



TO COUNCILLOR:

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

R F Eaton
Miss P V Joshi
J Kaufman
Miss A Kaur

Ms C D Kozlowski
Mrs H E Loydall
R E R Morris
Dr I K Ridley

Dear Sir or Madam

I hereby **SUMMON** you to attend a meeting of the **DEVELOPMENT CONTROL COMMITTEE** to be held at the **COUNCIL OFFICES, STATION ROAD, WIGSTON** on **THURSDAY, 22 JULY 2021** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices
Wigston
14 July 2021

Mrs Anne E Court
Chief Executive



IMPORTANT COVID-19 NOTICE

In-person Council and Committee meetings which are open to the press and public to observe have resumed from 7 May 2021 following the expiry of the Regulations that allowed local authorities to hold remote meetings.

Whilst most of these meetings will take place in the Council Chamber at the Council Offices in Wigston, it may be necessary to host a meeting at an alternative venue and/or at short notice. This will allow all attendees to maintain social distancing and follow the latest COVID-secure guidelines.

If attending an in-person meeting, all attendees must wear a face covering (unless exempt or when seated) and must sanitise their hands on entry and exit to/from the meeting venue. Meeting venue capacity will be severely restricted due to COVID-19 regulations, however there will still be opportunities for public participation in accordance with the Council's Constitution.

Where the necessary technology is available and working, the press and public may still be able to watch the live streams of meetings without having to attend in-person. Instructions on how to access live streams can be found below where applicable. At a minimum, audio recordings of meetings will be made available on the Council's website shortly after any given meeting.

ITEM NO.

AGENDA

PAGE NO'S

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



Postal Address: Council Offices, Station Road, Wigston, Leicestershire LE18 2DR

Refuse & Recycling Centre: The Depot, Wigston Road, Oadby, Leicestershire LE2 5JE

Tel: (0116) 288 8961 **Fax:** (0116) 288 7828 **Email:** csc@oadby-wigston.gov.uk



oadby-wigston.gov.uk

~ Page 1 ~



OadbyWigstonBC



@Oadby_Wigston

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 - 8

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

5. **Action List Arising from the Previous Meeting**

To read, confirm and note the Action List arising from the previous meeting.

6. **Report of the Development Control Manager (July 2021)**

9 - 28

Report of the Development Control Manager

a. **Application No. 20/00530/FUL - Natsons House, Cornwall Road, Wigston, Leicestershire, LE18 4XH**

Report of the Development Control Manager

b. **Application No. 21/00059/FUL - 107 Harborough Road, Oadby, Leicestershire, LE2 4LG**

Report of the Senior Planning Officer

For more information, please contact:

Democratic Services

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

t: (0116) 257 2775

e: democratic.services@oadby-wigston.gov.uk

You can access all available public meeting documents and audio-visual live streams and recordings electronically on:



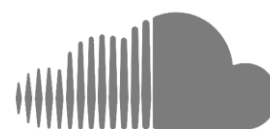
Our website **oadby-wigston.gov.uk** under 'Your Council' and 'Meeting Dates, Agendas & Minutes'



Your smart **iPad, Android** or **Windows** tablet device with the '**Modern.Gov**' app



Our **YouTube** Channel **ow.ly/FYQW50zDNkc** or smart device with the '**YouTube**' app (facilitated by '**Zoom**')



Our audio platform **soundcloud.com/oadbywigstonbc** or smart device with the '**SoundCloud**' app

Agenda Item 4

MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE NELSON SUITE, LEICESTER RACE COURSE, LEICESTER ROAD, OADBY, LEICESTER, LE2 4AL ON THURSDAY, 20 MAY 2021 COMMENCING AT 7.00 PM

PRESENT

L A Bentley Chair
Mrs L M Broadley Vice-Chair



COUNCILLORS

G A Boulter
F S Broadley
Miss P V Joshi
J Kaufman
Miss A Kaur
Mrs H E Loydall
R E R Morris
Dr I K Ridley

OFFICERS IN ATTENDANCE

S J Ball	Assistant Solicitor
M Bennetto	Arboricultural Officer
Miss E Byrne	Democratic Services Officer
Mrs T Carey	Planning Control Officer
D M Gill	Head of Law & Democracy / Monitoring Officer
R Redford	Development Control Manager
A Thorpe	Head of Built Environment

OTHERS IN ATTENDANCE

29. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillors R F Eaton and D A Gamble.

30. APPOINTMENT OF SUBSTITUTES

Councillor Dr I K Ridley substituted for Councillor D A Gamble.

31. DECLARATIONS OF INTEREST

Councillor J Kaufman declared a non-pecuniary interest with regard to item 6c of the agenda, regarding his close friendship with one of the objectors.

32. MINUTES OF THE PREVIOUS MEETING

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The minutes of the previous meeting held on 25 February 2021 be taken as

read, confirmed and signed.

33. THE BOROUGH COUNCIL OF OADBY & WIGSTON (THE OVAL, OADBY) TREE PRESERVATION ORDER 2021

The Committee gave consideration to the report as set out on pages 5 – 15 of the agenda, delivered and summarised by the Tree Officer, which should be read together with these minutes as a composite document. It was reported that an updated petition objecting to the application had been received with additional signatories.

Councillor Mrs H E Loydall requested that the tree to be put on the schedule for street cleaning to avoid a build-up of leaf debris.

It was moved by Councillor Mrs H E Loydall, seconded by Councillor Mrs L M Broadley and

UNANIMOUSLY RESOLVED THAT:

The application be GRANTED.

34. REPORT OF THE DEVELOPMENT CONTROL MANAGER (MAY 2021)

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35. APPLICATION NO. 20/00530/FUL - NATSONS HOUSE, CORNWALL ROAD, WIGSTON, LEICESTERSHIRE, LE18 4XH

Mr A Price, spoke upon the application on behalf of the applicant, and Councillor Mrs R H Adams spoke as the Ward Councillor for South Wigston, on behalf of the residents and the leader of the Council.

The Committee gave consideration to the report as set out at pages 16 - 22 of the agenda, with reference to the Officers' Presentation (as set out at slides 3 – 6) which asked it to determine an application for Alterations and extensions at ground and first floor level to the side of the existing B8 warehouse.

It was requested that the Enforcement Officer be asked to investigate any pre-existing conditions relating to self-storage and the external storage container currently on site, and also the height of the building and alleged business operation outside of permitted hours.

It was moved by the Chair to permit, seconded by Councillor Mrs H E Loydall

Votes For: 2
Votes Against: 6
Abstentions: 2

Motion defeated.

It was moved by Councillor G A Boulter to defer, seconded by Councillor R E Morris.

Votes For: 8
Votes Against: 2
Abstentions: 0

RESOLVED THAT:

The application be DEFERRED pending further investigatory work and a site visit by Members.

36. APPLICATION NO. 21/00059/FUL - 107 HARBOROUGH ROAD, OADBY, LEICESTER, LE2 4LG (WITHDRAWN)

Application Withdrawn from agenda.

36a. APPLICATION NO. 21/00077/COU - 105 FOXHUNTER DRIVE, OADBY, LEICESTER, LE2 5FH

Mr Thandi spoke upon the application as the applicant and Ms T Savage spoke as an objector of the application. Councillor D M Carter spoke as a Ward Councillor for Oadby St. Peters, on behalf of the residents.

The Committee gave consideration to the report as set out at pages 32 - 40 of the agenda, with reference to the Officers' Presentation (as set out at slides 16 – 20), which asked it to determine an application for Change of Use from residential dwelling (Use class C3) to children's home (Use class C2) for up to 4 young persons.

It was moved to permit by Councillor L A Bentley and seconded by Councillor Mrs H E Loydall.

Votes For: 7
Votes Against: 2
Abstentions: 0

RESOLVED THAT:

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

37. APPLICATION NO. 21/00090/FUL - 24 HOLME DRIVE, OADBY, LEICESTER, LE2 4HF

The Committee gave consideration to the report as set out at pages 41 - 49 of the agenda, with reference to the Officers' Presentation (as set out at slides 20 – 32), which asked it to determine an application for side and rear extensions plus a loft conversion incorporating dormer window to the side.

Mr M Ishmael, spoke upon the application on behalf of the applicant and Mrs Thompson spoke as an objector to the application.

It was moved to permit by Councillor Mrs H E Loydall, and seconded by the chair.

Votes For: 9
Votes Against: 1
Abstentions: 0

RESOLVED THAT:

The application be GRANTED planning permission in accordance with the

submitted documents and plans subject to the prescribed conditions and informatives.

38. APPLICATION NO. 21/00097/FUL - GARTREE HIGH SCHOOL, OADBY, LEICESTER, LE2 5FH

A letter on behalf of the applicant was submitted prior to the meeting by Ms D Marriage, which was read out to the Committee by The Head of Law & Democracy/ Monitoring Officer.

The Committee gave consideration to the report as set out at pages 50 - 56 of the agenda, with reference to the Officers' Presentation (as set out at slides 32 – 40), which asked it to determine an application for a four classroom teaching block.

The Committee asked that Condition 3 be amended, to incorporate replacement of any trees removed during construction.

It was moved to permit by the Chair, seconded by Councillor Dr I K Ridley.

UNANIMOUSLY RESOLVED THAT:

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

39. PLANNING APPEALS SUMMARY UPDATE (2020/21)

The Committee gave consideration to the report as set out on pages 58 – 62 of the agenda, which asked it to note the update on appeal decisions received by the Council as Local Planning Authority during 2020/21.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The content of the report be noted.

40. PLANNING ENFORCEMENT ACTIVITY UPDATE (2020/21)

The Committee gave consideration to the report as set out on pages 63 - 65 of the agenda which asked it to note the yearly summary of the Council's planning enforcement activity as the Local Planning Authority (LPA) for 2020/21.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The content of the report be noted.

THE MEETING CLOSED AT 9.21 PM



Chair

Thursday, 22 July 2021

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

Agenda Item 6

Application Number

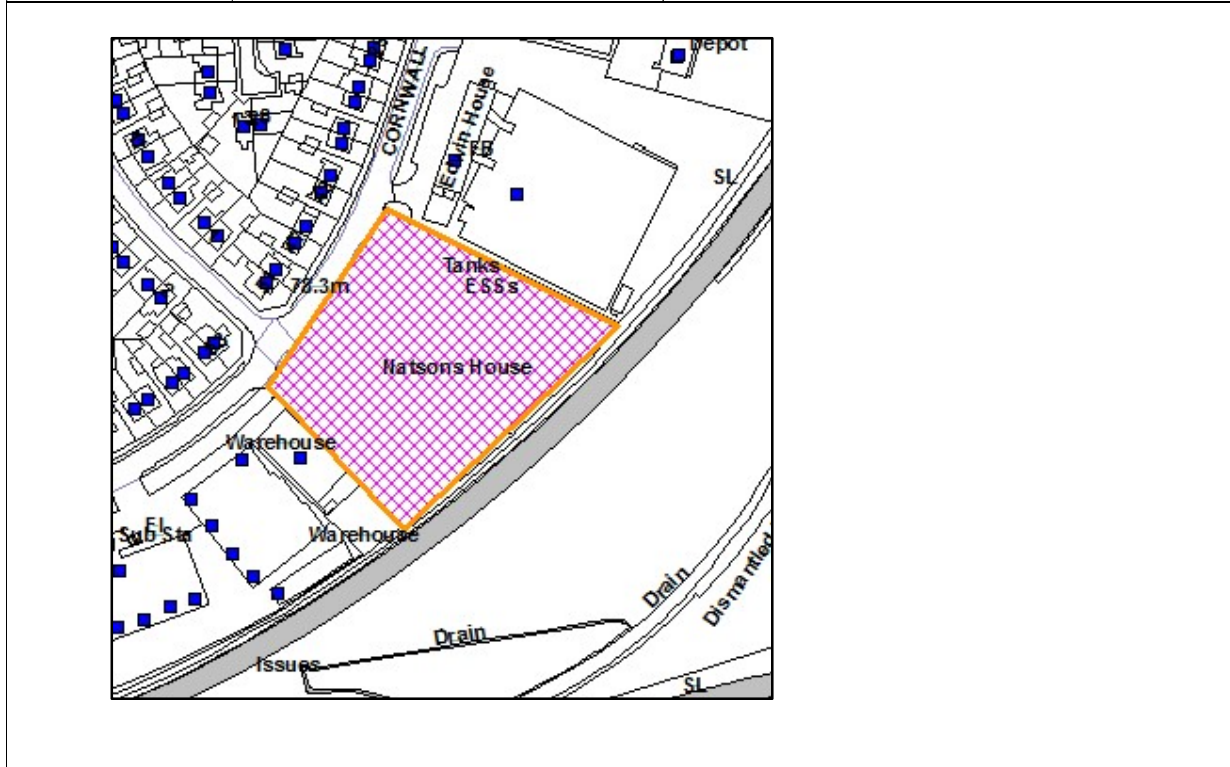
Address

Report Items

- a. **20/00530/FUL** Natsons House
Cornwall Road
Wigston
Leicestershire
LE18 4XH

- b. **21/00059/FUL** 107 Harborough Road
Oadby
Leicestershire
LE2 4LG

a.	20/00530/FUL	Natsons House Cornwall Road Wigston Leicestershire LE18 4XH
	27 November 2020	Alterations and extensions at ground and first floor level to side of existing B8 warehouse.
	Case Officer	Michael Smith



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This application was deferred following consideration at the Development Control Committee on 20 May 2021 and a copy of the original report is included in the report below for information. The reasons for deferral were:

- * Need for a committee site visit before it comes back to committee;
- * The unit allegedly has a restriction on its use as a self-storage unit from the 2010 permission which needs to be looked at to see whether the current use, and therefore the proposed extension, fits within that restricted use;
- * Whether the containers on-site have permission;
- * When the larger vehicles enter and leave the site they invariably have to do so by crossing sections of the footpath opposite which needs to be looked at by highways;
- * To clarify if the building is actually the height detailed on the drawings.

The above matters have been investigated and the response is as follows:

Restriction on the use of the site

The planning history of the premises is that the site is currently operating under the planning permission granted in January 2011 (10/00511/COU). The planning permission:

- * Limits the use of the premises to use as Self Storage Accommodation (Use Class B8),
- * Limits the hours of use to 08.00 am to 6.00 pm Mondays to Fridays, 09.00 to 2.00 pm on Saturdays and at no time on Sundays or Bank Holidays;
- * requires parking areas to be marked out; and
- * requires existing signage to be maintained.

The current premises are still operated by Simple Self Storage Ltd in compliance with the 2010 permission and they are the applicants for the proposed alterations and extensions for which permission is currently being sought. Officers have visited the site on a number of occasions but have found no evidence that the use is being operated outside of the authorised hours, parking areas are marked out on site and the existing signage on the building is being maintained in accordance with the 2010 permission.

Whether the containers on-site have permission

It is evident that some containers used for storage have been on the site for some time, and may, therefore, benefit from being lawful or permitted development. However, it would appear that the number of containers has been increased more recently. As a result, the applicants have been requested to submit a separate application for the siting of the containers, which are located towards the rear of the site.

When the larger vehicles enter and leave the site they invariably have to do so by crossing sections of the footpath opposite, which needs to be looked at by highways

Further consultation was undertaken with the Highway Authority about larger vehicles entering and leaving the site having to do so by crossing sections of the footpath opposite. The Highway Authority has commented that:

"Due to the small scale of the development the LHA consider it unlikely there would be an intensification of use of the access. Whilst unfortunately it appears that some vehicles may be mounting the opposite pavement, this is an existing situation. As such, the LHA would not be able to demonstrate the need for off-site works in relation to this development.

Given the scale of development, the Applicant would not be required to provide additional HGV spaces. As such, it is unlikely that there would be an increase in HGV movements to and from the site than what is already permitted to an existing access. Therefore on this basis, it would be unreasonable to seek any amendments to the site access."

The applicant has advised that the majority of the vehicles visiting the site are either vans or private motor vehicles and that there are very few larger HGV type vehicles that visit the site. In addition, the premises themselves, which prior to being used for self-storage were industrial premises, have two large vehicular accesses that are suitable for larger vehicles to enter and exit the site without the need to cross over the road. However, it is evident that Cornwall Road which on one side is in industrial/commercial use whilst on the other side is residential, is subject to on street parking associated with many of the uses within the nearby area that can on occasion restrict access to various buildings. Clearly, however, this is outside of the applicant's control. This situation is common on many older industrial estates and who provide local employment. However, dangerous parking matters are a Police matter to enforce.

Height of the building

The overall height of the existing storage building is 11.28m to the eaves and 12.475m to the ridge. The proposed alterations and extensions would increase part of the existing building to the same height; these heights have been confirmed by on site measurement.

Conclusion

Having considered the issues raised, it is officer's opinion that the recommendation and conditions as set out in the main report are appropriate.

Copy of Report Submitted to 20 May 2021 Development Control Committee

Site and Location

The application site lies within an identified Employment Area on Cornwall Road and comprises of a large two-storey building currently occupied in part by Simple Self Storage Limited but also in part by other commercial operators. Apart from the buildings, there are large areas to the front, sides and rear of the building used for parking and deliveries.

Although this side of Cornwall Road is identified as an employment area in the adopted local plan and contains a variety of commercial and industrial premises, on the opposite side of the road lie residential dwellings.

Description of proposal

The proposal involves the erection of a part single, part two storey extension to the building to form additional storage space and enclose parking/delivery areas. In total, this would equate to 352sqm

of additional floorspace. The extensions would be sited towards the rear of the site, are designed, and would be constructed to match the design and materials of the existing building.

Relevant Planning History

10/00511/COU Change of use to self-storage accommodation (Use Class B8) – Approved subject to conditions

Consultations

LCC Highways – the Highway Authority does not consider that the proposal will have a severe impact on the highway. There also appears to be adequate parking on site for the scale of development.

OWDC Environmental Health – No objections subject to conditions limiting the times of construction of the development and when completed the times of the deliveries to the business

Representations

Neighbours have been informed and a press/site notice placed on the site. As a result, 6 letters of objection have been received from the occupiers of nearby residential properties.

- There is already a large volume of large Lorries and other traffic going in and out of the site and parking along the road.
- Lorries are regularly waiting on the road outside waiting to get into the site.
- The area cannot sustain any more development without causing more problems for residents.
- This is residential area with some businesses nearby and not a business area with residents nearby.
- The applicants do not currently obey the hours allowed.
- We were told originally that the industrial estate was for light haulage, which it was; as new company has moved in, they seem to be able to do what they want.
- The site is also used by several other courier companies to sort their goods without allocation of sufficient off road parking.

Councillors Adams and Boyce have requested that the application be referred to Committee for determination to consider the impact of the development on neighbours.

Relevant Planning Policies

National Planning Policy Framework

Oadby and Wigston Local Plan

Policy 1 – Presumption in Favour of Sustainable Development

Policy 6 – High Quality Design and Materials

Policy 25 – Protecting Identified Employment Areas

Supplementary Planning Document.

Identified Employment Land

Planning Considerations

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

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

The impact of the proposal on the street scene:

The proposal as submitted is for a part single, part two- storey extension to the existing building, which will provide additional storage space. The design of the building and the proposed materials would match the design and materials of the existing building. Being sited towards the rear of the site, the extension itself would not have any direct adverse impact on the amenity of nearby residents.

In principle, the site being located within an identified employment area and an existing established use, the proposal is supported by the policies of the Local Plan. As a result, it is considered that the extension of the building and the scale and design of the development is acceptable.

The impact of the proposal on neighbouring residential properties:

The site, together with other commercial and industrial premises along Cornwall Road, and the surrounding area is located in an Identified Employment Area as defined by the adopted Oadby and Wigston Local Plan. This employment area is, however, located close to existing residential properties and as a result residents who were consulted over the proposal have raised concerns about the site and in particular traffic movements associated with the development, the hours of use and the parking of lorries in the nearby area.

The current operations are restricted, a condition imposed when planning consent was originally granted for the use of the site as a self- storage operation. These limit the hours of use as follows:

08.00 – 18.00 Mondays to Fridays

09.00 – 14.00 Saturdays and at no time on Sundays or Bank Holiday

Following the submission of the application and the receipt of representations, officers including the Councils Enforcement Officer visited the site on a number of occasions at various times of the day to seek to ascertain whether the conditions were being complied with. Although it is accepted that this is not a comprehensive assessment of the situation, no evidence was found that of the conditions being breached.

The applicants in support of the proposals have advised that they currently operate within the agreed operating hours and that all incoming delivery vehicles are pre booked, allocated a time slot, and advised not to turn up before 8.00 am opening time. The applicants have provided a copy of a flier that is handed to all customers which sets out the opening hours of the business in an attempt to avoid deliveries outside of the authorised hours.

It is also to be considered that other businesses in the area including part of the building not used by Simple Self Storage are not subject to hours of use conditions, which would allow them to operate over longer hours and generate traffic movements.

The impact on the highway:

As set out above in relation to the consultee comments received on the application, Leicestershire County Council as Highway Authority has assessed the proposal.

In their response they detail that given the small scale of the development, the Local Highway Authority do not consider it would cause a severe impact on the highway, and as such the proposal does not conflict with paragraph 109 of the National Planning Policy Framework (2019).

They continue and state that there also appears to be adequate parking within the site for the scale of development.

Therefore, while the comments of the local residents are noted, based on the response of the Highway Authority it is considered that the proposal does not have an unacceptable impact on the highway that would justify a refusal being issued on highway grounds.

Conclusion

In conclusion, it is accepted that where residential properties exist in close proximity to industrial, business and commercial premises, as is the case along Cornwall Road, the possibility will exist that there arises an element of conflict between the two uses. It is, however, difficult in this case to suggest that the these premises which are the subject of hours of use restrictions are the sole cause of any parking problems and that the extension of the building as proposed will increase this if subject to the same limitations.

The size and design of the extension itself is satisfactory and the materials to be used in the construction of the building are appropriate and will match the existing building. It is considered that the proposal is acceptable subject to the conditions as set out below.

Implications Statement

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

Recommendation

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform to Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Unless otherwise first approved in writing (by means of a Non-material Amendment/Minor Material Amendment or a new Planning Permission) by the Local Planning Authority the development hereby permitted shall be carried out in accordance with the approved plans and particulars listed in the schedule below:

Application Form submitted to and received by the Local Planning Authority on 30 November 2020

Proposed plans and elevations dwg ref: MPD-PL-0914 /01/02 and 02/02 received by the Local Planning Authority on 30 November 2020

Site location and block plan received by the Local Planning Authority on 30 November 2020

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

- 3 All external materials used in the development shall match those of the existing building in colour, size, coursing and texture unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6 and 44 of the Oadby and Wigston Local Plan

- 4 The building to which this permission relates shall only be used between the hours of 08.00 - 18.00 Mondays to Fridays and 09.00 - 14.00 Saturdays and at no time of Sundays or Bank holidays.

Reason: In the interests of the amenities of local residents and the locality in general and in compliance with Policy 6 of the Oadby and Wigston Local Plan

Note(s) to Applicant:

- 1 You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.
- 2 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).

- 3 The Application as submitted was, on balance, considered acceptable and whilst discussions with the applicant were held to seek a higher quality of development, the originally submitted development is not considered bad enough to warrant refusal of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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.

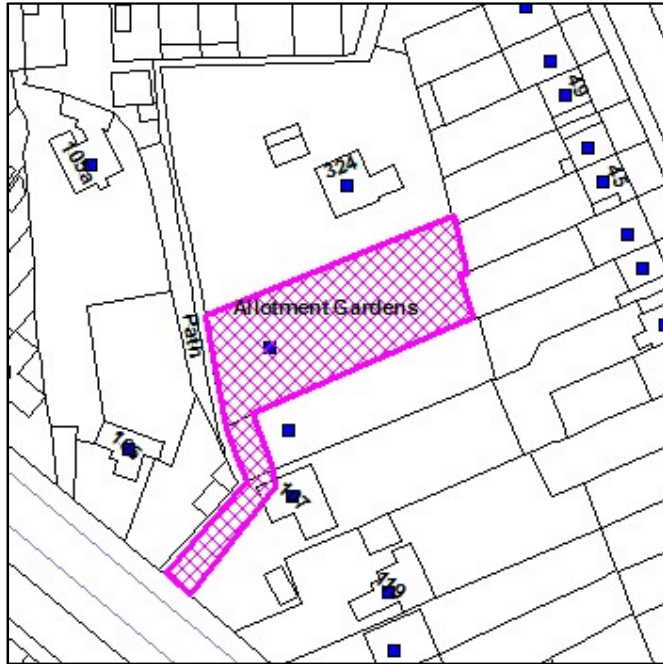
If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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.

b.	21/00059/FUL	107 Harborough Road Oadby Leicestershire LE2 4LG
	10 February 2021	Erection of one, two storey dwelling
	Case Officer	Mrs Tracey Carey



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Site and Location

The site originally comprised a 1960's bungalow within an irregular plot on elevated ground to the north east of and accessed from Harborough Road, Oadby. However, following the submission and granting of previous permissions 18/00442/FUL and 19/00229/FUL the site has subsequently been extended and divided into three plots, with the recent construction of two dwellings on plots 1 and 2. The third plot is the subject of this application.

The site is surrounded by residential development, which primarily fronts the road with the exception of the properties to the north of the site (32a Uplands Road and 105a Harborough Road) which are single storey forms of backland development.

Description of proposal

The application is for the erection of one, two storey dwelling. The scheme has been amended since the original submission due to concerns over the scale, the dominant and overbearing impact when viewed from the neighbouring dwelling, No.32a Uplands Road, and proximity to the boundary. Revised plans have been submitted to address these concerns.

The amended scheme proposes a dwelling sited 1.5m from the boundary of No.32a Uplands Road with the two-storey footprint measuring 14.016m long x 8.626m deep with a hipped roof at a maximum height of 7.5m. A single storey garage projects from the front of the dwelling by 6.2m x 3.5m wide and has a gabled roof 4m high. A covered porch area projecting 1.7m x 2.3m with a lean-to roof 3.5m high is proposed adjacent to the garage.

The dwelling comprises a hall, lounge, dining area, breakfast/kitchen, WC and garage at ground floor, four bedrooms (two with en-suite), a landing and bathroom at first floor and is to be constructed in the same brick and tiles as the recently constructed neighbouring property.

In addition to the garage, three parking spaces are proposed at the head of the access drive, to the front of the proposed dwelling.

The statutory determination period for this application expires on the 27 July 2021 and it is intended to issue a decision as soon as practicably possible after the committee meeting.

Relevant Planning History

16/00459/OUT - Proposed residential development - Partial demolition of existing house and the erection of four detached dwellings with amended access to Harborough Road – Refused

17/00118/OUT - Proposed residential development - Demolition of existing house and the erection of two detached houses - Approved

17/00443/OUT - Outline application for demolition of the existing dwelling and the construction of 5 detached dwellings – Refused – Appeal Dismissed

18/00442/FUL – Demolition of existing dwelling and erection of two dwellings and garage with associated works – Approved

19/00229/FUL - Erection of two dwellings and garages – Approved

Consultations

Leicestershire County Council (Highways) – Incorporated into the report

Cadent Plant Protection – No response received at the time of writing this report

Western Power Distribution – No response received at the time of writing this report

Public Rights of Way - No response received at the time of writing this report

Severn Trent Water Ltd - No response received at the time of writing this report

Planning Policy – (summarised) although the site would not be defined as 'brownfield land' in the traditional sense, the proposal is for the development of a new residential two storey dwelling on land where the principle of residential development has been set through a previous permission. The Case Officer should be satisfied that the proposed development is of a high quality, will not have a detrimental impact upon the landscape and character of the area, and will not have a detrimental impact upon the residential amenity and privacy of the adjacent dwellings.

Tree Officer - No comments received at the time of writing this report.

Representations

Neighbours have been informed and a site notice placed with three letters of representation on the original scheme being received which raise the following issues:

- * Loss of light, privacy and overshadowing
- * Several trees have already been felled to make way for the development depriving us of clean fresh air. Now to view brick and concrete is unacceptable
- * Two storey dwelling previously declined, with the development of a bungalow approved. To have the same application for discussion is beyond our understanding
- * High density, overdevelopment of site, loss of open aspect.
- * According to the deeds, covenant no.4 states 'no building or erection should be done which might grow to be a nuisance or annoyance to the owners or occupiers of any adjoining or neighbouring property'
- * Wouldn't it be better to have 2/3 bungalows rather than a 5 bed house to help housing problem and give the retired elderly opportunity to downsize
- * We understand land was bought under false pretences that garage will be built for other houses
- * Visual impact detrimental to the character of the neighbourhood in terms of its appearance
- * Adversely affects residential amenity of neighbouring owners
- * Overlooking
- * Now the first two properties have been built they seem to have backtracked from a bungalow with rooms in the roof to a two-storey dwelling.

Three letters of representations have been received in respect of the amended scheme, which raise concerns regarding overlooking and overshadowing. The final date for the receipt of comments expired on the 24 June 2021.

Councillor Mrs L Kaufman has called this application to Committee.

Relevant Planning Policies

National Planning Policy Framework

Oadby and Wigston Local Plan

Policy 1 – Presumption in Favour of Sustainable Development

Policy 6 – High Quality Design and Materials

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 as follows:

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

The impact of the proposal on the street scene

The proposed dwelling is sited to the north of the two recently constructed two storey gabled dwellings, some 45m from the main Harborough Road and will be obscured to some extent by the existing dwellings fronting Harborough Road. The property is set at a similar level to the adjacent new property and is around 1.3m lower in height with a hipped roof.

It should be noted that planning permission currently exists on the site for a one and a half storey dwelling with three dormer windows to the front. The current proposal is set 1m lower into the site than the previously approved scheme and although two storey is, only 0.3m higher than the previous approved one and a half storey dwelling.

Given the siting and design, together with the comparison with the current permission and that the materials proposed will match those of the recently constructed properties it is not considered that the proposal will significantly impact on the character and appearance of the street scene.

The impact of the proposal on neighbouring residential properties.

The proposed dwelling is sited approx. 40m from the rear of the properties on Queen Street (around 16m from their rear boundary) and around 35m from the rear of no.105 Harborough Road (20m from the boundary). The rear elevation of No.105 Harborough Road is angled away from the front elevation of the proposed development and as such, no direct overlooking will occur. Furthermore, it should be noted that given the lowering of the ground levels the proposed first floor windows are positioned around 1m lower than the previously approved dormer windows.

The proposed dwelling is sited 1.5m off the boundary of 32A Uplands Road and sits forward of its side/rear elevation. The design of the dwelling is such that the roof closest to the boundary is around 3.5m high, increasing in height as it moves away from the boundary and as such has a lesser impact than the previously approved scheme as it removes a large part of the side gable, which would result in development 6.2m high in this location. This revised scheme, together with the lowering of levels (0.83m from the approved scheme and 1.4m lower than No.32A) results in an increase in the overall height of both the previous scheme and the property at no.32A of 0.4m at a distance of 5.5m from the boundary.

The siting of the dwelling is such that the development is between 12m and 16.8m away from the side/rear habitable room windows of No.32A and as such complies with the 45-degree code.

The dwelling is sited approx. 1m from the boundary of the neighbouring new dwelling and projects around 5m beyond its rear elevation. Its siting is such that it complies with the 45-degree code and the amendment from the side gable to hip reduces the impact of the proposed dwelling on this neighbouring property.

In view of the above, it is not considered that the proposal would significantly impact on the amenities of neighbouring properties and is, in some respects, a betterment from the previously approved scheme.

Highway Impacts

The Highway Authority raised concerns over the original scheme submitted in respect of an over engineered access, lack of details of the site access in relation to the Public Right of Way, no visibility splays being provided and the parking spaces proposed not meeting the minimum length of 5.5m with a minimum 6m manoeuvring space.

Revised plans have been submitted which address these concerns and the Highway Authority have removed their objection subject to conditions being imposed regarding:

- * Access to be implemented in full prior to occupation
- * Vehicular and pedestrian visibility splays to be provided on both sides of the access prior to occupation
- * No gates, barriers, bollards, chains or other obstructions to be erected to the vehicular access
- * Parking and turning facilities to be implemented prior to occupation
- * Prior to construction, any changes to the existing boundary treatment separating the site from the Public Right of Way to be approved by the Local Planning Authority
- * No trees or shrubs to be planted within 1 metre of the edge of the Public Right of Way
- * Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works

It should be noted that the parking provision for a four-bedroom property is a minimum of three spaces. Three parking spaces have been provided along with a single garage, which meets the minimum size required to be considered as a parking space and, therefore, the proposal over provides in terms of parking provision.

It should also be noted that the current permission for a new dwelling on this plot is from the same point of access as that proposed.

Conclusion

In summary, the proposed development is not considered to harm the character and appearance of the existing street scene, the surrounding area, the amenity of neighbouring residential properties or the safe and efficient use of the highway and is therefore recommended for approval subject to the conditions outlined below.

Implications Statement

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

Recommendation

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

- The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- The development hereby permitted shall be constructed using the materials specified on the Application Form, unless alternative materials are agreed in writing by the Local Planning Authority.
Reason: To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6 and 44 of the Oadby and Wigston Local Plan.
- Notwithstanding the provisions of Classes A and B of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended and no windows shall be inserted in the side elevation (north-west) unless planning permission has first been granted by the Local Planning Authority.
Reason: To ensure that the development does not adversely affect the amenities of the neighbouring property and in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6 and 44 of the Oadby and Wigston Local Plan.
- Prior to the first occupation of the dwelling hereby permitted, a details scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that a landscaping scheme is provided to enhance the development and in accordance with the aims and objectives of the National Planning Policy Framework and Policy 44 of the Oadby and Wigston Local Plan.

- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and the occupiers of adjacent buildings and in accordance with the aims and objectives of the National Planning Policy Framework and Policy 44 of the Oadby and Wigston Local Plan.

- 6 No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on BHC Access Detail drawing number 105, with a minimum dropped kerb provision of 7.3m have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

- 7 No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 74 metres and pedestrian visibility splays of 2 metres by 2 metres have been provided on both sides of the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2019).

- 8 Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2019).

- 9 The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with BHC Plans as Existing and Proposed drawing number 101 Revision F. 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).

- 10 Prior to construction, any changes to the existing boundary treatment currently separating the application site from the Public Right of Way, must be approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Reason: In the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2019.

- 11 No trees or shrubs should be planted within 1 metre of the edge of the Public Right of Way. Any trees or shrubs planted alongside a Public Right of Way should be of a non-invasive species.

Reason: To prevent overgrowth in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2019.

- 12 Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.

Reason: To ensure the Public Right of Way is safe and available during the period of construction in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2019.

- 13 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:

Location and Site Plan, Existing and Proposed, Drg No. 101 Rev F received by the Local Planning Authority on 9 June 2021

Floor Plans and Section, Drg No. 102 Rev D received by the Local Planning Authority on 28 April 2021

Elevations, 104 Rev D received by the Local Planning Authority on 28 April 2021

Access Details, Drg No. 105 received by the Local Planning Authority on 9 June 2021

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

Note(s) to Applicant:

- 1 You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.
- 2 If the proposal involves the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Etc. Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.
- 3 For the avoidance of doubt this permission does not authorise any development outside the application site including any foundation, footings, fascias, eaves, soffits, verges or guttering.

- 4 You are advised that any amendments to the approved plans will require either a Non-Material amendment application, a Minor Material Amendment application or a new planning application. If this is the case then you should allow at least 8 weeks before the intended start date to gain approval for such amendments. Further advice can be obtained by contacting the Planning Section of the Council on any amendments (internal or external).
- 5 Planning permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
- 6 In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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) 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.

BACKGROUND PAPERS

a. 20/00530/FUL

b. 21/00059/FUL