

| <b>Application Number</b> | <b>Address</b> |
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| <b>Report Items</b> | <b>Corresponding Agenda Item</b> |
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- |    |              |   |    |
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| 1. | 16/00022/TPO | 16 Knighton Rise<br>Oadby<br>Leicester<br>Leicestershire<br>LE2 2RE         | 7  |
| 2. | 16/00025/FUL | Abington House<br>85 Station Road<br>Wigston<br>Leicestershire<br>LE18 2DP  | 7  |
| 3. | 16/00090/LDO | Station Street<br>Wigston<br>Leicestershire                                 | 8a |
| 4. | 16/00088/LDO | Paddock Street/Bull Head<br>Street/Bell Street<br>Wigston<br>Leicestershire | 8b |
| 5. | 16/00089/LDO | East Street/Harborough Road<br>Oadby<br>Leicestershire                      | 8c |

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|----|-----------------|---|
| 1. | 16/00022/TPO    | 16 Knighton Rise<br>Oadby<br>Leicester<br>Leicestershire<br>LE2 2RE |
|    | 13 January 2016 | Fell 1 No. Lime tree (T2).  |
|    | CASE OFFICER    | Dean Baker  |
|    |                 |   |

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## **Introduction**

At its meeting on 14<sup>th</sup> April 2016 the Development Control Committee deferred consideration of this report in order to seek further information from the applicant and legal advice. The committee sought more conclusive evidence to show more categorically that the Lime tree was the root cause of the desiccation of the soil; including comments about other trees and the impact that non permeable surfacing around the property might be having on preventing the percolation of surface water from soaking into the subsoil. The applicant has been requested to provide this further information, however, at the time of writing this report, no reply has been received. Members will therefore be updated on the situation at the committee meeting.

## **Site and Location**

The application site relates to a detached dwelling on the south side of Knighton Rise, which lies within the Oadby Hilltop and Meadowcourt Conservation Area and is included with others in the street as of local interest as a group. The house is one of the older properties in the street. The lime tree in question is a large specimen, approaching 100 years old, which is sited within the front garden of the property, in close proximity to but elevated from the public footway. The key characteristics of the CA, in relation to trees, are that the area has a wealth of trees, including within the gardens of houses and along the roadsides of all but Knighton Rise, where garden trees and shrubs contribute positively to the appearance of the street.

## **Description of proposal**

The lime tree the subject of this application is sited to the North West corner of the plot, adjacent to no.14A and the public footway. It is a substantial deciduous tree, with three stems. The application proposes the felling of the tree.

The application is supported by an Arboricultural Consultancy report, Engineer's Reports from Jan 2014 and December 2015, Level Monitoring, Drainage Investigation, and Geotechnical Reports dated April 2014 and September 2015. The reports demonstrate that seasonal desiccation of the clay soils is the cause of movement of the property. Trials indicate the presence of roots from the lime tree and, although it is not conclusive, it is likely that this tree, because of its size and nature, would be the most likely candidate for the cause of desiccation. However, the ground surface in the vicinity of the building is covered in non-permeable macadam and no comment has been made as to whether a more permeable surface here, through percolation, might have a positive effect on moisture/water levels within the subsoil.

Although the statutory determination period for this application has passed, the applicant supports the decision for the committee to determine this application. It is intended to issue a decision as soon as practicably possible after the committee meeting.

## **Relevant Planning History**

As a result of concerns about property movement, the Council received a s.211 Notice (notice of works to trees in a conservation area) in 2014. At that time, no proper assessment of the cause of movement had been undertaken and, as a result, some trees were allowed to be felled and others were made the subject of Tree Preservation Order 302, confirmed on 21 August 2014, which relates solely to three trees in the front garden of 16 Knighton Rise. The rationale behind the Order was that it would have been a significant loss to the amenity of the area if the trees had been allowed to be felled prior to determining whether or not they were responsible for the movement of the property.

Subsequent to this, other trees which were not subject to the TPO have been allowed to be felled.

## **Consultations**

Leicestershire County Council (Forestry) – *notes the shallow foundation to the building and that the underlying soils are susceptible to shrinkage and expansion through water extraction or replenishment.*

*The engineers report (Jan 2014) described damage as 'very slight', which increased to 'slight' in the report of 18/12/15. The surveys indicate movement of a seasonal nature, indicating the influence of vegetation. The movement is greatest closest to tree group TG1 and mature lime T2 on the frontage. Tree roots identified in the trial pits included lime ...; the discovery of roots in a trial pit does not automatically imply that the parent tree is responsible for the alleged damage, although in the case of lime T2 its age and size as well as the shallow foundation make it quite likely.*

*The estimated safe life expectancy is perhaps another 40 years or so, and there is nothing to suggest that the tree would require removal now, were it not for the alleged property damage. The tree has likely reached its maximum size, so moisture uptake should remain stable, but seasonal activity/movement will still take place and a moisture deficit could develop – resulting in an increasing divergence from the datum measurement.*

*Consideration of this application might turn on the established amenity value of the tree versus the cost of the necessary repairs, and the willingness of the insurance company to fund those repairs. From the evidence supplied, it is probable that lime T2 is having an influence on this corner of the building. T2 is a large and conspicuous tree in the street scene, which enhances the CA. It is clear that if the tree were retained, the costs of improving the building by partial underpinning would be considerably more than removing the tree and carrying out essentially more cosmetic repairs. A root barrier would not be feasible due to inadequate space between the tree and the house to accommodate the depth and volume of excavation required. If consent were given, it would be prudent to specify a much smaller-growing species for replacement planting, which unfortunately would never contribute the same ultimate public amenity.*

**Legal advice** in respect of potential liability for compensation suggests that:  
*if the Council refuse to allow the tree to be felled, the landowner or their insurers may be entitled to claim from the Council any losses incurred **as a direct result of their refusal** to grant consent. Any claim must be made within 12 months of the Council's decision or of final determination of an appeal made to the Secretary of State should the applicant have appealed the council's refusal.*

*In such circumstances the landowner would be expected to remedy any damage to the property and then submit claims to the Council of any losses incurred. There would be limits to the Council's liability for compensation: the Council would not be liable to pay compensation for loss or damage that occurred before the application was made and would only be liable for damage occurring within 12 months of the date of decision.*

### **Representations**

Neighbours have been informed and a site notice placed with no letters of representation being received at the time of writing this report. The date for the receipt of comments expired on the 15 February 2016.

### **Relevant Planning Policies**

The National Planning Policy Framework and the Development Plan are not relevant to the consideration of this application.

### **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 and character of the conservation area
- Weighing the monetary value of the tree against the cost of remedial works to the property
- The liability for compensation in the event that the application is refused

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

As is noted above, trees form an important part of the character of the conservation area and in Knighton Rise it is garden trees such as this that make that contribution as there are no street trees. The lime tree the subject of this application is one of the largest and most prominent trees within the street. It is also in a minority of deciduous trees. As such it makes a very significant contribution to the amenity of the street scene generally and to the character of the conservation area.

### The Financial Assessment

The applicant has submitted information as to the likely costs of remedial works in the event that the tree is removed or retained. With removal there would be the removal costs and then limited more cosmetic repair work to the property. It is estimated that the overall costs of this would total £12,019.

If the tree is retained then there would be no felling costs, but part of the property would then require more extensive work including some underpinning which would cost approx. £25,000. To this would be added the cost of decanting of the occupier to temporary accommodation and storage of furniture etc, estimated to be £11,000, giving a total cost of £36,000. Thus, the difference in repair costs between felling and repair or keeping and more extensive repair would be £24,000.

The Council's Arboricultural Officer advises that the costs need to be compared to an assessment of the monetary value of the tree. The London Tree Officers Association has produced a formula for assessing the capital asset value of amenity trees (CAVAT), which provides a method for managing trees as public assets rather than liabilities. It is designed not only to be a strategic tool but also to be applicable to individual cases, where the value of a single tree needs to be expressed in monetary terms.

Based on conservative values for its accessibility and life expectancy, the tree has a monetary value in excess of £50,000. This would increase to £90,000 if higher but not unrealistic values were given to these factors.

Having assessed the monetary value, it can be seen that the tree value outstrips the estimated costs of the underpinning works.

### Liability for Compensation

There is a risk that if the application were to be refused, the applicant seek to would make a claim for compensation in respect of the cost of additional works for the remediation of the property. However, it should be noted that any such claim would be limited to compensation for loss or damage that occurred after the application was made or occurring within 12 months of the date of decision.

### **Conclusion**

The monetary value of the tree exceeds the cost of the works. It is unlikely that the level of amenity provided by the tree could be replicated by replacement planting and the loss of the tree would therefore result in a permanent detraction of amenity within the area, even if replacement planting was provided.

### **Implications Statement**

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|---------------------|--|
| 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  |

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| Risk Assessment | No Significant implications   |
| Value for Money | No Significant implications   |
| Equalities      | No Significant implications   |
| Legal           | Legal and financial implications have been set out in the body of the report. |

## **RECOMMENDATION: REFUSE**

The Reason(s) for refusal are:

- 1 The lime tree provides a high level of amenity to the area and contributes significantly to the character of the conservation area in which it is located. No replacement planting would provide an equivalent level of amenity. The applicant has failed to put forward any justification for felling based on arboricultural grounds; - the tree appears in good health with an estimated safe life expectancy of 40 years or so, and there is nothing to suggest that the tree would require removal now, were it not for the alleged property damage. The applicant suggests that the tree should be felled on the basis of reducing the cost and extent of repairs to the property. However, the monetary value of the tree, based on CAVAT methodology, far exceeds the cost of the extended works which would be required if the tree is retained.

Note(s) to Applicant:

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

If you are aggrieved by the decision of your local planning authority to refuse consent for the works to a tree or trees subject to a Tree Preservation Order 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 28 days of the date of the decision notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Telephone 0303 444 5000) or online at [www.gov.uk/appeal-decision-about-tree-order/how-to-appeal](http://www.gov.uk/appeal-decision-about-tree-order/how-to-appeal)

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

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| 2. | 16/00025/FUL    | Abington House<br>85 Station Road<br>Wigston<br>Leicestershire<br>LE18 2DP                            |
|    | 1 February 2016 | Demolition of existing buildings, erection of new Area Special School, and associated external works. |
|    | CASE OFFICER    | Tony Boswell  |
|    |                 |   |

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## **Site and Location**

The application site is currently part of the grounds within the Wigston Academy as a whole. It includes the existing Abingdon House at its northern end. The land as a whole is otherwise largely made up of open space including playing fields, tennis courts and (shortly to be relocated) class rooms.

Vehicular access would be derived entirely through the existing entrances from Station Road, via the internal roads and parking areas of the Wigston campus as a whole. That campus also contains a substantial amount of largely mature tree planting and landscaping, including trees around Abingdon House, but not generally within the location of the proposed new buildings.

## **Description of proposal**

In short, the proposal is to provide an entirely new School building(s) to replace the current Birkett House Special School on Launceston Road. This will enable greatly enhanced facilities and an increase in pupil numbers from circa 84 to 125 pupils. The catchment for the School is county wide along with 4 other special Schools across the county as a whole. That new building will greatly assist and raise outcomes among one of the most vulnerable groups (including their families) with special educational needs that need the best of facilities to help raise their standards of achievement.

The overall site area is 2.9 hectares, and the size of finished building some 3,500 sq metres. Those proposed buildings would be of entirely modern style and are arranged in a west facing “cusp” with two internal courtyards, and a number of external “gardens” along the western edge – each relating to a classroom space internally. Apart from classrooms and other routine school facilities, the buildings would also contain a number of other and more specialised facilities – such as a hydrotherapy pool, small hall/gym, and a diversity of other spaces for use by pupils. For very obvious reasons, the entire new school and its closer grounds would be enclosed by a security fence. Approval of that fence and extensive related landscaping would be by planning condition.,

Their overall height would be circa 7 metres to the highest part of the proposed roof. External materials are blue brickwork; coloured render and aluminium cladding (to the hall on the eastern side). These materials are used in an articulate manner which is apparently to aid legibility. Subject to control by condition these materials are supported.

Within the heavily landscaped grounds as proposed, parking facilities for 120 cars are shown, along with a “drop off” for minibuses and similar vehicles. These are not merely for use by staff and pupils (who often arrive collectively), but would also serve the wider public attending to make use of School facilities under a proposed Community Access Agreement (see details in the recommendation etc below).

## **Relevant Planning History**

15/00533/FUL – Replacement class rooms and new tennis courts – Permitted March 2016

The significance of this permission granted under delegated authority is that it enables the current proposals to proceed without hindrance. Following an objection by Sport England to the loss of playing fields two planning conditions were inserted requiring the submission and subsequent implementation of a new “junior” grass pitch towards the western part of the Wigston academy grounds. That provision enabled Sport England to withdraw their objection.

## **Consultations**

Leicestershire County Council (Highways):- At the time of drafting, have an objection due to absence of an acceptable “Travel Plan” to discourage the use of private cars by staff and pupils attending. There is also an unresolved conflict with pre-existing bus “drop off” facilities. Officers hope to resolve this objection before your meeting.

## **Representations**



Neighbours have been informed and two press/site notices placed with no letters of representation being received at the time of writing this report. The overall date for the receipt of comments expired on the 3 March 2016.

### **Relevant Planning Policies**

#### National Planning Policy Framework

Chapter 7 – “Requiring Good Design”

Chapter 8 – “Promoting Healthy Communities” (notably paragraphs 72, 73 and 74)

#### Oadby & Wigston Core Strategy

Core Strategy Policy 10: Community Infrastructure.

Core Strategy Policy 14: Design and Construction

Core Strategy Policy 16: Community Facilities and Places of Worship

Core Strategy Policy 17: Open Space, Sport and Recreation

#### Oadby and Wigston Local Plan

Landscape Proposal: Design of new development subject to criteria.

#### Supplementary Planning Document/Other Guidance

None relevant

### **Planning Considerations**

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

- The social benefits of the proposed special School and its use.
- The impact of the proposal on nearby residential properties.
- The design qualities of the proposed building(s) and their grounds – within the wider Wigston Academy campus.
- The loss of playing fields and green space – which directly conflicts with both national and local planning policy.

#### The social benefits of the proposed special school and its use

Although not the subject of any specific national or local planning policy, the social benefits of the proposed special school are clearly a material planning consideration. (See Core Strategy Policy 16). Pupils would be drawn from a fairly wide catchment extending beyond the Borough – and will tend to vary over time. Over time the facilities of the school would be of great benefit to future pupils (and their families). This is clearly a very supportable and material planning consideration which should be weighed along with other material considerations.

#### The impact of the proposal on neighbouring residential properties.

The proposed school buildings and their use are fairly distant from any nearby residential properties and their (generally) rear gardens. The proposed school would be within a fenced and landscaped enclosure and, in consequence, pupils and the use as a whole are unlikely to impact adversely upon any nearby residential properties. Arrivals and parking for the school would be to the north west of the building and would be reached via existing entrances to Station Road. That being the case, any net additional traffic impacts on the local road network would be minor or imperceptible. At the time of drafting this report LCC Highways have an outstanding objection to this proposal which is largely due to the absence of an adequate “Travel Plan” to discourage the use of private cars by attending pupils and staff.

#### The design qualities of the proposed building(s) and their grounds – within the wider Wigston Academy campus.

The existing campus buildings are a fairly “eclectic” mix of building styles and all set within extensive and largely mature landscaped grounds. Those grounds include a substantial amount of playing field, tennis courts and other green space. Those buildings range from the historic “Abingdon

House” – a significant heritage asset, through major buildings of the “Festival of Britain” era and, a number of other Academy buildings of an altogether modern style.

The historic Abingdon House has been the subject of physical neglect in recent decades and, although its future long term use is not yet settled by these proposals, the setting of that building would be greatly improved and made more visually accessible to the wider public than presently. Members may be aware that an unsuccessful application was made to List the building some months ago, when an earlier version of this School proposal entailed its demolition. Abingdon House nevertheless remains a heritage asset of significance. These now revised proposals have in effect moved the proposed new buildings southwards and in doing so have increased the amount of playing field and open space that would be lost as a result.

The altogether new School buildings and landscaped grounds described earlier involve a high standard of design which is a reflection of their specialised use. They would not really be visible from the wider public domain (apart from nearby homes and gardens to the south). In design terms they are very supportable and would add positively to the character of the Wigston campus as a whole.

The loss of playing fields and green space – which directly conflicts with both national and local planning policy

It is this matter which is the major bone of contention between this Council and Leicester CC as the applicants in this case.

As national planning policy, paragraphs 73 and 74 of the NPPF state:

*“73 Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.*

**74 Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:**

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or***
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss”.*

On the same subject matter and as a matter of local planning policy, OWBC Core Strategy Policy 17 includes:

*“The Borough Council will seek to ensure that the proposed quantity, quality and access standards for open space, sport and recreation facilities are met in order to satisfy the leisure and recreation needs of the Borough’s residents. The quantity, quality and access standards will be used in relation to open space, sport and recreation facilities within the Borough of*

*Oadby and Wigston, to allow every resident access to adequate, high quality, accessible open space and play areas.*

*The standards will be taken into account on all new developments within the Borough and will be used to determine:*

- where improvements are needed to existing open space and play provision; and*
- where new provision of open space and play are required, to support existing and potential residents in the Borough.*

***In relation to open space, sport and recreation facilities, the Borough Council will seek to protect existing sites from development where there is a demand to retain them where they incorporate a green infrastructure asset that contributes to the green infrastructure in the Borough; and where the equivalent cannot be provided elsewhere. New development will be expected to contribute either physically or financially to the provision or improvement of open space, sport and recreational facilities.***

Core Strategy Policy 10 includes:

***“... Developer contributions will be sought and used to ensure that new development meets the appropriate and necessary on and off-site infrastructure requirements which are required to support the development and mitigate or compensate for the impact of the development on existing community interests and the local environment”***

In this context the term “infrastructure” clearly includes playing fields and green space. It does not therefore violate a ban in the CIL Regulations on the use of S106 funding to enable future “infrastructure” such as car parks and similar matters etc.

In short, and as a priority of both national and local planning policy, the loss of playing field area and green space that is inherent in this proposal would require significant and acceptable mitigation before the grant of any planning permission. Ordinarily that might be accomplished on-site but, in the absence of any available or adequate space on-site, an off-site planning obligation would be required. ***“New development will be expected to contribute either physically or financially to the provision or improvement of open space, sport and recreational facilities”***. (Core Strategy Policy 17).

Within the Borough as a whole there is a serious shortage of playing fields and that was evidenced by the OWBC “Playing Fields Strategy” in early 2015. One particular issue is the demand for at least one additional all weather (3G) pitch (which is capable of much more intensive use than a grass pitch). Discussions on a suitable location are currently in hand and will hopefully be concluded shortly. However, such a pitch will cost some £700,000.

Via two recent S106 obligations this Council have already achieved £550,000 to enable such all weather pitch provision – although those monies are contractually obliged to be spent in a timely manner. The monies collected to date cannot simply be held indefinitely. The shortfall to enable timely delivery of such an all weather pitch is therefore **£150,000**. A financial contribution of that sum would be fairly and reasonable related to the proposed development. It would also be “proportionate” (given that one of the earlier two sums was for £400,000 to mitigate the loss of a single sports pitch). Such a financial contribution by S106 obligation would be fully in compliance with restrictions imposed by the Community Infrastructure (CIL) Regulations, and DCLG policy relating to the appropriate and lawful use of S106 obligations.

Significantly, when deciding planning application 15/00533/FUL (for preparatory relocation of some classrooms and construction of new tennis courts) earlier this year, the applicants accepted two planning conditions requiring the submission of a planning application and subsequent provision of a

new “junior” grass pitch to be provided within the existing Academy grounds near to the railway. (On land partly covered by long standing tree cover). Sport England’s statutory objection to that earlier proposal was withdrawn as a result of those two planning conditions. The construction of that new grass pitch would entail expenditure of at least £75,000 – and very probably rather more. Were this Council to dispense with that requirement for a new junior grass pitch then the net additional cost to the County Council of the recommended S106 obligation for £150,000 would be reduced to somewhat under £75,000. Note that Sport England have not objected to such an outcome – as part of funding and delivery of an all new all weather pitch at an appropriate location by OWBC.

Given that as a public sector body, the County Council are unable to mount any “viability” argument as might a commercial developer under financial pressure, also note in passing that the overall project cost is reported to be some £10 million, and that the County Council will presumably enjoy significant receipts upon ultimate sale of the current Birkett House School premises in Launceston Road (opposite Seaton Road).

#### Statutory Objection by Sport England

As a consultee, Sport England initially raised objection to the loss of playing fields as proposed. That objection has since been conditionally withdrawn, and would now be satisfied by compliance with the two part S106 obligation recommended below.

They have also indicated acceptance of an alternative outcome involving the on-site provision of the “junior” grass pitch mentioned earlier; a similar Community Access Agreement as recommended below, along with some minor changes to the layout to facilitate better pedestrian access. This conditional acceptance by Sport England is clearly worthwhile in terms of their statutory function, but does not answer the requirements and objectives of national and local planning policy which remain outstanding and unresolved by Sport England’s withdrawn objection.

A statutory objection by Sport England is particularly significant as, were this Council minded to simply grant a conditional planning permission, that resolution could only be implemented after the case is referred to the Planning Casework Unit of DCLG – i.e. the application would be “called in”.

#### **Conclusion**

In broad terms the proposal is generally very supportable subject to compliance with recommended conditions below.

The outstanding issue is to resolve and mitigate the loss of playing fields and green space inherent in those proposals. There is very limited scope to enable an on-site mitigation and so an off-site and so financial solution is really the only deliverable and satisfactory option. Note however that the applicants have proposed a Community Access Agreement which if implemented under a S106 obligation would provide much greater managed public access to a number of sporting and recreational facilities within the proposed Special School and elsewhere within the Academy campus as a whole. Such an obligation might well be a significant public benefit – but does not answer the requirements and objectives of national and local planning policy. ***“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless ... the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location”*** and ***“New development will be expected to contribute either physically or financially to the provision or improvement of open space, sport and recreational facilities.***

In discussions and in correspondence the applicants have objected strenuously to such a part financial solution. Their concerns appear to be based on “precedent” for future school related projects and an apparent belief that that it is not for Leicester CC as one public sector body to provide funding to OWBC as another public body. They also equate the relatively minor increase in pupil numbers to be accommodated with the “scale” of development – rather than the built scale and physical impacts of the development. (Pupil numbers would rise from a current 84 places to 125 places, although the “scale” of proposed development is 3,500 sq metres on 2.9 hectares of open

space). Your officers have resisted that view by the County Council, which does not reflect the relevant law or national and local planning policy. At the time of drafting this report correspondence has focussed upon the possibility of a “stage payment” mechanism which is more likely to be mutually acceptable. (Previous S106 obligations to this same end by commercial developers have also been based on such stage payment mechanisms).

### Implications Statement

|                     |   |
|---------------------|---|
| Health              | Beneficial to the community as a whole                          |
| Environment         | No Significant implications                                     |
| Community Safety    | No Significant implications                                     |
| Human Rights        | No Significant implications (The applicant is a body corporate) |
| Equal Opportunities | No Significant implications                                     |
| Risk Assessment     | No Significant implications                                     |
| Value for Money     | No Significant implications                                     |
| Equalities          | Beneficial to disadvantaged groups and their families           |
| 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 building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
**Reason:** To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and the occupiers of adjacent buildings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 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 building to which it relates.
- Reason:** To ensure that a adequate boundary treatment is provided to safeguard the visual amenities of the area, 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 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.
- 8 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.

**Agenda Item 8a**

|    |                  |   |
|----|------------------|---|
| 3. | 16/00090/LDO     | Station Street<br>Wigston<br>Leicestershire   |
|    | 17 February 2016 | Local Development Order granting planning permission for the erection of buildings and / or the use of land for Use Classes C3 and D1 (restricted, please see Local Development Order documents for details). |
|    | CASE OFFICER     | Adrian Thorpe   |

**Agenda Item 8b**

|    |                  |   |
|----|------------------|---|
| 4. | 16/00088/LDO     | Paddock Street/Bull Head Street/Bell Street<br>Wigston<br>Leicestershire  |
|    | 17 February 2016 | Local Development Order granting planning permission for the erection of buildings and / or the use of land for Use Classes A1, A2, A3, B1a, C3 and D2 (restricted, please see Local Development Order document for details). |
|    | CASE OFFICER     | Adrian Thorpe   |

**Agenda Item 8c**

|    |                  |   |
|----|------------------|---|
| 5. | 16/00089/LDO     | East Street/Harborough Road<br>Oadby<br>Leicestershire  |
|    | 17 February 2016 | Local Development Order granting planning permission for the erection of buildings and / or the use of land for Use Classes C3 and D1 (restricted, please see Local Development Order documents for details). |
|    | CASE OFFICER     | Adrian Thorpe   |

BACKGROUND PAPERS

16/00022/TPO

16/00025/FUL

16/00090/LDO

16/00088/LDO

16/00089/LDO



