

Application Number Address

Report Items

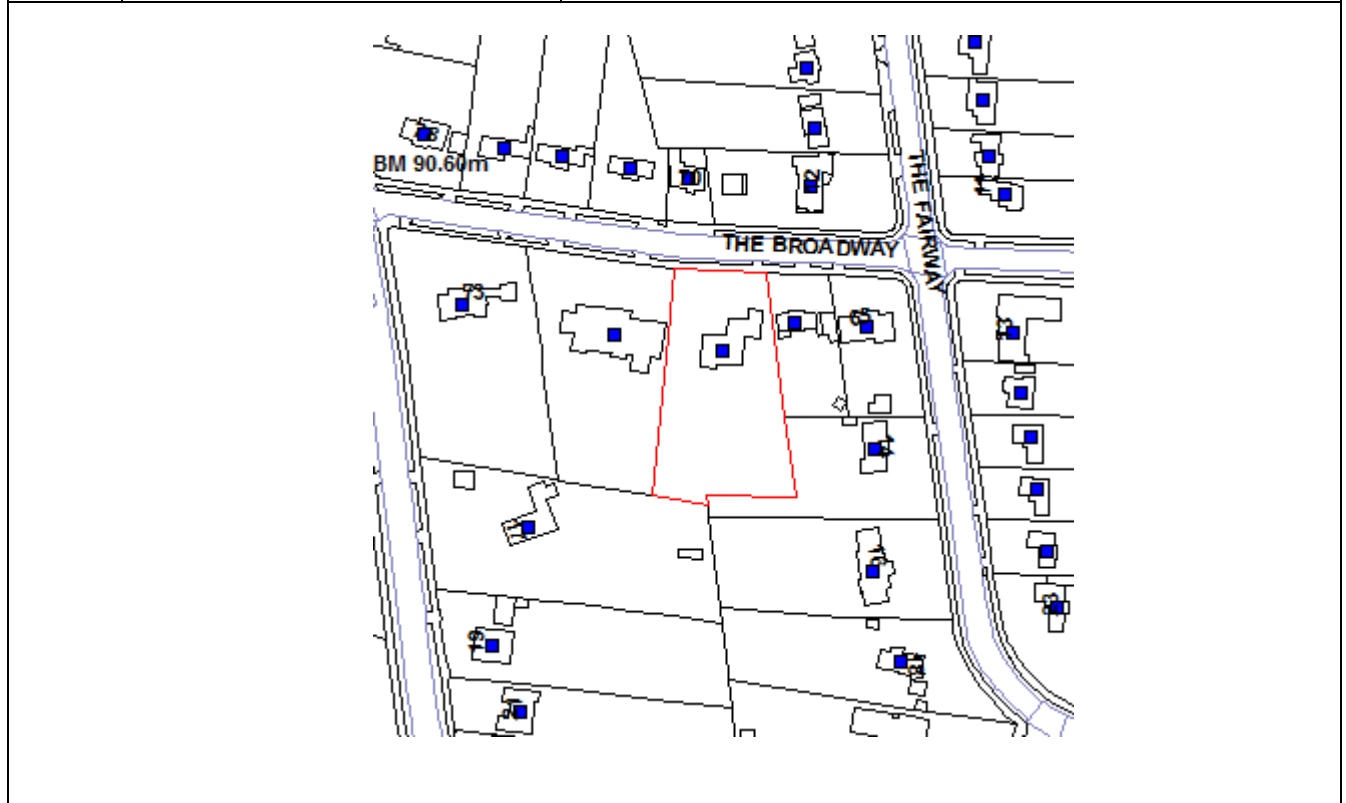
1. 15/00397/FUL 69 The Broadway
 Oadby
 Leicestershire
 LE2 2HG

2. 15/00406/FUL 10 Long Street
 Wigston
 Leicestershire
 LE18 2BP

3. 15/00436/FUL 205 Wigston Road
 Oadby
 Leicestershire
 LE2 5JF

4. 15/00488/FUL 11 Southmeads Close (Land Adjacent)
 Oadby
 Leicester
 Leicestershire
 LE2 2LT

1.	15/00397/FUL	69 The Broadway Oadby Leicestershire LE2 2HG
	2 October 2015	Erection of single storey rear extension, demolition of existing garage, erection of double garage, private gym and swimming facilities, and construction of canopy above existing swimming pool
	CASE OFFICER	Emma Bailey



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Site and Location

The application site is located on the south side of The Broadway between Stoughton Drive South and The Fairway. Whilst the site is not within a conservation area the rear boundary of the site borders the Oadby Hill Top and Meadowcourt conservation area.

Description of proposal

This application is a revised scheme from what was previously approved at planning committee (ref: 14/00308/FUL) on 16 October 2014. This application seeks permission for several developments including a single storey rear extension to the existing dwelling, a boundary wall, and two outbuildings on the western boundary adjacent to No.71 The Broadway. The proposed outbuildings would form a new garage, gym and a swimming pool enclosure.

The single storey rear extension on the existing dwelling would be located on the south-eastern corner of the property and would protrude 9 metres from the rear of the existing garage and utility room to sit flush with the remainder of the rear elevation of the dwelling. This extension would be 5.0 metres wide and 3.9 metres in height at its highest point.

There are land level differences within the site and also between the application site and the neighbour at No.71 The Broadway. The existing swimming pool is raised approximately 1.5 metres higher than that of the dwellinghouse. The adjacent neighbouring property also has a raised land level at the same point in their garden, however 69 The Broadway is still approximately 500mm higher than No.71.

The garage and gym would be sited together alongside the westernmost boundary for a length of 20.8 metres. The garage is to measure 4.2 metres to its highest point, with the adjacent gym measuring 4.6 metres to its highest point. However, due to changes in land level the roof line of the gym is to be taller than that of the garage by 0.8 metres.

Between the gym building and the proposed swimming facilities building/canopy, a boundary wall is proposed. This will measure 5.3 metres in length and 2.3 metres high. The swimming facilities building/canopy will then be sited on land 1.0 metres higher still to accommodate the land levels and measure 19.5 metres in length. It is to be a brick and glazed structure to cover over the existing swimming pool. In order to accommodate land levels, the swimming pool building is to measure 4.5 metres maximum in height from the lowest ground level and 3.4 metres from the highest land level (as measured from No.69).

In total, the proposed development would line the westernmost boundary of the application site for 45.6 metres.

The statutory determination period for this application expired on the 27 November 2015 and it is intended to issue a decision as soon as practicably possible after the committee meeting.

Relevant Planning History

14/00308/FUL Erection of a single storey rear extension, demolition of existing garage and erection of new garage, gym, swimming pool enclosure and boundary wall (Application Revision A) – Approved at committee 16 October 2014

Consultations

The date for the receipt of consultation comments expires on the 11 January 2016.

Leicestershire County Council (Highways)

No comment

Planning Policy

No comment received at time of writing report

Oadby Civic Society

No comment received at time of writing report

Leicestershire County Council (Heritage)

No comment received at time of writing report

Representations

Neighbours have been informed and a press/site notice placed with 12 letters of representation being received at the time of writing this report. 11 representations were received objecting to the proposal, with 1 letter of representation neither supporting nor objecting to the proposal.

The reasons for objections can be summarised as follows: -

- Not in keeping with the character of the house
- Not in keeping with the locality or conservation area
- Would set a precedent for similar developments in the area, which would result in a loss of open space and degradation of the area
- Unacceptable increase in building to plot size ratio
- Does not comply with policy
- Would affect neighbouring amenity – land level differences mean its position and height would be visually intrusive, overbearing and result in a loss of light, attract noise
- Similar in scale and massing to a local leisure centre
- The previous application was approved providing that the hedge was retained, this has since been removed so permission should not be granted
- The hedgerow should be re-instated
- Neighbours would be able to look directly into the swimming pool area through the glass canopy
- Building works when foundations are put in, ground movement, drainage and sewerage problems
- The eaves of the development will overhang the boundary, no gutter maintenance provision

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.

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Planning Considerations

Key differences between this application and the application previously approved at committee (ref: 14/00308/FUL) are as follows:

- As part of the decision notice as approved by committee members, the retention of the existing hedgerow to the westernmost boundary was conditioned. This hedgerow has since been removed. No works had started on the development at the time of its removal. The applicant was informed at the time of the hedgerow being removed that the planning permission originally granted could not be implemented, as this condition could no longer be complied with.
- An error on the submitted plans approved meant that the garaging was too close to the existing dwelling to be fully functional.

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

- The impact of the proposal on the street scene
- The impact of the proposal on neighbouring residential properties.
- Impact on the conservation area

The impact of the proposal on the street scene

The existing garages are 2.5 metres in height and have flat roofs whereas the new garages have a pitched roof design with a gable end fronting the highway. Although the new development is 1.8 metres taller, the new design of the garages is considered to be an improvement as the gable design relates to the existing dwelling and the character of the area. The additional height of the gym also helps to obscure some of the swimming pool building from the public highway.

The design and materials proposed for the swimming pool building are not typical of the local area particularly due to the curved glazing. Core Strategy Policy 14 requires all new development proposals to have 'high quality inclusive design that respects local character and is sympathetic to its surroundings'.

Similarly to the previous application, some neighbour objections raise concerns about the appearance of the development. It is considered that due to the development's distance set back from the highway, it would be largely obscured from public view by the other outbuildings and the dwellinghouse. It is therefore considered that the development does not have an unacceptably adverse effect on the visual amenities of the area and thereby complies with Housing Proposal 17 of the Oadby and Wigston Local Plan.

Limited details of proposed materials have been provided therefore it is recommended that this application is conditioned. This will ensure all materials are authorised by the Local Authority to safeguard the appearance of the area in accordance with Landscape Proposal 1 of the Local Plan.

Similarly to the previously approved application, the single storey rear extension is not ideal in design terms as the roof pitch has been lowered compared to the existing ground floor development.

This has been designed to allow light to the existing first floor windows. As the rear extension is not visible from the street scene it is not considered detrimental to the appearance of the property.

Several objections have been received which relate to the overall size, massing and character of the development in relation to immediate and surrounding area. 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 other features. The policy also refers to the use of Landscape Character Assessments in order to consider the impacts of proposed development.

The Oadby and Wigston Landscape Character assessment identifies this area as the Oadby Arboretum Area which is a setting of very high quality townscape where the distinctive high quality character should be conserved and maintained. Landscape Character Assessment Policy Recommendation O(ii)/3 clearly identifies the need to retain plot size, building size to plot size ratio and open space in order to prevent dilution of the overall character of relatively large scale buildings in spacious plots.

In assessment of this policy it has been found that the current building size to plot ratio of No.69 The Broadway is 10%, this will increase to 18% as a result of this development. By way of comparison, the nearest neighbours building to plot size ratios range from 5% - 17%. As this proposal is not dissimilar to the neighbouring plots, the overall size in principal is considered to be in keeping with the area and thereby in accordance with the Landscape Character Assessment. This assessment also indicates that the development would also not result in an unacceptable reduction in open space around the dwelling in accordance with Housing Proposal 17.

The impact of the proposal on neighbouring residential properties.

Within the previous application, the 45 degree code of practice was applied to the adjacent properties which revealed that the 45 degree from the rear kitchen windows of No.71 The Broadway would interject with the proposed development both at the wall and the gym. In order to overcome the issue, the applicant was advised to reduce the height of the proposed boundary wall and to set the gym back so that the proposal would comply with the 45 degree code of practice and prevent loss of light to the neighbouring property. This was subsequently adhered to, which led to an approval notice being issued, and this advice has been followed in this application also.

The ground level of No. 69 is approximately 500m higher than the neighbouring property and therefore the impact of the development can be exacerbated when viewed from the neighbour's side. Some objections state that this development would cause a loss of privacy. As there are no windows proposed on this development which would face into the neighbouring site it is considered that this development would not impact on the neighbour's privacy.

All advice given in regards to making the previous application favourable in terms of its siting, scale and massing has been transferred to this application. The proposal is therefore considered to comply with section 7.0 of the Residential Development SPD.

Objections have been received referring to the size of this proposal and that it may be used for a commercial purpose such as a leisure centre. This application only seeks permission for domestic use therefore the use in principal is considered to be acceptable. In order to prevent the possibility of the outbuildings being used for a commercial purpose or as living accommodation it was recommended in the previous decision that a condition is imposed, in the interests of protecting residential amenity and to ensure the development remains incidental to the dwelling house and that

it is not sold or let independently to No.69 The Broadway. It is considered appropriate to apply this condition in this instance also.

Objections have also been received referring to potential ground movement, sewerage and drainage issues following the construction of foundations for the proposal. This matter is not for consideration in this planning application as it will be dealt with through a building control application.

A letter of objection has been received relating to eaves of the proposal overhanging the boundary. However, as seen on the submitted site plan, the development is to be sited 1.2 metres from the site boundary.

Objections have been received commenting on the removal of the hedgerow and that it should be reinstated. No reference has been made to the replanting of the hedgerow by the applicant, and given that it would not require planning permission if the applicant wished to plant one in the future, I shall determine the application on the information that I have before me at this present time.

The impact of the conservation area

Although the site is not located within a conservation area it does border the Oadby Hill Top and Meadowcourt conservation area and therefore it could have the potential to affect the character of the area.

The Oadby and Wigston Conservation Area Supplementary Planning Document (SPD) states that in order to be acceptable, the design of any new building will need to respect the character and appearance of the Conservation Area. This advises that the development should be of an appropriate mass and scale to avoid over-dominating the traditional houses which characterise the Conservation Area. It must also sit comfortably with the Jacobethan, Vernacular Revival and Neo-Georgian styles of the buildings in the area.

No comments have been received from the Conservation Officer as yet, however, the consultation period has not expired. Given that policy has not changed in the time period between this application and the application previously approved, and the very similar nature of this application to the one previous, it is considered reasonable for the Local Authority to consider the previous comments in lieu of any further comments that the Conservation Officer may wish to add in the coming days.

Previously, the Leicestershire County Council Conservation Officer advised that the single storey extension to the rear of the existing attached garage is unlikely to affect the setting of this designated heritage asset because it is not visible from a public vantage point.

The Conservation Officer also advised that the much larger gym and swimming pool enclosure could potentially have a visual impact due to their location. However he considered that it may be difficult to argue that the proposed outbuildings would harm the significance of the designated heritage asset due to their limited visibility. There are also other examples in the area of ancillary modern buildings in neighbouring rear gardens. Furthermore, the conservation area boundary is located at the rear of the site and most of the proposed development is set back some distance from a public highway.

In view of the above it is considered that subject to the materials being conditioned, the development is unlikely to materially affect the appearance of the conservation area.

Leicestershire County Council Highways

No comments or objections have been received from Highways on this occasion. However, the previous application issued standing advice, stating that there should be sufficient parking and that the new garage should be in accordance with the 6CsDG for it to be counted as parking provision. The new garages would conform to the recommended size criteria for double garages as per the 6CsDG and the house is well set back from the highway which allows for ample off street parking.

Conclusion

It is concluded that the revised proposal will not have any material harm to the amenities of the neighbouring properties or to the character and appearance of the adjacent conservation area. Subject to no adverse comments being received the application is recommended for approval.

Implications Statement

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

RECOMMENDATION: GRANTS

Subject to the following condition(s)

- 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 The proposed development including the swimming pool building, gym and garage shall not be occupied at any time other than for purposes incidental to the enjoyment of No. 69 The Broadway and shall not be used for any commercial purpose or as primary living accommodation (including sleeping accommodation). The building shall not be occupied or let independently.
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.
- 4 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:-

Drawing Number RN-002 Proposed Plans and Elevations, drawn by Permahomes, dated June 2015 and received by the Local Planning Authority 02 Sep 2015

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Drawing Number RN-003 Swimming Pool Plans and Elevations, drawn by Permahomes, dated June 2015 and received by the Local Planning Authority 09 Sep 2015
Drawing Number RN-004 Site Plan, drawn by Permahomes, dated June 2015 and received by the Local Planning Authority 09 Sep 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 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 The Application as submitted was considered to be acceptable and therefore discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7 **Appeals to the Secretary of State**

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

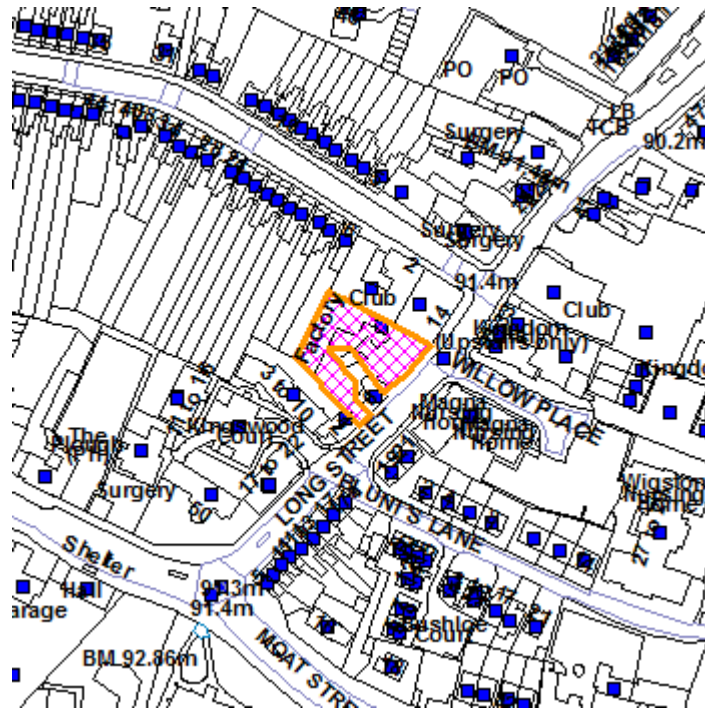
The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements,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

2	15/00406/FUL	10 Long Street Wigston Leicestershire LE18 2BP
	5 October 2015	Change of use from storage and distribution building (Use Class B8) to 27 flats (Use Class C3) with second floor extension and associated works
	CASE OFFICER	Tony Boswell



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Site and Location

The site in this case is the former industrial buildings of number 8 and 10 Long Street, Wigston. The site does not include the now vacant number 6 Long Street within the centre of the frontage to Long Street. Number 6 is currently boarded up, but its re-use or redevelopment may well be hastened by the current proposal.

The site and its existing buildings form an important and prominent feature within The Lanes Conservation Area.

Description of proposal

The greater part of this proposal involves a restoration and refurbishment to the exterior of these long vacant buildings. A modest extension would be added at roof level towards the rear of the site. A three storey stair well would be demolished in the centre of the site, in order to improve the outlook, light and air available to flats fronting the retained central courtyard.

The buildings would create a total of 27 new flats, with 4 studios, 15 one bed roomed and 8 two bed roomed flats. The applicant anticipates that these will largely be occupied as rental properties but, in discussion cannot exclude the possibility that some might be sold outright over time.

The existing central courtyard would be entirely re-worked as a communal amenity area, providing access to the Long Street frontage for a number of flats in the lower storeys. The Long Street frontage would also be occupied by a new roofed and brick built "bin store", including lighting, a hard floor, ventilation and a stand pipe (to enable routine cleansing). In that location it will be convenient for occupants of the proposed flats, and also best able to be routinely serviced with minimal traffic disruption to traffic on Long Street. 25 of a total of 27 securable cycle racks would be located behind that bin store, adjacent to the 2.5 metre high boundary wall with the gardens of the adjacent Kingswood Lodge.

The statutory determination period for this application expires on the 8th of January 2016, 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 advice is that, in its view the residual cumulative impacts of the development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the Conditions and Contributions as outlined ". Go on to suggest conditions and to suggest a S106 regarding "Travel Packs" for initial occupiers of the 27 flats concerned.

Leicestershire County Council (Heritage Team) – No observations received, but have been in discussion with the case officer regarding aspects of the restoration process.

Wigston Civic Society – No observations received.

Representations

Neighbours have been informed and a press/site notice placed with no letters of representation being received at the time of writing this report. The date for the receipt of comments expires on the 8 January 2016. Neighbours were subsequently re-notified and a new site notice posted regarding amended plans.

The date for the receipt of comments expired on the 8 January 2016

Two letters of objection received from occupants of flats within Kingswood Court beyond the southern boundary of the site. Concerned about noise and disturbance from use of the refuse store and cycle racks close to their boundary. (And the future of a gas flue located through the boundary wall. Note that this is a Party Wall Act matter. Rather than a material planning consideration).

Relevant Planning Policies

National Planning Policy Framework

In particular Chapter 12 – concerning management of the Historic Environment.

Oadby & Wigston Core Strategy

Core Strategy Policy 14 : Design and Construction
Core Strategy Policy 15 : Landscape and Character (inc Conservation Areas)

Oadby and Wigston Local Plan

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

Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document
Conservation Areas Supplementary Planning Document
South Wigston Conservation Area Appraisal

Planning Considerations

This proposal raises a number of key issues as follows:

- The contribution of the restored buildings and their residential use to the character and appearance of The Lanes Conservation Area;
- The neighbourly implications of the proposed use – notably for adjacent residents of Kingswood Court to the south and the vacant number 6 Long Street (in the centre of the site's frontage);
- The implications of the proposed 27 flats in this location, without any on-site or other car parking provision.

Character and Appearance of the Conservation Area.

The application site comprises two x three and four storey Use Class B8 former industrial units which have remained largely or totally vacant for a number of years. They have an overall floor area of some 874 sq metres. Although the frontage to Long Street was evidently updated in approximately the 1960s, all of the buildings are in a moderately dilapidated state. When in their former commercial use they had no on-site car parking, and only capacity for limited on-site

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servicing by small commercial vehicles from the Long Street frontage. The existing buildings are clearly no longer suitable for their former lawful commercial use but, were they even partially reoccupied in that manner then the adverse effects upon the character and appearance of the Conservation Area and other implications might be quite severe. The overall site area is only slightly in excess of 1000 sq metres and its "redevelopment" potential following a demolition is perhaps in the order of six to eight town houses. Subject to the quality and appearance of the proposed building restoration the Council's legal obligation - "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*" would be positively satisfied in a manner that would not be met by any entirely speculative gross redevelopment of the site.

Neighbourly Implications.

Although dilapidated, close neighbours to the site will doubtless have grown accustomed to the absence of any activity within the site. The neighbours most affected by the proposal are residents of Kingswood Court beyond the southern boundary of the site, and any future occupiers of number 6 Long Street which lies within the central part of the site's Long Street frontage. Number 6 Long Street is currently vacant and boarded up. However, lawful access to its rearward entrance and garden would be entirely unchanged by the proposed development. Its re-use or redevelopment would not be hindered by the proposed development. (And might actually be hastened by the development as now proposed). Note that the current applicant also owns number 6 Central Avenue which abuts the application site on its western side. No external windows or other openings would front the grounds of 6 Central Avenue which would be largely or wholly unaffected.

Due to the disposition of windows within the proposed and restored building there is little or no scope for un-neighbourly overlooking of adjacent homes or gardens. (Apart from the rear part of number 6 Long Street – as currently vacant). The southern boundary with Kingswood Court is contained by a brick boundary wall circa 2.5 metres high. Adjacent to that boundary would be a new and ventilated "bin store" on the frontage to Long Street. This would be in brick with a shallow pitched roof to avoid any view of "euro bin" refuse containers from floors above ground level. In fully enclosed form the bin store would also be resistant to scavenging animals. In that location it would also allow rapid servicing by refuse freighters, with consequently minimal disruption to passing traffic on Long Street during collections. The majority of securable cycle storage (25 out of 27 cycle stands) would be positioned against that same boundary wall. They would be both convenient for cyclist residents to access Long Street and also be subject to passive surveillance from the windows of a number of the proposed flats.

Transport and Car Parking Implications.

This proposal comprises the conversion of the pre-existing factory buildings to provide 27 flats, with 4 studios, 15 one bed roomed and 8 two bed roomed flats. Given their location within Wigston Town Centre the flats would not have any on-site parking provision and would apparently be marketed as "car-free". The expectation is that all or most flats would be offered for rental occupation, although at least some owner occupation cannot be excluded.

The material question in this case is therefore whether harm would be caused to local road safety by such an absence of parking provision? National planning policy within the National Planning Policy Framework (NPPF) is not specifically concerned with issues of local competition for limited available on-street parking provision – only with road safety issues. Note that the applicants have submitted a 21 page Highways Report which seeks to support this aspect of the proposed development. Under the heading "Promoting Sustainable Transport", as national planning policy paragraph 32 of the NPPF states:

“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. **Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.***

Specifically in relation to car parking standards and provision within new developments, paragraph 39 of the NPPF states:

“If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;*
- the type, mix and use of development;*
- the availability of and opportunities for public transport;*
- local car ownership levels; and*
- an overall need to reduce the use of high-emission vehicles.*

Local Planning Authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that is necessary to manage their local road network”

As reported earlier, the County Council’s response to this proposal as Highway Authority is:

“The Local Highway Authority advice is that, in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the Conditions and Contributions as outlined in this report”.

Although the permitting of any development of this scale without any off-street parking provision goes somewhat against the grain; before contemplating any refusal of permission for that reason, it is first necessary to evaluate the potential for conflict with local road safety or amenity objectives. An analysis of 2011 Census data for the relevant Wigston All Saints Ward shows that 73% of all rented accommodation with one to three habitable rooms do not have the use of a car. It can therefore reasonably be assumed to around 20 of the proposed flats will not have the use of a car and perhaps 7 might well do so. Given the close proximity of the site to a variety of Town Centre services and, ease of pedestrian and cycling access to frequent bus and railway services then this projection appears reasonable. There is certainly no basis upon which to make any significantly different projection. The absence of any dedicated off-street car parking capacity would certainly deter occupation by most car owners and so the rate of car ownership might well be lower than the seven small car owning households speculated above.

There are 345 car spaces within the five car parks of Wigston Town Centre – although all confined to a lawful maximum of 12 hours continuous use. Due entirely to highway safety related parking controls there is very limited nearby on-street parking capacity nearby on Long Street, Blunts Lane and Willow Place. The single most likely location for on-street parking in proximity is therefore towards the eastern end of Central Avenue (just to the north of the site). Central Avenue as a whole (Long Street to Holmden Avenue) has some 730 linear metres of parking capacity on both of its sides. This equates with a capacity of some 120 to 145 parked cars. Central Avenue appears to have around 80 to 85 cars parked overnight (19:00 hrs to 07:00 hrs). Given the location of the site, it is the eastern end of Central Avenue which is most likely to be relied on by any future motorists who reside within the proposed development. That eastern end of Central Avenue from Long Street to the church has an on-street parking capacity of some 450 linear metres. Assuming an average car space length of some 5 to 6 metres (very variable according to length of car and driver skill) that area has an on-street parking capacity of some 75 to 90 parked cars. The applicant's own Highways Report surveyed the actual pattern and found 74 parked vehicles in the morning period; 58 at around midday, and 69 in the evening period. Although on-street parking at the eastern end of Central Avenue is notably competitive, this suggests that there is also capacity to accommodate an assumed seven additional cars associated with the proposed development. Any undersupply on a given day would be remedied by existing or future motorists parking quite lawfully further west along Central Avenue, rather than having to divert elsewhere, or simply being unable to park their car.

To conclude this point and, noting that it is not the role of the planning system to regulate local completion for on-street parking as opposed to highway safety threats, the absence of on-site parking capacity for the proposed development in this locality would fail to pass the "test" of national planning policy in paragraph 32 of the NPPF – "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*". Hence, although local competition for on-street parking capacity would be marginally worsened, there is clearly capacity to park a modest number of additional vehicles arising from the proposed development, a short distance from the application site, and in a safe and lawful manner.

Conclusion

This proposal would lead to a substantial restoration and refurbishment of the existing buildings within the Lanes Conservation area. It would also contribute 27 new homes (largely but perhaps not wholly within the rental sector. There do not appear to be any compelling objections, although there are some Party Wall Act issues that the applicant will have to resolve with owners of the adjacent Kingswood Lodge development to beyond the southern boundary.

LCC (Highways) suggested the use of a S106 to fund the delivery of "Travel Packs" to initial occupiers of the 27 flats. However this would be of no benefit to subsequent occupiers, and hence it is not recommended below.

The Committee should note that officers anticipate deciding the related application 15/00407/TPO, for removal of the self set tree within the central courtyard under delegated authority following the Committee's decision on this planning application.

Implications Statement

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

RECOMMENDATION: GRANTS

Subject to the following condition(s)

- 1 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 **** 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 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.
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting

season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and the occupiers of adjacent buildings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 6 Prior to the commencement of development details of secure cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the building 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.

- 7 Prior to the commencement of development detailed drawings of all new and replacement external joinery at a minimum scale of 1:20 and sections to a minimum scale of 1:5 together with details of the proposed materials and finish shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details, and windows and doors shall not be subsequently replaced with any alternative type without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character and appearance of the **** Conservation Area 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.

- 8 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain onto the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

- 9 No development shall commence on the site until such time as a construction 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 as a whole shall thereafter be carried out in accordance with the approved details and timescale.

Reason: To reduce the possibility of deleterious material being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic associated with the development does not lead to on-street parking problems in the area.

Note(s) to Applicant :

- 1 For the avoidance of doubt this permission relates to the following plans and particulars:-

To follow

- 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 The applicant is advised that no demolition works or associated works or operations should take place on the site except between the hours of 8.00am and 6.00pm Monday to Friday, 9.00am to 2.00pm on Saturday and at no time on Sundays or Bank Holidays.
- 5 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.
- 6 You are advised that any amendments to the approved plans will require either a Non-Material amendment application, a Minor Material Amendment application or a new planning application. If this is the case then you should allow at least 8 weeks before the intended start date to gain approval for such amendments. Further advice can be obtained by contacting the Planning Section of the Council on any amendments (internal or external).
- 7 **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.

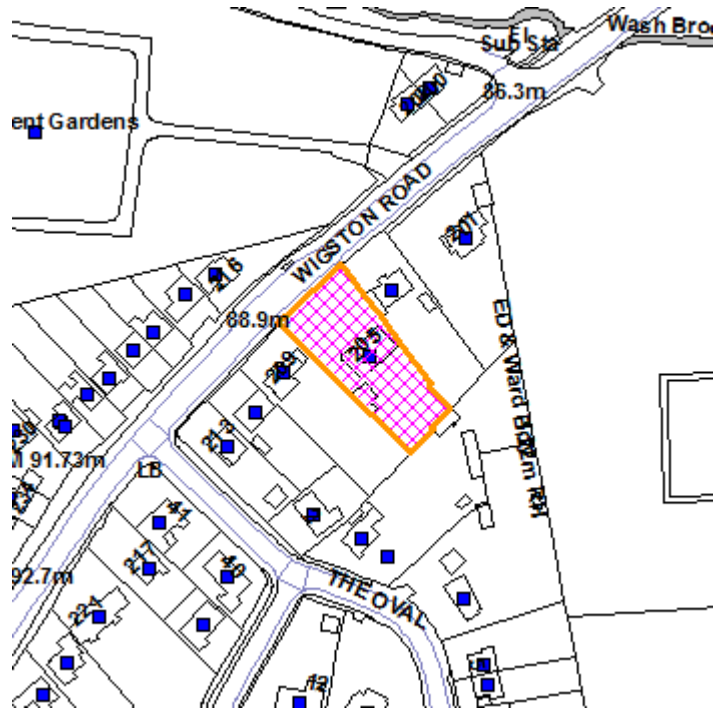
Purchase Notices

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	15/00436/FUL	205 Wigston Road Oadby Leicestershire LE2 5JF
	13 October 2015	Erection of two storey and single storey rear extensions to sides and rear (Rev A)
	CASE OFFICER	Stephen Dukes



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Site and Location

The application site is a large detached property on the south east side of Wigston Road in Oadby, close to the boundary with Wigston. The existing property is a dormer bungalow constructed of red brickwork with white render, with dormers to the rear, side and front. The roof is hipped, with the addition of a cone shape to the right of the front elevation. The front dormer is also a notable feature of the property as this pulls away from the roof creating a curved offset on the roof design.

Description of proposal

The proposal is for the erection of two storey and single storey rear extensions to the sides and rear. The proposed extensions protrude just over 13 metres back from the rear wall of the existing property, with the extensions protruding furthest in the middle of the plot. Along the boundary with no.203 Wigston Road, there is a 3.3 metre two storey extension, with a 3.75 metre single storey extension beyond. On the side of no.209 Wigston Road, there is a proposed 7.5 metre two storey extension, but this is set off the boundary by 5 metres and separated from the boundary by the existing garage.

The application has been called to committee in a request by Councillor Mrs Broadley. The statutory determination period for this application expired on the 8 December 2015, with an extension of time agreed until 8 January 2016 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) – No comment to make

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, trees and is in close proximity to parkland, which all 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. Therefore recommend that a bat survey of the property is carried out and submitted before the planning application can be determined.

Representations

Neighbours have been informed and a press/site notice placed with two letters of representation being received at the time of writing this report. The date for the receipt of comments expired on the 25 December 2015.

The reasons for objection can be summarised as follows: -

- The proposal extends the property, which is already set back from both adjoining properties, by a considerable distance.
- The design of the building, particularly with balconies at first floor level that face to the rear and side, will look into the rear of the property at no.209 and the garden. The topography at the rear of both plots will increase that problem.

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- Errors in the application – red line plan in Design and Access statement shows the wrong plot and photo is incorrectly labelled as rear.
- The cladding and colour scheme doesn't fit into the surrounding area and with the design and character of the remaining house.
- The elevation overlooking no.209 has first floor windows and no reference is made to obscuring these.
- The design will have a material impact on the adjoining properties, especially because the extension goes so far back and does not look to utilise any of the space to the front of the plot.
- There is a hedge and trees along the boundary with no.203 Wigston Road – due to the boundary lines being in dispute, this will have an impact on the new proposal and the potential of them falling into the new site.
- There is not enough room to part more vehicles at this property – could lead to parking on the street and a highway safety issue.
- 45 degree code is being taken from the middle of no.203 Wigston Road and not from the nearest window of the property next to the dwelling.
- Difference in land levels – concern over how overbearing the proposal would be.
- Loss of privacy - proposal would look directly into house and garden at no.203.
- Proposal would be dominant, overpowering and out of scale – tripling the size of the current house.
- Light to the garden at no.203 would be blocked.
- The proposal does not stay sympathetic to other properties in the area – there are no other nine bedroom houses locally

The neighbour at no.203 Wigston Road has written in again in response to the Revision A plans, with the following concerns raised:

- Points raised in first objection have not been addressed.
- Concerns over boundary lines being used which are incorrect and changes have not been made.
- Concern over the 45 degree rule being ignored – on the architect's drawing the 45 degree line is coming straight from the middle of the neighbour's house and therefore part of the proposal should not be allowed. On the new plans a dotted line has been added which has no relevance – concern that this has been drawn at an angle to mislead with regards to the 45 degree code.
- Property has angled walls to the rear – Code of Practice (Residential Development SPD) points out that angled walls should not be used if the existing property does not have angled walls.
- Concern over land level differences and the lack of privacy the proposal gives.
- No change to windows, height or consideration to loss of light to house and garden.
- Concern about the site being used as a business – Design and Access statement mentions boilers, etc.
- Proposal is out of scale and the size is worrying.
- Details in the application are incorrect.
- Both properties currently are valued at a similar price – the proposal will allow one house to be enhanced and the other to deteriorate in value.

Relevant Planning Policies

National Planning Policy Framework

Oadby & Wigston Core Strategy

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Core Strategy Policy 14 : Design and Construction

Oadby and Wigston Local Plan

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

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

Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document

Planning Considerations

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

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

The impact of the proposal on the street scene and the proposed design

The existing property is set back from the highway by over 20 metres. As a result, the property is set back behind the building line of other properties in the street scene. The original plans included a larger development at first floor and externally consisted of a flat roofed two storey rear extension which would be visible from the side elevations. The applicant was advised that the incongruous nature of the proposed flat roofed extensions would not be sympathetic to the character and appearance of the existing hipped roof property.

Part 2.1 of the Borough Council's Residential Development Supplementary Planning Document discourages the use of flat roofs and states that they often make incongruous features, particularly where they are inconsistent with the design of the roof on the existing house. It states that full pitched or hipped roofs should be used to match the style of the existing roof on the dwelling, particularly on two storey or first floor extensions. In the original plans, the flat roofed extensions would have been visible from the sides, and also from the front and were therefore considered detrimental to the character and appearance of the property. The proposed materials using grey stone tiles and grey slate cladding to the walls, along with green render would not be sympathetic to the materials used on the exterior of the existing property and would further emphasise the incongruous nature of the extensions.

The amended plans in Revision A, amend the design so that rather than a flat roofed rear extension being, in effect tagged onto the end, the extension continues the slope of the existing hipped roof rearwards, and in effect, uses the roofspace for the first floor accommodation. Only from the rear of the property would the flat roof section, between the two side slopes be visible. The proposal incorporates dormers onto both sides of the roof. These dormers would be rather large and would be visible within the streets scene, appearing as large flat roofed additions, and therefore would ideally need to be reduced in size. The proposed materials have been altered, so that the extension includes concrete tiles to match the existing, cream and grey render and grey wall tiles at the rear. A condition will be included to require details of materials to be submitted and approved in writing by the Local Planning Authority.

Subject to a reduction in the size of the side dormers, the proposal is now considered to be of an acceptable design and would not have a detrimental impact on the character and appearance of the street scene.

The impact of the proposal on neighbouring residential properties.

The original plans submitted included balconies on the areas of flat roof to the rear and sides and would cause significant overlooking of private garden areas at both no.203 Wigston Road and no.209 Wigston Road, to the detriment of the amenity of both those properties. The proposed development in the original plans also included windows to both side elevations which would also overlook neighbouring private garden areas. The existing property does have a side facing dormer window, but this appears to have a high level window which would not result in overlooking, unlike the proposed side facing windows on the proposed extensions.

The proposed extensions in the original plans would also result in continuous development at very close proximity to the side boundary with no.203 Wigston Road, resulting in a loss of amenity to residents of that property. This would be exacerbated by the fact that the property is set back significantly within the street scene, causing the extensions to protrude further back than would otherwise have been the case, and the land level differences, with no.205 Wigston Road being at a higher level to no.203. Although the development would be more than a metre from the boundary, it was considered to be overbearing on the neighbouring property.

In the amended plans in revision A, the proposed balconies have been removed, as have a number of side facing windows. The side facing window on the landing which would overlook the rear garden of no.203 can be conditioned to be obscure glazed and non-opening.

The impact on residential amenity can be assessed by the 45 degree code, which involves drawing a line at 45 degrees from the closest affected habitable room window at the neighbouring property. When assessing the impact of two storey development, this line is taken from the quarter point of the window. The neighbour has concerns that the 45 degree line has been wrongly calculated, on the basis of the submitted plans. I would agree that the proposed plans are misleading, as a 45 degree line is taken from the centre of no.203, rather than from the quarter point of the closest window, and the plans in revision A include a dotted outline of the property in the incorrect location.

Notwithstanding the above errors, the Council has correctly taken into account the 45 degree line, from the ground floor rear extension at no.203, based on the plans submitted for a previous application at no.203. The existing property at no.205 would actually breach this line. However, the breach would occur at a distance of 9 metres along this line. The Residential Development Supplementary Planning Document makes it clear that the 45 degree code only applies over distances of 8 metres or less.

Despite the fact that the proposal would not breach the 45 degree line, there are still some concerns with the continuous development along the boundary with no.203 Wigston Road, particularly at two storey level. The depth of the existing property near the boundary is currently 8 metres (at two storey). However, in revision A, the two storey section close to the boundary would increase to 11 metres in depth. There are other extensions beyond this, but these are either single storey or set away from the boundary.

In order for the proposed extensions to not be considered detrimental to the amenity of residents at no.203 Wigston, it is advised that the depth of the property along the boundary with no.203 Wigston Road should be reduced to 8 metres like the existing property (i.e. the size of the landing area would need to be reduced).

The impact of the proposal on the amenity of the other neighbouring property at no.209 Wigston Road is now considered to be acceptable in revision A as the balcony and overlooking windows have been removed, and the proposed extensions are a substantial distance from the property,

separated by both the applicant's and neighbour's garages. There would therefore be no breach of the 45 degree code on this side and the extensions are not considered to be overbearing. The first floor window facing no.209 will be conditioned to be obscure glazed and non-opening.

In summary, subject to a reduction in the depth of the two storey element of the property to 8 metres on the boundary with no.203 Wigston Road, the proposed development is not considered to cause significant harm to the amenity of neighbouring properties.

Other matters

The neighbour also has concerns with regards to the proposed boundary between no.203 and no.205 Wigston Road. Although there may be a question over the exact positioning of the boundary between the neighbours, based on the Local Authority's records, the proposed extension would not protrude over the boundary.

In addition, the neighbour has concerns in relation to other details mentioned in the applicant's Design and Access statement, for example, this refers to boilers being placed in each dwelling. The neighbour has concerns that the property may become a business premises or be subdivided. However, it is apparent that the Design and Access statement has used some standard generic phrases which have clearly been copied from other projects undertaken by the agent.

Other points have been made, for example, with regards to loss of property value. This, however, would not be a material planning consideration.

Conclusion

In summary, the proposed development in the first set of revised plans (revision A) 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 street scene and the impact on the amenity of neighbouring residential properties.

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 21 January 2016 (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 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 The flat roof areas to the ground floor extensions and over the garage 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.
- 5 The first floor windows on both side elevations 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.

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

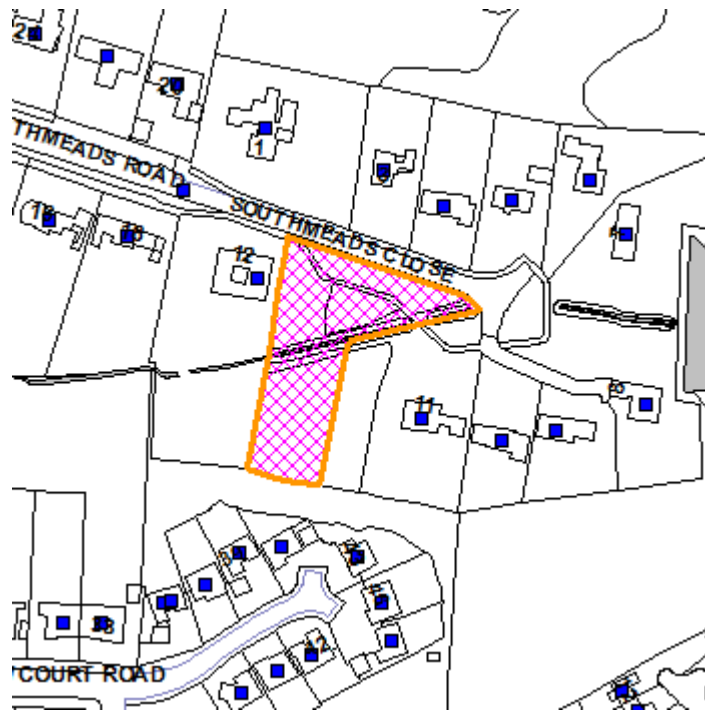
Purchase Notices

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 21 January 2016 (or any such agreed date) then **REFUSE** on the basis of the proposal's adverse impact on the character and appearance of the street scene (by reason of the large side dormers) and the impact on the amenity of residents a no.203 Wigston Road (by reason of the depth of the extension and proximity to the common boundary)

4	15/00488/FUL	11 Southmeads Close (Land Adjacent) Oadby Leicester Leicestershire LE2 2LT
	3 December 2015	Erection of a detached dwelling, adjacent to No.11 Southmeads Close, Oadby, with associated access, landscaping and bridge to rear (Rev C)
	CASE OFFICER	Stephen Dukes



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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, landscaping 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 (application 12/00387/FUL) for a new detached dwelling, but this has not been implemented and permission expired on 14 December 2015. The applicant (a new owner) wished to alter the design of the proposal and increase the footprint of the property in the recent application 15/00287/FUL, but ultimately resolved to submit the original plans, approved in 12/00387/FUL for which permission was granted for a further three years at this committee.

This application seeks to amend the plans in this application (15/00488/FUL). The following amendments have been submitted:

Original plans – new dwelling 7.64 metres in height at rear.

Revision A – pitched roof over garage and roof altered over bedroom 1, windows altered and height increased to 8.5 metres.

Revision B – width of garage increased, roof altered over bedroom 1, render added to front elevation and height increased to 8.9 metres.

Revision C – pitch of roof over garage increased, roof over bedroom 1 altered to flat, render added to rear and side elevations, arched window added to front, height reduced to 8.12 metres at the rear.

The statutory determination period for this application expires on the 28 January 2015 and it is intended to issue a decision as soon as practicably possible after the committee meeting.

Relevant Planning History

97/00492/80 – 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.

15/00287/FUL – Erection of detached new dwelling, adjacent to 11 Southmeads Close Oadby – Approved 23 October 2015.

Consultations

Leicestershire County Council (Highways) – The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.

Consider Parking Provision and Surfacing.

Oadby Civic Society – The society wishes to register its objection to this application and repeats its objections to the previous application 15/00287/FUL. The society considers that the proposed dwelling is an over development of the site and that the building with its multiplicity of narrow slit windows is an obtrusive and incongruous structure that fails to reflect the characteristics and scale of the surrounding homes which is totally at variance with the original design concept of the houses on this unique development.

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 identified this area to be retained as landscaped space within the approved original concept. Any proposal to develop within this space is to totally change the accepted layout of this significant landscaped development.

OWBC (Environmental Health) – comments made in relation to contaminated land, demolition, groundwork and construction.

Leicestershire County Council (Ecology) – the ecology survey submitted in support of the application (Curious Ecologists, August 2015) recorded no badger setts within the garden, although badger paths were identified leading from a nearby sett. Satisfied that the proposed development will be unlikely to impact the existing sett, but concern that any new fencing of the boundaries may prevent badgers from crossing the site in future. Note that in section 3 of the recommendations of the ecology survey a pre-commencement survey is recommended and also access for badgers to the site should be established via gaps at the base of fences. Compliance with the recommendations of the report should be forwarded as a condition of the development.

Records show that the application site is in close proximity to a badger protection zone; however the County Council has never been provided with the full detail (or plan) of this local designation and are unable to offer comments on any potential implications. Should the LPA still consider the protection zone to be in place the County Council recommends that the officer checks that the proposed application will not impact the designated area.

Leicestershire County Council (Arboriculturist) – Comments from application 15/00287/FUL:

The plans appear to show that the proposed building avoids the RPAs of birches T1/2/4/7, if the faint 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.

Representations

Neighbours have been informed and a press/site notice placed with one letters of representation being received at the time of writing this report. The date for the receipt of comments expired on the 6 January 2016.

The reasons for objection can be summarised as follows: -

- The application is no more acceptable than the previous four in so many months.
- The site was never meant to be developed and the adjacent bungalow at no.12 has three windows of a living area facing directly onto the proposed building – will deprive the neighbouring property of the morning light and destroy privacy, especially with the terrace dominating no.12.
- The view to the east at the rear will be of a blank wall and the proposed terrace.
- Query why other trees are protected by the roots of the neighbour's Acer Drumundii at no.12 will be irrevocably damaged by this building and its terrace.
- Concern that only the immediate neighbours have been notified.

A resident from no.12 has also put in a request for the Acer Drumundii at her property to be protected by a Tree Preservation Order. She states that the corner of the proposed building and the terrace will be very close to the trunk and will damage the roots and kill the tree. She also comments that other neighbours have mentioned the danger the building would cause to the tree.

Relevant Planning Policies

National Planning Policy Framework

Development Control Committee Meeting
21 January 2016

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 plans submitted were considered to have a detrimental impact on the character and appearance of the street scene. The proposal featured a flat brick front elevation with no relief or variation to break up the massing of the building. The roof was rather shallow in pitch and there was a large expanse of flat roof to the front over the single storey element and the garage. The side elevation was also plain in its appearance, featuring just a few small windows to break up the massing. The following recommendations were made:

- A dual pitched roof should be included over the forward projecting garage. This would improve the appearance of the substantial, forward projecting flat roofed part of the proposed development. Whilst the flat roof over the rest of the frontage would not be ideal, it is acknowledged that the neighbouring property is flat roofed, and a pitched roof over the garage should detract from the appearance of this.
- It was advised that the pitch of the roof over the main part of the property should increase to a steeper angle – the ridge height of the proposed dwelling could increase by around half a metre if required, but the eaves may need to be lowered. This was to ensure that the gable front of the property fitted in with the design of other dwellings in the immediate vicinity.
- It was advised that the first floor element over the garage should be set back by around a metre behind the front of the rest of the first floor. This would create visual relief between the main part of the first floor and the eccentric pitch/ cat slide roof over the garage. This would be in keeping with other properties in the vicinity.
- Some visual relief to the rest of the front elevation was also recommended by, for example, having a forward projecting section, similar to the front of other properties in the area.
- It was also recommended that a contrasting material should be used so the entire property was not just brick – other properties in the area also used cladding/ panelling or render. These could be used to give more of a vertical emphasis to the property.
- Varying the shapes of the windows on the front elevation was also recommended.

The above recommendations were taken into account and after a few amendments, the plans in revision C were submitted. In revision C, the roof over bedroom 1 has been altered to a flat roof – this would avoid the issue of this needing to match the pitch of the main roof as this had proved difficult to achieve in the previous revisions whilst retaining adequate ceiling height in bedroom 1. This section of flat roof is set back from the front elevation of the property and would not be significantly higher than the roof of no.12 Southmeads Close and so there is not considered to be an issue with a flat roof in this location. The height of the dwelling is now 8.12 metres at the rear, but would appear lower than this from the front (taking into account the land level differences). Cedar boarding has been incorporated into the design on the front, side and rear elevations and on the front elevation there is a large arched window, all of which help add some interest to the building and break up its massing. The proposed design in revision C is considered acceptable in the context of the character of the surrounding area and respects the constraints of the site, including the slope down to the rear, and the adjacent bungalow.

The impact of the proposal on neighbouring residential properties.

The proposed development in revision C is located 1.5 metres from the boundary with no.12 Southmeads Close. No.12 Southmeads Close 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 excludes side facing windows from that assessment.

When considering the impact on rear facing windows at no.12 Southmeads Close, the 45 degree code as set out in the Residential Development Supplementary Planning Document (SPD) is applied to rear facing windows which may be affected. When applying this to windows on the rear of no.12 Southmeads Road, the proposed new dwelling would not breach a 45 degree line. Furthermore, there is a distance of 4.5 metres between the side of no.12 and the boundary which would reduce the impact and proximity of the new dwelling.

The neighbour at no.12 Southmeads Close has expressed concerns about the view from her property, loss of light and loss of privacy, in particular as a result of the proposed terrace. The proposed dwelling would be visible from the rear of no.12 but the flat roof element on this side has enabled the height to be kept to a minimum. The loss of light, as assessed using the 45 degree code has not been found to be detrimental to the amenity of residents at no.12. In terms of privacy, the only first floor windows facing no.12 would be an en suite and a wardrobe window, both of which can be conditioned to be obscure glazed. The terrace to the rear is now at natural ground level, rather than raised up, and therefore would not overlook into the garden.

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 development 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 proposal in this application would come closer to the protected trees, for example, the building would be only 7 metres from T4.

In the last original plans in the last application which had the same footprint, the arboriculturist commented that this would still appear to avoid the RPAs of the trees, but some concern was raised that this 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.

An up to date tree survey has been submitted by Tim Alden Consultancy Limited. This assesses four trees on the site, T1, T2, T4 and T7 (those closest to the proposed dwelling). It comments that: *"Trees T1 and T2 are close to the highway and clearly visible so have high amenity values. T4 has early signs of bleeding canker disease which will drastically shorten its life expectancy. T7 is obscured from the highway by a good degree by other trees closer to the highway and will be further obscured by whatever dwelling is constructed"*. T1 and T2 are given a retention value of A (trees whose retention is most desirable) and T4 and T7 a retention value of B (trees whose retention is desirable).

The tree survey concludes that the proposed dwelling and driveway lie outside the root protection area and the arboriculturist is of the opinion that the proposed dwelling can go ahead without substantial detriment to the trees. With T4 having early signs of bleeding canker disease, the report states that its future contribution to amenity value is limited. T7 is obscured from public view by the other trees nearer the highway and would be further by the new dwelling. The report suggests that permission could be sought for the removal of T4 and T7 and two new replacements planted elsewhere on site.

Correspondence has been received from the neighbour at no.12 Southmeads Close asking for a TPO to be considered for the Acer Drumundii tree at her property. This tree is indicated as T3 on the plans. The tree would be in close proximity to the proposed new dwelling but although attractive, it is a relatively small tree and insignificant in the street scene, being in the rear garden of no.12, with views obscured by the silver birch trees in some positions. Furthermore, views of the tree would be obscured by any proposed dwelling on this site (such as the dwelling previously approved). The tree is therefore not considered worthy of protection by means of a Tree Preservation Order.

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 allows space for two cars to be parked 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

The biodiversity survey submitted with the application (Curious Ecologists, August 2015) found some evidence of badger foraging, plus worn trails across the unmown lawn area of the proposed site. There was an active badger sett in the garden to the south of 11 Southmeads Close, about 50 metres from the proposed development site. The survey recommends that prior to commencement of works a qualified ecologist should visit the site to establish the level of badger activity at that time. In addition, it states that the badgers must have unimpeded access across the plot, with no chemicals left outside overnight, trenches filled in or having planked access out. During and post construction, all fencing must have a number of locations with 30cm x 30cm gaps at the base to allow badgers access across the site.

Leicestershire County Council Ecology is satisfied that the proposed development will be unlikely to impact the existing sett, but has concern that any new fencing of the boundaries may prevent badgers from crossing the site in future. A condition can be included requiring details of any boundary treatment to be submitted to and approved in writing, to ensure that this allows access across the site by badgers.

Conclusion

In conclusion, the proposed development in revision C is considered to be acceptable in principal and would not have a detrimental impact on the character and appearance of the area or on the street scene. The proposal is considered to comply with the Council's policies with regards to residential amenity and would not cause significant harm to the amenity of the neighbouring property. The proposal is not considered to impact on protected trees, subject to protective fencing being erected during construction. In addition, the proposed development is not considered to be detrimental to highway safety, or protected species on the site. The application is therefore recommended for approval.

Implications Statement

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

RECOMMENDATION: GRANTS

Subject to the following condition(s)

- 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 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 Notwithstanding the submitted details, 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 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 sewage 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 windows 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:-

Existing Site Plan - DT Designs Ltd - 2015/06/150/H Page 1 of 5 - received by the Local Planning Authority on 18 December 2015.
Proposed Site Plan - DT Designs Ltd - 2015/06/150/H Page 2 of 5 - received by the Local Planning Authority on 18 December 2015.
Proposed Ground Floor and First Floor Plan - DT Designs Ltd - 2015/06/150/H Page 3 of 5 - received by the Local Planning Authority on 18 December 2015.
Proposed Location Plan, Roof Plan and Section - DT Designs Ltd - 2015/06/150/H Page 4 of 5 - received by the Local Planning Authority on 18 December 2015.
Proposed Elevations - DT Designs Ltd - 2015/06/150/H Page 5 of 5 - received by the Local Planning Authority on 18 December 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 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 £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.

- 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 3050001).
- 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.

BACKGROUND PAPERS

15/00397/FUL

15/00406/FUL

15/00436/FUL

15/00488/FUL

Development Control Committee Meeting
21 January 2016