr received by the Local Planning Authority on 9 April 2020;</li> <li>- Drawing titled 'Car Park Location Plan, numbered S100-500-CPPLAN Rev B dated 3 December 2019 received by the Local Planning Authority on 6 May 2020</li> </ul> |
| <b>Notes:</b>             | For this condition to be discharged in full for the part of the site that this submission relates to within the wider site, the development has to be carried out in accordance with the details approved above.   |

|                           |   |
|---------------------------|---|
| <b>Condition No:</b>      | <b>8 (phasing plan)</b>   |
| <b>Condition Details:</b> | Prior to, or concurrent with the submission of the first application for reserved matters, a phasing plan shall be submitted to Local Planning Authority for approval in writing, and the subsequent development implemented in accordance with the approved plan(s). |
| <b>Reason:</b>            | In the interests of environmental, highway and neighbouring amenity and for the avoidance of doubt.   |
| <b>Consultation:</b>      | None  |
| <b>Approved:</b>          | Drawing, by Bellway, titled 'Phasing Plan' numbered S100-500-PHPLAN dated 3 December 2019, submitted to and received by the Local Planning Authority on 31 December 2019.   |
| <b>Notes:</b>             | For this condition to be discharged in full, the development has to be carried out in accordance with the details approved above.   |

And the subsequent imposition of the following conditions:

- 1 The parking spaces shown on the approved drawings in relation to the car park shall be laid and marked out prior to the first use of the car park approved and thereafter maintained.  
**Reason:** To ensure that the parking spaces are laid and marked out prior to the first use of the car park in accordance with the approve details and then subsequently maintained.
- 2 The lighting approved as part of this reserved matters submission shall not exceed the illumination level as set out and contained within the lighting details document submitted to and received by the Local Planning Authority on 10 February 2020.  
**Reason:** To ensure the development is implemented in accordance with the details considered as part of the submission and found to be acceptable.
- 3 The lighting hereby approved as part of this reserved matters submission shall be implemented in full prior to the first use of the car park and maintained to the satisfaction of the Local Planning Authority thereafter.  
**Reason:** To ensure the lighting submitted is implemented as per the approved details then subsequently maintained to ensure no adverse or detrimental impacts.

Note(s) to Applicant :

- 1 The applicants and agents attention are drawn to the conditions attached to the outline planning permission granted under LPA reference 18/00178/OUT that have not been discharged by this submission. A number of the conditions require further details to be submitted prior to the commencement of work on-site. Further, and in relation to the partial approval of landscaping within condition 2, attention is drawn to condition 6 of the outline permission requiring landscaping to be implemented prior to '..the first occupation of the dwellings or completion of the development' which in the context of the car park hereby approved requires the hard and soft landscaping approved be implemented prior to its first use.
- 2 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

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obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.

- 3 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.
- 4 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.
- 5 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).
- 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.

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse permission 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 can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but 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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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## **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. 19/00474/REM**

**b. 19/00523/REM**

**c. 19/00524/REM**

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