

Application Number Address

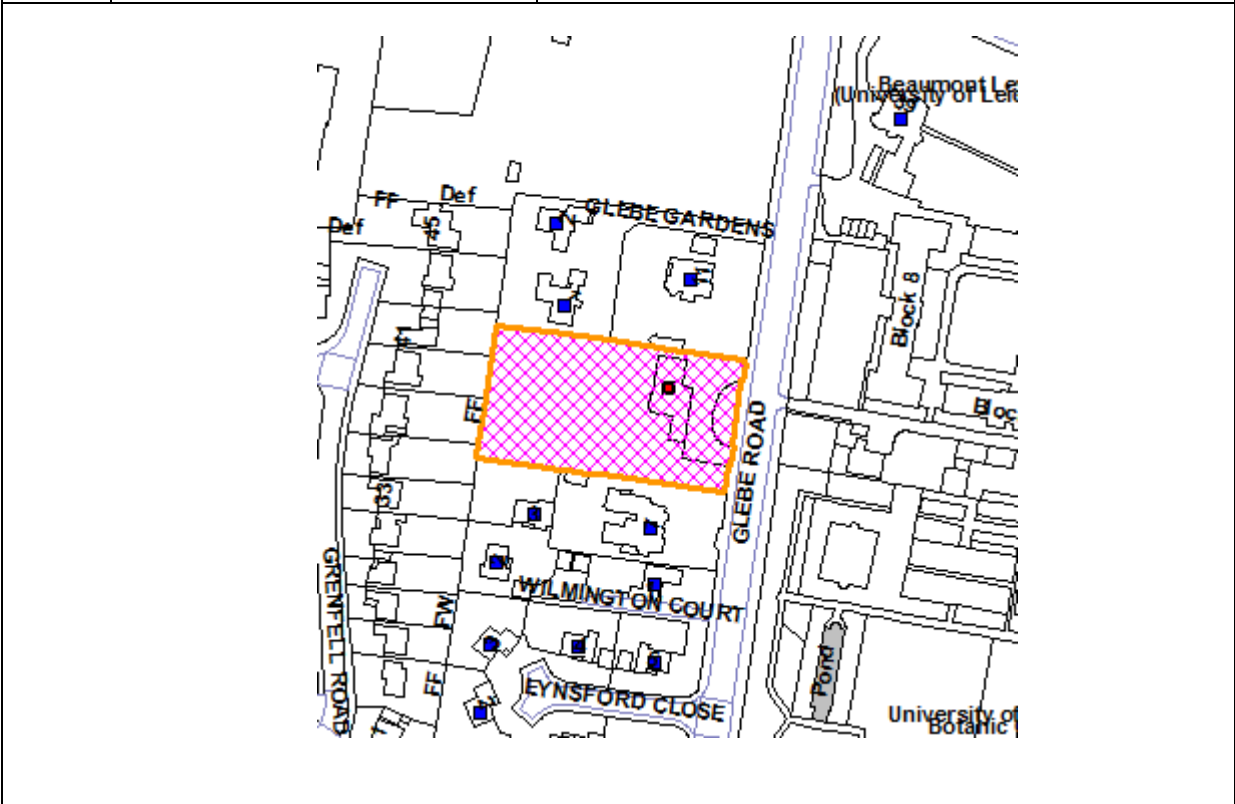
Report Items

1. 15/00259/FUL 9 Glebe Road
 Oadby
 Leicester
 Leicestershire
 LE2 2LD

2. 15/00287/FUL 11 Southmeads Close
 Oadby
 Leicester
 Leicestershire
 LE2 2LT

3. 15/00316/FUL Abington High School
 Station Road
 Wigston
 Leicestershire
 LE18 2DP

1.	15/00259/FUL	9 Glebe Road Oadby Leicester Leicestershire LE2 2LD
	15 June 2015	Erection of a one and a half storey side extension with single storey link extension from main house, single storey rear extension, loft conversion with dormer windows to front, new porch to front, elevational alterations and new front boundary treatment (Rev A)
	CASE OFFICER	Stephen Dukes



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

Site and Location

The application site is a two storey detached property situated on a large plot on the west side of Glebe Road in Oadby. The property lies within the Oadby Hill Top and Meadowcourt Conservation Area and is situated next to a Grade II listed building at no.7 Glebe Road. In addition, the other neighbouring property at no.11 Glebe Road to the north is on the Council’s list of significant local buildings.

Description of proposal

The proposal is for the erection of a one and a half storey side extension with single storey link extension from main house, single storey rear extension, loft conversion with dormer

windows to front, new porch to front, elevational alterations and new front boundary treatment.

The statutory determination period for this application expired on the 10 August 2015, but an extension of time has been agreed until 31 October 2015, and it is intended to issue a decision as soon as practicably possible after the committee meeting.

Relevant Planning History

None Relevant

Consultations

Leicestershire County Council (Highways) – The Local Highway Authority refers the Local Planning Authority to current standing advice dated September 2011. Consider pedestrian visibility splays.

Leicestershire County Council (Heritage Team) –

Original plans – This application is for a major extension to a relatively modern property located within the Oadby Hill Top and Meadowcourt Conservation Area and next to 7 Glebe Road, a statutorily listed building. It is, therefore, a sensitive site and these designations impose certain constraints by virtue of the national built heritage planning policies contained in Chapter 12 of the NPPF and the statutory obligations of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I regret that the submitted Design and Access Statement suggests that the proposed intensive design has not taken some or all of these issues into account.

I accept that the existing house is not outstanding architecturally or possess any obvious historic interest. In my opinion it has a neutral impact on the conservation area and the existing, largely undeveloped, space to the side provides a valuable buffer between the neighbouring listed building. Such gaps, often partially filled with mature planting, make a positive contribution to the conservation area and the current scheme by developing across virtually all of the wide frontage will harm rather than preserve or enhance the character or appearance of the area, particularly if it also results in the loss of any trees of amenity value.

A new one and a half extension projects in front of the properties in this part of the street and this coupled with the overall mass and scale of the new additions will reduce the visual prominence of the listed building in the established street scene. Developing so close to the boundary means that the setting of the designated heritage asset next door will be substantially compromised. These are fundamental concerns which cannot, in my view, be resolved by changes in the detailed design of the extensions.

Various elements of the design will adversely affect the special quality of the conservation area and are, I believe, a matter for concern. These include a significant increase in the use of non traditional roofing and fenestration materials, concrete tiles and upvc windows for example, that will contrast unfavourably with those historic buildings that make a positive contribution. Many large roof lights are proposed and it appears that some of those above the garage extension will be visible from the street because of its position in front of the adjoining property. The main gable is unbalanced and enlarged by the proposed projection of the roof down to the large front porch and the attempt to reduce the apparent scale of the building by incorporating 'half hips' is, in my view, unsuccessful and unattractive.

Adding timber framing and filled with render does not always improve the appearance of a building, poor examples from recent housing estates spring to mind, and in this case it seems to be too widely spaced and randomly used. Such an approach needs an

experienced architect and a strong financial commitment to ensure a high degree of craftsmanship and good quality robust materials; needed if the local historic Arts and Crafts style examples are not to be devalued. The proposed front boundary wall and railings is of an elaborate design which does not seem to relate to the design of the extended house or be in keeping with other boundary treatment in the area.

I am confident that the proposed development will cause at least less than substantial harm to the significance of the two designated heritage assets noted above. Paragraph 134 of the NPPF requires that this harm should be weighed against the public benefits of a proposal. I regret that I cannot identify any public benefit in this case that would outweigh the harm to the setting of the listed building or designated conservation area.

In addition the statutory duties referred to above require that your authority in considering whether to grant planning permission shall have special regard to desirability of preserving the setting of a listed building and pay special attention to the desirability of preserving or enhancing the character or appearance of a designated conservation area. In this context preservation means doing no harm and there is a strong statutory presumption against approving an application which will result in damage to a listed building or conservation area, even where the scale of harm is judged to be less than substantial.

Revision A – I am pleased that you have managed to secure considerable improvements in respect of certain aspects of the original scheme which gave me cause for serious concern. The development does not now come so close to the road or extend across the whole width of the plot. This should reduce the impact on the setting of the neighbouring listed building and be more in keeping with the essential character of those buildings which make a positive contribution to the conservation area. Confirmation that existing planting close to the boundary with the listed building will not be affected is important as it will provide a buffer between the historic house and the proposed dwelling.

Even in the revised form the development will significantly increase the mass of the existing house and I regret that I remain concerned about several aspects of the design. Given the increase in size of the building it is important that only high quality architectural details and natural materials are used; concrete tiles and upvc fenestration should not be employed irrespective of whether they match the existing.

I am pleased that the half hips have been omitted but the large, wide gables with shallow pitched roofs and 'black timber feature details Tudor style' framing, I trust these are timber and not an artificial material, on both the house and garage are, in my opinion, incongruous in this context. I note that diagonal bracing has been added to some of the panels. Once again this resembles the sort of embellishment found on late C20 suburban housing and has not helped to give the design the desired, authentic Arts and Crafts Style found elsewhere in the conservation area. If you feel this approach is acceptable I recommend that precise constructional details are submitted for your approval; the use of thin softwood boards or imitation wood needs to be avoided.

The wide garage door is an unwelcome modern looking feature which will be very visible in the street scene. Individual doors of an appropriate design are, in my view, required in this case. Several roof lights will be visible above the garage. These will visually disrupt the roof slope and given the windows in the end gable some could be excluded. I note that the side elevation drawing, facing the listed building, does not appear to have any roof lights but the roof plan shows several. I believe you are right to question the proposed boundary treatment; it continues to be too ornate in my view.

Leicestershire County Council (Ecology) – It appears from the plans that this proposed extension will affect the existing roofspace/ roofline. The dwelling is directly adjacent to

mature gardens and trees, which provide good bat foraging habitats. There is therefore a strong possibility that bats are roosting in the roofspace of the existing property and could be disturbed by the proposed works. Recommend that a bat survey of the property is carried out and submitted before the application can be determined.

Oadby Civic Society – The application form under Section 7 states that, a) no trees/hedges are within falling distance of the proposed development, and b) that no trees or hedges will need to be removed to carry out the proposals. We would suggest that both these statements are incorrect as a) the south east extent of the single storey side extension would appear to require the removal of existing trees and adjacent trees are within falling distance of the proposal and b) in order to construct the proposed front boundary wall the existing trees etc. will have to be removed, as the artists's impression indicates, and this will have a detrimental effect on the street scene along Glebe Road.

Leicester City Council – No comments to make

Representations

Neighbours have been informed and a press/site notice placed with eight letters of representation being received at the time of writing this report. The date for the receipt of comments expires on the 21 October 2015.

The reasons for objection can be summarised as follows: -

- The proposals do not conform with the basic requirement to allow development in a Conservation Area
- Damage to trees or removal is likely – no details are given on how trees will be affected.
- Extending beyond the building line – impact on street scene – extends to within 7.8m of the road
- Other neighbouring properties are set back from the road.
- New extension could be built at the rear, preserving the street scene as there is enough land to accommodate it here.
- Extension appears like a new dwelling which could be split off to form separate accommodation in future.
- The design is unsightly.
- Development will adversely affect the setting of no.7 Glebe Road, a listed building – no assessment has been made as to the potential impact on the setting
- Property would occupy the full width of the plot, whereas other houses are generally well spaced.
- Increase in traffic and road parking as a result of more people living at the property.
- Design and mass is not in keeping with the conservation area.
- The roof line is discontinuous and fractured and not architecturally sympathetic or consistent with other properties.
- Impact on privacy, amenity and enjoyment of the neighbouring property at no.7.
- Trees have previously been removed between no.7 and no.9.
- The proximity of the extension and the roof lights would be excessively intrusive to occupants of no.7.
- Concerns with noise associated with the games room, gym and spa.
- Limited access to rear garden would remain.
- The two storey elements of the design should be incorporated adjacent to the existing structure and any side build should not extend beyond that of the existing driveway entry.

- Deficiencies in application submission – application form states that there are no trees within falling distance of the proposal which is incorrect – no details of trees on plans or root protection areas.
- No.7 has a number of habitable rooms with north facing windows - loss of daylight to these windows and overlooking/ loss of privacy from roof lights in extension.
- The brickwork/ woodwork/ rendering should be sympathetic to the design of the two neighbouring properties, i.e. a traditional finish.
- A landscaped garden and trees should be considered in the conditions.

Relevant Planning Policies

National Planning Policy Framework

Oadby & Wigston Core Strategy

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

Oadby and Wigston Local Plan

Landscape Proposal 1	:	Design of new development subject to criteria.
Housing Proposal 17	:	Criteria for assessing the suitability of domestic extensions.

Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document
 Conservation Areas Supplementary Planning Document
 Oadby Hill Top and Meadowcourt Conservation Area Appraisal

Planning Considerations

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

- The impact of the proposal on the character and appearance of the conservation area and street scene
- The impact on the setting of the adjacent listed building
- The impact of the proposal on neighbouring residential properties.
- The impact of the proposal on trees
- The impact on the highway

The impact of the proposal on the character and appearance of the conservation area and street scene

The application site lies within the Oadby Hill Top and Meadowcourt Conservation Area. The Local Planning Authority therefore has a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of a designated conservation area. The Conservation Officer has commented that the existing building has a neutral impact on the conservation area but does not possess any obvious historic interest. He commented that the original scheme which developed across virtually all of the wide frontage would harm rather than preserve or enhance the character and appearance of the conservation area, particularly if this would result in the loss of trees.

As well as extending width ways, the proposal includes a one and a half storey extension projecting forward of the existing building line which would have a detrimental impact on the character and appearance of the street scene.

The Conservation Officer also had concerns with various elements of the design which, he commented, would adversely affect the special quality of the conservation area. These included a significant increase in the use of non traditional roofing and fenestration materials, concrete tiles and uPVC windows. Large roof lights are also proposed and those above the garage extension would be visible in the street scene. The main gable would be unbalanced and enlarged by the proposed projection of the roof down to link with the porch. The attempt to reduce the scale of the building by introducing half hips was considered unattractive.

The proposed timber framing was not considered to improve the appearance of the building and the Conservation Officer commented that it was too widely spaced and randomly used. He also stated that the proposed front boundary wall and railings was of an elaborate design which would not relate well to the design of the house or be in keeping with other boundary treatment.

The Conservation Officer was therefore of the view that the proposed development would cause at least less than substantial harm to the significance of the conservation area, with no overriding public benefit.

Following this, the applicant was given the opportunity to submit amended plans and the following amendments were recommended:

- The proposed extension to the south should be reduced in width and set in from the boundary with no.7 by around 8-10 metres.
- The forward projecting part of the side extension should be removed so that the proposed extension does not extend forward of the existing building or building line.
- The number of roof lights should be reduced and dormer windows removed.
- The unbalanced front gable should be amended and the size of the front porch reduced.
- The half hips should be removed.
- The timber cladding and render should be altered to be more in line with the local Arts and Crafts style properties in the area.
- The front boundary treatment should be removed, reduced in height or altered.
- The flat roofed extension to the rear should be altered.

Amended plans were received (Revision A) which reduced the width and forward projection of the extension. The side of the property is now 7 metres from the boundary with no.7 and the porch and side extension only protrude a slight distance (1 metre) forward of the existing front elevation. The number of roof lights has been reduced and the porch separated from the front gable so that it is a separate element and the gable is balanced. The half hips have been removed and the timber 'mock Tudor cladding altered, with the addition of diagonal beams. A more characterful coping stone with detail on the parapet wall has been added to the rear extension and the boundary treatment altered to a more traditional appearance.

Based on the revisions, there were still a number of concerns as follows:

- The black timber Tudor style framing is an incongruous feature in this context and the Conservation Officer commented that this resembled the embellishment found on late 20th century suburban housing and has not helped to give the design the desired, authentic Arts and Crafts style found elsewhere in the conservation area. It was advised that the timber framing should be removed at first floor level and restricted to

only the area from the cill level of the second floor windows upwards on the main gable and the area above the windows on the new gable. The first floor parts of the elevations should be rendered only on front and rear.

- The Conservation Officer considered the wide garage door to be an unwelcome modern feature which would be very visible in the street scene.
- The Conservation Officer commented that several roof lights will be visible above the garage which would visually disrupt the roof slope and, given the windows in the gable end, could be excluded.
- The porch has not been reduced in size and incorporated with the mock tudor and stands out within the street scene. It was advised that the scale of the porch be reduced and the materials altered to brick or brick and render.
- In terms of boundary treatment, the area is characterised by vegetation or hedges and railings to the front. It was recommended that the boundary treatment should be removed from the application in its entirety to altered to railings only, not exceeding 1.5 metres in height.
- A plan should be submitted showing the trees which would require removal.

The agent has been contacted regarding these concerns. At the time of writing this report, these amendments have not been received. Subject to plans incorporating the above changes being submitted to the Local Planning Authority, the proposed development is considered to have an acceptable impact on the character and appearance of the conservation area and street scene.

The impact of the proposal on the setting of the listed building

The adjacent property at no.7 Glebe Road is a Grade II listed building. The Local Planning Authority therefore has a statutory duty to have special regard to preserving the setting of this listed building. In the original plans submitted, the proposed development was located in close proximity to the boundary with no.7. This has now been amended so the extension is 7 metres away from the boundary. In the original plans, the proposed one and a half storey element projected forward of the original house which, coupled with the overall mass and scale of the new additions would reduce the visual prominence of the listed building in the established street scene. In revision A, the extension now follows the building line.

If the above amendments recommended in the previous section are made, the proposed development is not considered to have a detrimental impact on setting of the listed building at no.7 Glebe Road. The trees along the boundary should be retained where possible, to act as a buffer between the listed building and no.9

The impact of the proposal on neighbouring residential properties.

The original proposal would have a detrimental impact on the amenity of residents at no.7 Glebe Road. No.7 has side facing habitable room windows which face onto the application site. The proposed one and a half storey extension at no.9 Glebe Road would have roof lights within the games room. These would cause overlooking into the neighbouring property and result in a loss of privacy to occupants of that property.

In the amended plans, the extension has been positioned away from the boundary and in addition, the roof lights have been removed from that side of the games room, removing the

potential for overlooking. Two rooflights remain, as shown on the roof plan, but these serve a double height gym and would therefore not result in overlooking. It has, however, been recommended that these be removed too, to improve the street scene impact.

The impact of the proposal on trees

The original plans would result in the loss of trees along the boundary with no.7 Glebe Road. Now the extension has been moved away from the boundary, it should be possible for these to be kept. A plan has been requested from the agent to show which trees would require removal.

The impact of the proposal on the highway

The Highway Authority has asked the Local Planning Authority to consider visibility splays, given the proposed new boundary treatment. The agent has been requested to amend the boundary treatment to comprise of only railings, and therefore this itself should provide better visibility.

Conclusion

In summary, the proposed development in the first set of revised plans is considered to secure considerable improvements as compared to the original scheme. A number of further amendments are however required to make the overall development acceptable. Subject to these changes being made to the proposed plans, the application is considered to be acceptable in terms of its impact on the character and appearance of the conservation area and street scene, the impact on the setting of the listed building, on the amenity of neighbouring properties, and on the treescape and highway.

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

a) Subject to the receipt of suitable amended plans by 29 October 2015 (or any such other date agreed in writing between the Applicant and the Local Planning Authority then **Permit** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Prior to the commencement of development details of all materials to be used externally shall be submitted to and approved in writing by the Local Planning

Authority and the development shall only be carried out using the agreed materials.

Reason: To safeguard the character and appearance of the Oadby Hill Top and Meadowcourt Conservation Area and the building in general and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policies 14 and 15, Landscape Proposal 1 of the Oadby and Wigston Local Plan and the Conservation Areas Supplementary Planning Document.

- 3 Prior to the commencement of development the colour of the proposed render (either self-coloured or by means of a painted finish) shall be submitted to and approved in writing by the Local Planning Authority. The render (including its agreed colour) shall be completed within 2 months of the substantial completion of the development.
Reason: To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14 and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 4 Prior to the commencement of site works, full details of the measures to avoid damage to the trees to be retained on site shall be submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall include details of a suitable fixed fence (which should extend to the full extent of the canopy of the tree(s) to be retained unless otherwise first agreed in writing by the Local Planning Authority). The agreed tree protection measures shall be installed on site prior to any site works commencing and shall be retained as such for the duration of construction works on site.
Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site in accordance with Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 5 The proposed extension shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 9 Glebe Road.
Reason: To ensure that the proposed development is compatible with existing development in the locality and in accordance with Core Strategy Policy 14 and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 6 The flat roof to the ground floor extension shall not be converted or used as a terrace, balcony or other open amenity space without the prior written approval of the Local Planning Authority.
Reason: It is considered that such a use would be detrimental to the amenities of adjoining and neighbouring properties by reason of overlooking and loss of privacy contrary to Landscape Proposal 1 and Housing Proposal 17 of the Oadby and Wigston Local Plan.
- 7 Unless otherwise first approved in writing (by means of a Non-material Amendment/Minor Material Amendment or a new Planning Permission) by the Local Planning Authority the development hereby permitted shall be carried out in accordance with the approved plans and particulars listed in the schedule below.
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 For the avoidance of doubt this permission relates to the following plans and particulars:-

To be confirmed following the submission of amended plans

- 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 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 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 £28. 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.
- 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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

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

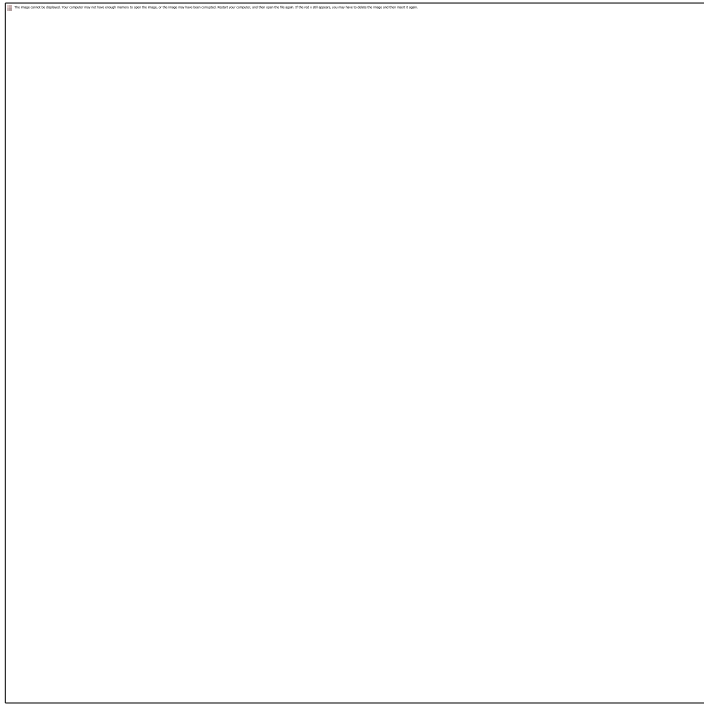
The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements,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

Purchase Notices

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

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

- b)** If suitable amended plans are not received by 29 October 2015 (or any such agreed date) then **Refuse** on the basis of the proposal's adverse impact on the setting of the adjacent listed building, the character and appearance of the Conservation Area by reason of the design of the proposed extensions and the inappropriate front boundary treatment (as applicable).

2.	15/00287/FUL	11 Southmeads Close Oadby Leicester Leicestershire LE2 2LT
	29 June 2015	Erection of detached new dwelling, adjacent to 11 Southmeads Close Oadby (Rev C)
	CASE OFFICER	Stephen Dukes
		

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

Site and Location

The application site is a plot of land towards the eastern end of Southmeads Close on its southern side. The area is characterised by trees along the road frontage with large dwellings situated on large plots.

There are a variety of property styles and designs in Southmeads Close with the adjoining property (no.12) being a single storey flat-roofed bungalow and other properties in the vicinity being generally two storey with varying degrees of pitched roofs. The properties at the eastern end of the Close are staggered around the cul-de-sac head.

The application site slopes down away from the public highway and there is a brook which dissects the application site in a south-west to north-east direction. There are several trees which are subject to a Tree Preservation Order on or immediately adjacent to the site.

The application site was formerly part of the domestic curtilage of no.11 Southmeads Close, but has since been divided off and sold.

Description of proposal

The application is for a new detached dwelling, together with associated access and a new bridge over the brook to the rear to access the rear part of the curtilage of the new dwelling.

Planning permission was previously granted on 14 December 2012 for a new detached dwelling, but this has not been implemented. This can still be implemented until 14 December 2015. The applicant (a new owner) wished to alter the design of the proposal and increase the footprint of the property, but in revision C has reverted back to the original approved plans, in effect seeking to extend the time for implementation of the original scheme.

The amendments submitted are detailed below:

Original plans – Hipped roof design with large and small front gables and lean to section to front. Large raised platform to rear.

Revision A – Gabled design with side facing gables and a gable to front with different pitched section of roof. Single storey lean to roof to front. Split levels inside to take account of the land level differences on the site.

Revision B – Flat roof design with recessed entrance. Split levels inside to take account of the land level differences on the site.

Revision C – Plans amended to original approved scheme in application 12/00387/FUL

In revision C, the proposed dwelling is sited 1 metre from the side boundary with no.12 Southmeads Close and is set back behind the front elevation of no.12 Southmeads Road. In revision C, the footprint, positioning and design is identical to approved application 12/00387/FUL.

The statutory determination period for this application expired on the 24 August 2015 but an extension of time agreement has been made until 31 October 2015. It is intended to issue a decision as soon as practicably possible after the committee meeting.

Relevant Planning History

97/00492/8O – Outline application for residential development – Refused

00/00224/8O – Proposed new dwelling with new access and associated works – Refused 25 July 2000.

04/00169/FUL – Change of use of open land to residential curtilage – Approved 18 May 2004.

08/00101/TPO – Works to 21 trees – Approved 2 May 2008

11/00496/OUT – Outline application for the erection of 1No. detached dwelling – Refused 4 April 2012.

12/00387/FUL – Erection of a two storey detached dwelling with associated access, landscaping and bridge to rear – Approved 14 December 2012.

Consultations

Leicestershire County Council (Highways) – refers to current standing advice provided by the Local Highway Authority dated September 2011. Consider access and parking provision.

Leicestershire County Council (Forestry) – The plans appear to show that the proposed building avoids the RPAs of birches T1/2/4/7, if the feint grey circle is indeed the RPA. Perhaps the applicant could confirm or supply a plan showing the RPAs more clearly. If this is the case, I think the ‘footprint’ is likely to be acceptable in terms of avoiding root damage, although it is also likely that some pruning might be necessary to gain clearance for site works etc.. This work should be described, agreed and undertaken before any other site works commence, as should the installation of the fencing. However, the position of protective fencing should be at the RPA or further if possible – this will leave very little room for construction activities outside the fencing. If the proposal is acceptable in other senses, there will be a need for ground protection outside the fencing if the fencing protection has to be adjusted for working space.

The drainage runs (storm and foul) are shown as passing directly between T1 and T2 (i.e. within both RPAs) to meet the service in the road. This is not acceptable as trenching would damage the root systems of both trees. I cannot see why the drainage runs need to go where shown – surely there would be no disadvantage in running the drains to the west of the proposed building and into the street, with both runs cutting across the frontage from east to west and thus avoiding the RPAs of T1 and T2.

The other curiosity about the drainage runs, which might need further explanation, is how do they propose to overcome the gradient from the rear of the house to the street? The elevations clearly show that the building is built-up at the rear to form the patio etc., which means that there is a gradient up to the front. This requires some additional detail I feel.

Leicestershire County Council (Ecology) – A badger sett has been recorded in the garden of no.11 Southmeads Close. We should therefore recommend that, prior to the determination of the application, a survey for badgers is completed. Should badgers be recorded within the application site, a mitigation plan should also be submitted up-front with the application.

Oadby Civic Society – Development on this part of Southmeads Close is not acceptable as it is not in accordance with the original site layout of the development which had clearly indicated this area to be retained as landscaped space within the approved original concept. Any proposal to develop within this space is totally change the accepted layout of this significant landscaped development. The society considers that the proposed dwelling is an over development of the site and that the building is an obtrusive and incongruous structure that fails to reflect the characteristics and scale of the surrounding homes. In addition, the society objects to the oversail of the roof eaves which is totally at variance with the original design concept of the houses on this unique development. The society is in discussion with Jamie Carr with regard to the schedule of “Buildings of Significant Interest in Oadby” and has proposed that the buildings in this development in Southmeads Close be included as a “group listing”.

Since receipt of the above consultation responses, the plans have been amended to revision C.

Representations

Neighbours have been informed and a press/site notice placed with ten letters of representation being received at the time of writing this report. Neighbours have been reconsulted on revisions B and then C, with the date for the receipt of comments expiring on the 21 October 2015.

The reasons for objection to the original plans can be summarised as follows: -

- Compared with the plan previously approved for the site the dwelling would have an even greater adverse effect on the visual amenity of the close and adjacent property.
- Overlooking of side windows at no.12 and garden – reduction in privacy.
- Design does not harmonise with the 11 existing properties which were designed by the same architect and share similar features and brickwork.
- Risk of damage to protected trees and threat to magnificent specimen at no.12.
- No mention of use of remainder of site.
- Inappropriate size for site/location.
- Parking space for only two cars, but house would be likely to give rise to additional parking – could generate on street parking – damaging to character of conservation area.
- Overlooking of neighbouring property and patio.
- Proposed house will spoil the beauty of the brook.
- Proposed house will upset the natural balance of the flora and fauna of such a natural and beautiful area.
- No garage facilities.
- Size of proposed house is significantly in excess of the previously approved proposal being in excess of 50% larger.
- No provision to turn vehicles within the site and due to the trees and other vegetation along the front border of the site there is potential danger of cars reversing into the road
- When the small development was planned and erected in the 1960s, consideration was given to the conformity and style of the houses.
- Out of proportion to size of plot and dominates surrounding properties.
- Trees could be removed and dwelling repositioned to make better use of land.
- Oadby and Wigston Borough Council previously attempted to purchase the site in the past “for conversation purposes to protect the flora and fauna” and were prepared to accept a covenant forbidding any building whatsoever for all time.
- The Close was originally laid out to provide twelve dwellings for university staff, set in a parkland type of landscape which formed an integral part of the scheme with a stream running through the site. Thirty years on, the landscape has matured to give the development a distinct and special character which should be preserved

Relevant Planning Policies

National Planning Policy Framework

Oadby & Wigston Core Strategy

Core Strategy Policy 1	:	Spatial Strategy for Development in the Borough of Oadby & Wigston
Core Strategy Policy 4	:	Sustainable Transport and Accessibility
Core Strategy Policy 8	:	Climate Change and Renewable Energy
Core Strategy Policy 14	:	Design and Construction
Core Strategy Policy 15	:	Landscape and Character

Oadby and Wigston Local Plan

Landscape Proposal 1 : Design of new development subject to criteria.
Housing Proposal 13 : Infill residential development.

Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document
Landscape Character Assessment

Planning Considerations

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

- The principle of development
- The impact of the proposal on the street scene
- The impact of the proposal on neighbouring residential properties.
- The impact of the proposal on protected trees and other trees
- The impact of the proposal on the highway
- The impact of the proposal on ecology

The principle of development and impact on character of area

The impact of the proposal on the character and appearance of the area is a key issue in the overall acceptability of the development of this site for residential purposes.

The National Planning Policy Framework does not include residential gardens in the definition of 'previously developed land' and therefore this site must be regarded as a Greenfield site. However, although private residential gardens are not defined as previously developed land, this does not mean that there is a direct presumption against development of garden land. The principle of residential development is considered acceptable as permission has already been granted for a new dwelling in application 12/00387/FUL.

Core Strategy Policy 1 seeks to focus housing development first within town centres and then on suitable land within the Principal Urban Area. It also seeks to ensure that development is of a high quality sustainable design, makes economical use of land, respects local context and makes good use of previously developed land and buildings.

Core Strategy Policy 15 requires all development proposals to consider the need to protect and enhance the distinctive landscape and historic character of the Borough, reflecting prevailing quality, character and features such as settlement pattern, views, biodiversity and local distinctiveness. The policy also refers to the use of the Landscape Character Assessments in order to consider the impacts of proposed development. The site is located in the Oadby Arboretum Area which is characterised by substantial sized dwellings within large plots.

Policy Recommendation O(ii)/3 of the Landscape Character Assessment clearly identifies the need to retain plot size, building size to plot ratio and open space in the whole of the Oadby Arboretum Character Area. Paragraph 3.325 states: *'Due to the quality and desirability of the area, open space and large plot and property size, the area is likely to come under pressure from development. There has been some very recent housing development in the east of the area which has taken the form of standard detached residential properties and this has weakened the character of the area and began to homogenise it with the rest of the Borough. Any further development would need to retain key character features and be carefully planned and managed'*.

Core Strategy Policy 15 requires the Landscape Character Assessment to be taken into account and therefore this has significant weight in determining planning applications.

The application site is as in application 12/00387/FUL, measuring approximately 0.24 hectares in size which is comparable with other residential plot sizes in the area. The footprint of the proposed dwelling in revision C is approximately 170 square metres (including the garage). This equates to approximately 7% of the total plot size. This is comparable with other plot sizes in the area and represents an acceptable plot to size ratio, unlikely previously refused application 11/00496/OUT, which has a ratio of 24%.

The impact of the proposal on the character and appearance of the street scene

The original proposal submitted was for a standard hipped roofed property of no particular architectural merit. The property was significantly raised above ground level at the rear due to the slope of the land. The applicant was advised of the following concerns:

- The development did not take into account the significant slope of the site which would result in the rear of the dwelling being significantly raised above ground level. It was suggested that the dwelling would need to take into account and make use of the slope of the site, potentially by being single storey at the front and having a half level up and half level down to the rear, similar to approved application 12/00387/FUL.
- The design of the property was poor and not in keeping with the character and style of other properties in Southmeads Close. In particular, the setting of the new dwelling adjacent to the flat roofed dwelling at no.12 Southmeads Close would not respect the character and setting of that dwelling. It was mentioned that although the adjacent dwelling may not be of any particular architectural merit, it was nevertheless 'of its time' and that the low impact design respected the location where there was a significant number of trees. The design of the new dwelling would be at odds with the neighbouring dwelling and would cause harm to the surrounding area. It was commented that other properties in the area have a modernist appearance and include features such as dual pitched or single pitched roofs, a combination of brown brick, large windows which are 'portrait style' in orientation, external panelling and non traditional roofing materials. The proposal did not incorporate any of the features of the surrounding dwellings.

The applicant was advised that the proposed development was unlikely to be supported by the Local Planning Authority and that significant amendments would need to be made to the scheme. It was suggested that a design more akin to the new dwelling previously granted approval on the site in application 12/00387/FUL would be more suitable, being single storey at the front of the site and two storey at the rear.

Following this, three amendments have been submitted. In revision A, a standard dual pitched property was proposed, with a front facing gable to the front and a single storey lean to element. The design was uninteresting and did not draw on any of the characteristics of surrounding dwellings in the close. The central gable had two different pitches of roof, one set below the other, attempting to draw on the design of the previous approval, 12/00387/FUL, but this was poorly achieved and appeared incongruous.

A meeting was held with the applicants to discuss a further amendment. It was mentioned that there was a property opposite, built in the modernist style, with a very shallow pitched roof using non-traditional materials and with protruding elements at the front. Revision B was then submitted which was an entirely flat roofed building of little architectural merit. The front elevation was entirely flat (with the exception of the recessed front door) with no attempting

to break up the massing of the front wall to create visual interest. The rear of the dwelling is stepped down, but this simply results in the windows being higher at the front, with the roof level remaining constant.

Following a further meeting, the design was amended again (revision C), with the previously approved plans for application 12/00387/FUL being submitted. This would allow the previously approved permission, which expires on 14 December 2015, to be implemented for a further three years, if permission is granted. The design in revision C is considered to be acceptable as it has previously been granted permission, it respects the constraints of the site, including the slope and the bungalow adjacent, and it incorporates design principles of surrounding properties.

The impact of the proposal on neighbouring residential properties.

The proposed development in revision C is located 1 metre from the boundary with no.12 Southmeads Road. No.12 Southmeads Road is a flat roofed single storey dwelling with side facing windows approximately 4.6 metres away from the boundary.

It is clear that the proposal could have some impact on the amenity of the residents of that property in relation to sunlight and daylight owing to the orientation of those side facing windows. However, the Council's adopted Supplementary Planning Document on Residential Development specifically excludes side facing windows from that assessment.

In other respects, I do not consider that the proposal would have any detrimental impact on the amenity of the adjoining or nearby residential properties.

The impact of the proposal on trees

There are numerous trees within the curtilage of the site, some of which are located within an area of influence of the proposed development. Indeed the proximity of some of these trees to the previous proposed development formed part of the reason for refusal of outline application 11/00496/OUT.

The plans in application 12/00387/FUL were designed in such a way to avoid a detrimental impact on these trees by increasing the distance between the dwelling and those trees (positioning the trees 9 metres away from the silver birch trees and thus avoiding any incursion into the root protection areas (RPAs) or the tree canopies). The Council's arboriculturist therefore came to the conclusion that it would be physically possible to develop the site without having any significant impact on the trees in question.

The original plans in this application came closer to the protected trees on site, for example, the building would be only 7 metres from T4. Although the arboriculturist commented that this would still appear to avoid the RPAs of the trees, this nevertheless raised some concern, as it would put pressure on the future removal of the trees due to the proximity of the building. In addition, the arboriculturist considered that there would be little room for construction activities outside the protective fencing which would be needed around the RPAs.

With the amended plans in revision C, however, I am of the opinion that the proposal will not have an adverse impact on the amenity value or health of the (retained) protected trees. The tree survey previously submitted with application 12/00387/FUL has been submitted. Although this is a few years old (dated 20 July 2011), it is not considered that the situation will have materially changed. In addition, application 12/00387/FUL can still be implemented.

In summary, the proposed development is not considered to have any significant detrimental impact on protected trees, subject to a detailed scheme of tree protection measures being submitted to and approved in writing by the Local Planning Authority and implemented in full on site during the construction process.

Impact on the highway

The Highway Authority refers to current standing advice provided by the Local Highway Authority and asks for access and parking provision to be considered. The site plan in revision C indicates that two parking spaces would be provided to the front of the property and also one garage parking space. The property includes four bedrooms and therefore this is considered sufficient for a property of this size. The proposed access is to the west of the site, close to no.12 Southmeads Road, which would avoid the RPAs of the protected trees.

Impact on ecology

Leicestershire County Council ecology department has commented that a badger sett has been recorded in the garden of no.11 Southmeads Close and recommend that a badger survey be submitted. A protected species survey has been submitted. This showed that there was an active badger sett to the south of the site and evidence found of badgers using the site for foraging, and evidence of badgers commuting across the proposed site. However, the nearest sett entrance was 50 metres from the proposed development and none of the wildlife corridors that have been set up for badgers to commute through the area are within the site.

There was no evidence of great crested newts, bats, birds' nests or any other protected species on the proposed site. The Biodiversity Report submitted is dated 8 December 2012 but the current proposal could still be implemented on site with no further investigations, although should any of these species be found, the granting of planning permission would not override the requirements of the Wildlife and Countryside Act or other protective legislation.

Conclusion

In conclusion, the proposed development in revision C is identical to approved application 12/00387/FUL, and does not raise any significant planning issues. It is concluded that the proposal accords with the aims and objectives of both national and local planning policy and therefore permission (subject to conditions) is recommended.

Implications Statement

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

Recommendation

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Prior to the commencement of development details of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.
Reason: To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 3 Prior to the commencement of development a detailed scheme of landscaping and measures for the protection of trees to be retained during the course of development 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, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 4 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, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 5 Prior to the commencement of development a detailed plan (or plans) indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed prior to the first occupation of the dwelling to which it relates.
Reason: To ensure that an adequate boundary treatment is provided to safeguard the visual amenities of the area, the amenities of the future occupiers of the dwelling and the occupiers of adjoining properties and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14 and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 6 Prior to the commencement of site works, full details of the measures to avoid damage to the trees to be retained on site shall be submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall include details of a suitable fixed fence (which should extend to the full extent of the canopy of the tree(s) to be retained unless otherwise first agreed in writing by the Local Planning Authority). The agreed tree protection measures shall be installed on site

prior to any site works commencing and shall be retained as such for the duration of construction works on site.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site in accordance with Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 7 Prior to commencement of development a detailed method statement and drawings of all underground works and additional precautions measures required to prevent damage to the roots of the retained trees shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, extent and depth of all excavations for drainage and other services, in relation to the trees to be retained on the site. The construction works shall only be completed in accordance with the approved method statement and plans.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site in accordance with Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 8 Prior to the first occupation of the building hereby granted the access and parking areas shown on the approved plan(s) shall be provided in a bound material (with the parking bays marked out on the ground) and thereafter shall be made available at all times for their designated purposes.

Reason: As recommended by Leicestershire County Council (Highways) in the interests of highway safety and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

- 9 Prior to the commencement of development a scheme for the disposal of foul sewerage and surface water drainage for the site (based on sustainable drainage principles) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the first dwelling and, unless otherwise first agreed in writing by the Local Planning Authority, shall be maintained as such for the life of the development.

Reason: To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment as recommended by Severn Trent Water Limited and in accordance with the aims and objectives of the National Planning Policy Framework.

- 10 If during the course of development, contamination not previously anticipated or previously identified is found to be present on the site, then no further development (unless otherwise first agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

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

- 11 Notwithstanding the provisions of Classes A, B, and E of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended (including the installation of dormer windows and other roof alterations normally permitted by Class B), no new windows shall be inserted, and no

buildings or structures shall be erected within the curtilage of the dwelling unless planning permission has first been granted by the Local Planning Authority.

Reason: To ensure that the development does not have an adverse impact on the character and appearance of the area, the amenity of the neighbouring property and protected species in the area in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policies 14 and 15, Landscape Proposal 1 of the Oadby and Wigston Local Plan and the Residential Development Supplementary Planning Document

- 12 Notwithstanding the provisions of Class A Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking and re-enacting that Order, no gates, walls, fences or other means of enclosure (except for those approved by this permission) shall be erected within the curtilage of the building unless planning permission has first been granted by the Local Planning Authority.
Reason: To ensure that the development does not have an adverse impact on the character and appearance of the area or protected species in the area in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policies 14 and 15, Landscape Proposal 1 of the Oadby and Wigston Local Plan and the Residential Development Supplementary Planning Document
- 13 The first floor window on the side elevation (facing 12 Southmeads Road) shall be fitted with obscure glass and shall be of a non-opening design up to a minimum height of 1.7 metres above the internal finished floor level. The windows shall not be replaced or altered without the prior written permission of the Local Planning Authority.
Reason: To safeguard the privacy of occupiers of the adjoining property and in accordance with Landscape Proposal 1 and Housing Proposal 17 of the Oadby and Wigston Local Plan.
- 14 Prior to the commencement of development full details of the proposed bridge over the watercourse (including any supporting structures for the bridge and any alterations to the watercourse) shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.
Reason: To ensure that the bridge does not impact on the watercourse and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 15 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.
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 For the avoidance of doubt this permission relates to the following plans and particulars:-

To be confirmed

- 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 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 Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. Therefore, should birds or bats be present, works should be deferred until the late summer/autumn.
- 7 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 £28. 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.
- 8 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Leicestershire County Council's Southern Area Manager - (telephone 0116 3052202).
- 9 The applicant is advised that no demolition works or associated works or operations should take place on the site except between the hours of 8.00am and 6.00pm Monday to Friday, 9.00am to 2.00pm on Saturday and at no time on Sundays or Bank Holidays.
- 10 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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 11 **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 must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Telephone 0303 444 5000) or online at www.planningportal.gov.uk/pcs.

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

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

Purchase Notices

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

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

3.	15/00316/FUL	Abington High School Station Road Wigston Leicestershire LE18 2DP
	16 July 2015	Erection of two single storey extensions to link Abington and Bushloe schools, external elevation remodelling to Abington, Bushloe and Guthlaxton schools and external works to include widened access roads, new footpaths, landscaping and new parking (Rev D)
	CASE OFFICER	Chris Forrett
<div style="border: 1px solid black; width: 40%; margin: 0 auto; height: 300px;"></div>		

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

Site and Location

The application site is located on the south side of Station Road in between the new leisure centre (under construction adjacent to the railway line) and the residential properties on Seaton Road.

The application site is formed of a mix of educational buildings in a variety of differing styles and height. There is a large amount of trees fronting Station Road (most of which are protected by Tree Preservation Orders).

Description of proposal

The application proposes alterations to the circulation of vehicles around the site with the main 'inward' entrance being the existing Abington school entrance on Station Road at the eastern end of the site. The main 'exit' to the site will be the central access opposite Manor Road. The existing Guthlaxton entrance is to be retained but will be used for service vehicles. The proposal includes alteration to the parking and drop off arrangements within the site.

The building works proposed include a new entrance to the Guthlaxton premises (on its east elevation), rendering part of the Guthlaxton buildings, external alterations to the northern part of the Abington premises (windows at ground floor level to the south of the existing residential properties on Station Road). There are also rendering proposals for the Abington building to link the overall appearance of the buildings together.

The main works include two extensions which will link the existing Bushloe and Abington buildings. These extensions are single storey in scale and will have a courtyard between them.

The statutory determination period for this application expires on the 15 October, but an extension of time agreement has been made until the 30 October and it is intended to issue a decision as soon as practicably possible after the committee meeting.

Relevant Planning History

None Relevant

Consultations

Leicestershire County Council (Highways) – The Highway Authority accepts there is a potential highway gain in reduction of vehicle trips to the site due to lower student numbers, however there are still concerns the loss of parking spaces on site as a result of the proposal will impact on the on-street parking in the surrounding area. In order to mitigate this concern it is recommended that a contribution is sought to cover the cost of the making and implementation of a Traffic Regulation Order (TRO). Any resulting TRO would look to restrict on-street parking in the surrounding areas in the event parking issues become a highway safety concern as a result of the proposal within 5 years of the development being brought into first use.

A section 106 agreement is requested in relation to a Traffic Regulation Order (£5,000) and a payment of £6,000 to enable the County Council to monitor the travel plan. Conditions are also recommended in relation to vehicular access gates/barriers within 5 metres on the highway boundary, a construction traffic/site management plan, no part of the signage within the public highway, surfacing of the access/parking areas, an updated travel plan, and cycle parking provision.

Leicestershire County Council (Arboricultural) – Concern initially raised on the original scheme in relation to a mature sierra redwood/Wellingtonia (T75 in outline report), and a Copper Beech tree near Abington House.. Amendments to scheme address this concern as the parking area has been amended to avoid the root protection area. Also the path around the mature copper beech tree has been moved outwards to an acceptable distance and will be a no dig construction using a cellular confinement system on top of existing levels. Also recommend tree protection measures.

Leicestershire County Council (Developer Contributions) – No response received at the time of writing this report.

Leicestershire County Council (Ecology) – The submitted reports indicate that there is no evidence of roosting bats in the building to be extended and that they had low potential to support bats. No further survey for this species is required.

It is noted that there is a pond on site and the submitted report is not clear whether this has been assessed for the potential for great crested newts. It is recommended that this is clarified by the ecologist and a Habitat Suitability Index assessment is completed.

OWBC Environmental Health – No objections. Recommend condition in relation to contaminated land and advice in relation to asbestos, demolition, groundwork and construction matters.

OWBC Planning Policy – No response received at the time of writing this report.

Environment Agency – No comments (low risk)

Wigston Civic Society – No response received at the time of writing this report.

Representations

Neighbours have been informed and a press/site notice placed with 1 letter of representation being received at the time of writing this report. The date for the receipt of comments expires on the 23 October 2015

The reasons for objection can be summarised as follows: -

- no surprise that full scale alterations are to be made to the buildings, roads, footpaths and car parking facilities to these schools.
- oppose further extension of the car park that will spoil the view from my house and have a negative effect on the wildlife and birds on the campus.
- Concern over widening of access roads/pavements and exiting cycle tracks. Cyclists just cycle on the pavements outside my property making it "an accident waiting to happen" for anyone who ventures onto the pavements intended for pedestrians.
- Alterations to buildings should be in keeping with the area (Bushloe School facade looks like something out of Balamory).
- Respectfully request that the Planning Committee actually pay some attention to detail this time!

Relevant Planning Policies

National Planning Policy Framework & Guidance

Oadby & Wigston Core Strategy

Core Strategy Policy 4	:	Sustainable Transport and Accessibility
Core Strategy Policy 5	:	Green Infrastructure
Core Strategy Policy 8	:	Climate Change and Renewable Energy
Core Strategy Policy 9	:	Flood Risk and the Water Environment
Core Strategy Policy 14	:	Design and Construction
Core Strategy Policy 15	:	Landscape and Character

Oadby and Wigston Local Plan

Landscape Proposal 1	:	Design of new development subject to criteria.
----------------------	---	--

Planning Considerations

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

- The impact of the proposal on the area (including residential properties)
- Highway impacts
- Ecology impacts

The impact of the proposal on the area (including residential properties)

Given the scale of the site and the location of the proposed building works, the proposals will have a very limited impact on the surrounding residential properties.

The main impact will be visual on the surrounding area owing to the external alterations to changes to the building. The most striking of this will be the application of a render/paint finish to various parts of the Guthlaxton and Abington buildings. It is proposed that this will integrate the buildings on site through similar colour schemes.

The principal building works are the two linkage buildings between Abington and Bushloe school buildings. In terms of their impact on the area, these are relatively modest in scale being single storey. The location on the site further minimises the impact to the surrounding area.

In essence, the proposed building works will help integrate the three school sites as one and will have no significant impacts to either the surrounding residential properties or the area in general.

The other works requiring planning permission include the alterations to the parking arrangements to the site. The latest proposal (amended on the 12 October) is that the proposals will not result in any loss of parking provision on the site. This level of parking has been achieved by creating new parking areas on the school frontage (by extending the current area in front of the Bushloe building, and providing 2 new areas to the west of that car park.

Whilst this solution is not ideal, and will result in the loss of some lower value trees, it is considered that the retention of the same level of parking provision on site outweighs the small harm of the visual implications of the parking areas. Replacement trees can be sought through a landscaping condition to ensure that the visual amenity of the area is not harmed.

Consequently, it is considered that the proposal accords with the policies in the Development Plan.

Highway Impacts

The proposed development is anticipated to result in a reduction of student numbers (from around 2014 pupils currently to around 1800 post development. It is anticipated that staff levels will be similar (146 full time, 196 part time whilst post development this would be 345).

Given that the number of parking spaces is to remain the same as the existing provision, I do not consider that the proposal presents any significant highway impacts.

Following the amendments to the application in relation to the number of car parking spaces I am of the opinion that the suggested commuted sum payment in relation to a potential

Traffic Regulation Order (as requested by the County Council) is not necessary in planning terms to make the development acceptable.

The County Council have also requested a Travel Plan monitoring fee (£6,000). Given that the number of pupils at the school is proposed to decrease and that there is only a marginal increase in staffing (three), I do not consider this to be a necessary element to make the development acceptable in planning terms either.

Ecology Impacts

It is noted that there is an outstanding issue in relation to the presence (or not) of Great Crested Newts in the pond to the north of the buildings. Whilst the proposed works do not directly impact on the pond, given the foraging area of Great Crested Newts there is a possibility that the proposed works would impact on that area. Further clarification is being sought in this respect.

Conclusion

Subject to the required clarification in relation to Great Crested Newts, I am of the opinion that the proposed extension and alterations works will not have any significant impacts on the surrounding properties or the area in general and would comply with the adopted Development Plan policies. Consequently, permission is recommended subject to conditions.

Implications Statement

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

Recommendation

Subject to no substantive comments being received which have not already been considered in this report prior to the expiry of the public consultation period, and that the outstanding clarification in relation to Great Crested Newts is resolved then for the reasons set out in the above report then **Permit** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Prior to the commencement of development details of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

Reason: To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 3 Prior to the commencement of development the colour of the proposed render (either self-coloured or by means of a painted finish) shall be submitted to and approved in writing by the Local Planning Authority. The render (including its agreed colour) shall be completed within 2 months of the substantial completion of the development.

Reason: To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14 and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 4 Prior to the commencement of development a detailed scheme of landscaping (including replacement trees for mitigate the ones lost as a result of the proposed development) 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, Core Strategy Policy 14, and Landscape Proposal 1 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 building 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, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 6 Prior to the commencement of site works, full details of the measures to avoid damage to the trees to be retained on site shall be submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall include details of a suitable fixed fence (which should extend to the full extent of the canopy of the trees to be retained unless otherwise first agreed in writing by the Local Planning Authority). The agreed tree protection measures shall be installed on site prior to any site works commencing and shall be retained as such for the duration of construction works on site.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site in accordance with Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 7 Prior to commencement of development a detailed method statement and drawings of all underground works and additional precautions measures required to prevent damage to the roots of the retained trees shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, extent and depth of all excavations for drainage and other services, in relation to the trees to

be retained on the site. The construction works shall only be completed in accordance with the approved method statement and plans.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site in accordance with Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 8 Prior to the first occupation of the extensions hereby granted planning permission the access and parking areas shown on the approved plan(s) shall be provided in a bound material (with the parking bays marked out on the ground) and thereafter shall be made available at all times for their designated purposes.
Reason: As recommended by Leicestershire County Council (Highways) in the interests of highway safety and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.
- 9 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected to the vehicular access they shall be set back a minimum distance of 5 metres rear of the highway boundary and shall open away from the highway.
Reason: As recommended by Leicestershire County Council (Highways) to enable a vehicle to stand clear of the highway whilst any gates are open/closed and to protect the free and safe passage of traffic (including pedestrians) and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.
- 10 Prior to the first occupation of the extensions the cycle parking provision shown on the approved plans shall be provided and unless otherwise first agreed in writing by the Local Planning Authority maintained as such for the life of the development.
Reason: As recommended by Leicestershire County Council (Highways) and to encourage sustainable alternatives to the motor car and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.
- 11 If during the course of development, contamination not previously anticipated or previously identified is found to be present on the site, then no further development (unless otherwise first agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.
Reason: In order to safeguard human health and the environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environmental Health Manager and in accordance with the aims and objectives of the National Planning Policy Framework.
- 12 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

- 13 No part of the development as approved shall be brought into use until details of an updated Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan, once agreed, shall be implemented in accordance with the approved details.
Reason: To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety, improve air quality or increase accessibility in accord with Section 4: 'Promoting Sustainable Transport' of the National Planning Policy Framework.
- 14 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 building 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, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

Note(s) to Applicant :

- 1 For the avoidance of doubt this permission relates to the following plans and particulars:-
- Site Location Plan S001 received by the Local Planning Authority on the 10 July 2015;
Proposed Site Plan (SK)100 Revision E received by the Local Planning Authority on the 12 October 2015 (plan 1 of 2);
Proposed Site Plan (SK)101 Revision E received by the Local Planning Authority on the 12 October 2015 (plan 2 of 2);
Proposed Guthlaxton External Works (SK)014 Rev A received by the Local Planning Authority on the 10 July 2015;
Proposed Post 16 Ground Floor Plan (SK)006 received by the Local Planning Authority on the 10 July 2015;
Proposed Abington Elevation (SK)011 Rev B received by the Local Planning Authority on the 10 July 2015;
Proposed SEN (Abington) Floor Plan/Elevation (SK)005 Rev C received by the Local Planning Authority on the 28 September 2015;
Proposed Dining/Flexible Learning Elevations (SK)013 Rev C received by the Local Planning Authority on the 28 September 2015;
Proposed Dining/Flexible Learning Floor Plan (SK)003 Rev D received by the Local Planning Authority on the 28 September 2015;
Proposed Dining/Flexible Learning Roof Plan (SK)008 Rev C received by the Local Planning Authority on the 28 September 2015;
Proposed Office Remodel and extensions Elevations (SK)010 Rev D received by the Local Planning Authority on the 01 October 2015;
Proposed Office Remodel and extensions Floor Plan (SK)001 Rev D received by the Local Planning Authority on the 01 October 2015 (plan 1 of 2);

Proposed Office Remodel and extensions Floor Plan (SK)002 Rev E received by the Local Planning Authority on the 01 October 2015 (plan 2 of 2);
Proposed Staffroom/Training Centre Roof Plan (SK)007 Rev C received by the Local Planning Authority on the 01 October 2015.

- 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 obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.
- 3 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).
- 4 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 £97. 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.
- 5 Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. Therefore, should birds or bats be present, works should be deferred until the late summer/autumn.
- 6 The applicant is advised that no demolition works or associated works or operations should take place on the site except between the hours of 8.00am and 6.00pm Monday to Friday, 9.00am to 2.00pm on Saturday and at no time on Sundays or Bank Holidays.
- 7 The Applicant is advised that in relation to Condition 13, the updated travel plan should include the following :-

A mechanism to review the targets in the plan and the achievements made and include additional measures should performance need to be improved to achieve the suggested targets.

In addition to the above the County Council has noted that :-

1. A high proportion (23%) of staff live within 1 mile of the school, yet only a very small proportion of cycle or walk to work. So focussing on how to encourage these people to walk or cycle would be advantageous. Consideration should be given to ideas such as a pedometer challenge and promoting the health/cost benefits of walking or cycling.
2. 20% of staff who might consider cycling would cycle if there were lockers and showers available to them. It does not appear from the initial Travel Plan that these have been provided for in the building plans. Could these be added in order to

encourage staff to cycle? 35% of staff live within 3 miles, so a significant number could be encouraged to cycle.

3. At the point of induction, an induction pack should be provided to staff. Because this will be seen as a "new start" for the school by many of its staff, wouldn't this be a good opportunity to conduct personalised travel plans for all staff to show the different ways they could get to work, showing the health benefits and savings in cost that could be made. Also, could further incentives be added to the PTP/induction packs, such as free bus tickets and pedometers.

- 8 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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

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

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

Purchase Notices

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

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

BACKGROUND PAPERS

15/00259/FUL

15/00287/FUL

15/00316/FUL