

Application Number**Address****Report Items**

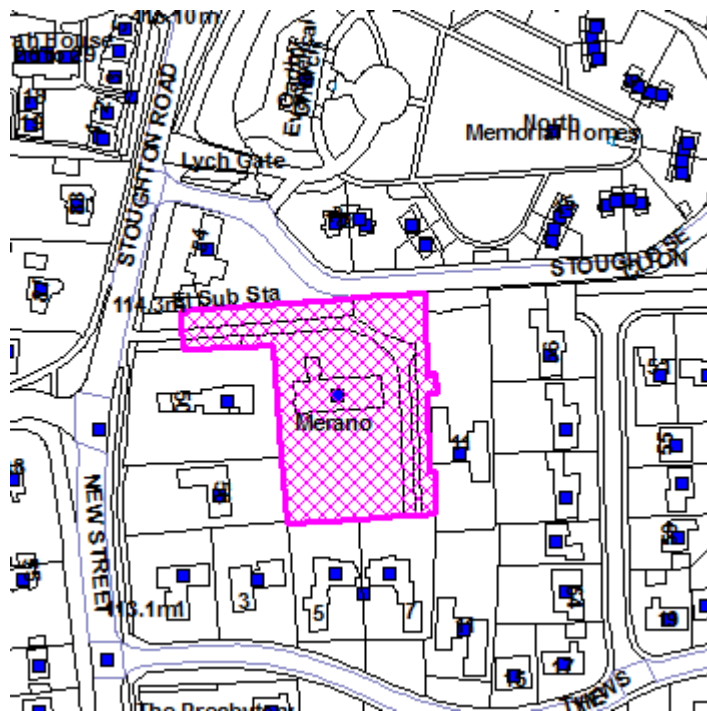
1. 17/00070/OUT
Merano
52 Stoughton Road
Oadby
Leicestershire
LE2 4FL

2. 17/00122/FUL
1-80 Elizabeth Court
Wigston
Leicestershire
LE18 2AE

3. 17/00151/FUL
253 Aylestone Lane
Wigston
Leicestershire
LE18 1BE

4. 17/00192/FUL
Horse & Trumpet
Bull Head Street
Wigston
Leicestershire
LE18 1PB

1.	17/00070/OUT	Merano 52 Stoughton Road Oadby Leicestershire LE2 4FL
	7 April 2017	Outline application including access, layout and scale for the demolition of the existing detached house and re-development of the site comprising of x3 detached houses and x10 two bed apartments with associated garaging, parking and amenity space.
	CASE OFFICER	Alex Matthews



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Published 2014

Site & Location

The application site is classed as Merano, 52 Stoughton Road, Oadby which is situated to the east of Stoughton Road. The existing building which occupies the site is a two storey dwelling which appears to have been built during the 1970's. The site under considerations is currently occupied as a dwellinghouse which benefits from a large plot providing substantial amenity area. Buildings of a similar age and character can also be found along Stoughton Close, Oadby. To the north of the application site, across Stoughton Close, there are older houses of an Arts and Crafts inspired cottage style which were build for war veterans.

The site forms part of the Oadby Arboretum Urban Character Area as defined in the Oadby & Wigston Landscape Character Assessment (2005) and is situated just south of the Memorial Homes & Framework Knitters Conservation Area.

Description of Proposal

The applicant is seeking outline planning permission for access, layout and scale on the site of Merano, 52 Stoughton Road, Oadby. This proposal is for the demolition of the existing detached dwellinghouse and the re-development of the site. The re-development proposed comprises of x3 detached houses and x10 two bed apartments with associated garaging, parking and amenity space.

The applicant has provided the following plans and particulars to present the proposed scheme:

- * Application Form - Ref: N/A - Provided by: MAS Architecture Ltd. - Received by the Council: 06/04/2017
- * Design & Access Statement - Ref: 21706(00)001 rev - Provided by: MAS Architecture Ltd. - Received by the Council: 06/04/2017
- * Location Plan - Ref: 21706(03)001A - Provided by: MAS Architecture Ltd. - Dated: 02/2016 - Received by the Council: 06/04/2017
- * Proposed Site Layout - Ref: 21706(03)008E - Provided by: MAS Architecture Ltd. - Dated: 08/2016 - Received by the Council: 20/03/2017
- * Site Cross Sections - Ref: 21706(05)001 - Provided by: MAS Architecture Ltd. - Dated: 03/2017 - Received by the Council: 20/03/2017
- * Site Cross Sections - Ref: 21706(05)002 - Provided by: MAS Architecture Ltd. - Dated: 03/2017 - Received by the Council: 20/03/2017
- * Site Analysis - Ref: 21706(03)002A - Provided by: MAS Architecture Ltd. - Dated: 02/2016 - Received by the Council: 06/02/2017
- * Design Concept - Ref: 21706(03)003A - Provided by: MAS Architecture Ltd. - Dated: 02/2016 - Received by the Council: 06/02/2017

The statutory determination period for this planning application originally expired on the 7 July 2017. An extension of time for this application has formally been agreed between the applicant/ agent and the Local Planning Authority. This is to accommodate the committee process which must be undertaken. An extension of time has been agreed to on or before Friday, 21 July 2017. The Local Planning Authority intends to issue a decision as soon as practicably possible after the committee meeting on Thursday, 20 July 2017.

Relevant Planning History

11/00296/LCC - To raise the lower branches of 22 Corsican pine trees protected by LCC Oadby (New Street) TPO 1972 to a height of 6.0m over the driveway (County Council Identity Number: 2011/00296/LCC) - Referred to County Council 12/09/2011

07/00165/LCC - Works to 2 Pine Trees - Leicestershire County Council Oadby (New Street) Tree Preservation Order 1972 - Referred to County Council 14/05/2007

No pre-application discussion with the Local Planning Authority.

Consultations

Leicestershire County Council (Highways) -

There is insufficient information submitted with this application to enable a full, reasoned Highway Authority response to be given. Further details are needed in relation to the proposed accesses to the site and the impact onto the highway. The accesses should afford adequate width and pedestrian and vehicular visibility splays for the speed of traffic on the adjacent highway in the interest of highway safety.

Both of the proposed accesses and internal layout should be in accordance with the County Highway Authority design guide the 6C's Design Guide: www.leicestershire.gov.uk/environment-and-planning/planning/6cs-design-guide

Comments Received: 10/05/2017

Oadby & Wigston Borough Council (Planning Policy) -

No. 52, Stoughton Road, Oadby is located within the Leicester Principal Urban Area (PUA) and within the Oadby Arboretum Urban Character Area (Oiii) as defined in the Oadby and Wigston Landscape Character Assessment (2005).

The proposed scheme seeks to demolish the existing two-storey, large dwelling and to subdivide the plot to develop 3 No. detached four storey dwellings, 12 No. two bedroom apartments, as well as associated garages, parking and amenity space. The proposal would therefore have a significantly detrimental impact upon the individual plot sizes for each of the three detached dwellings, as well for the apartments, a typology of dwelling house that is seldom developed and which would not be in keeping with the surrounding landscape and character in the Oadby Arboretum area.

The National Planning Policy Framework states that Local Planning Authorities should encourage the effective use of land by reusing land that has been previously developed (brownfield land). The definition of previously developed land contained within the National Planning Policy Framework excludes land in built up areas such as private residential gardens.

Core Strategy Policy 15: Landscape and Character 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.

Core Strategy Policy 14: Design and Construction, requires all new development proposals to have 'high quality inclusive design...that respects local character...and is sympathetic to its surroundings'.

Housing Proposal 13 (OLP) in the Saved Local Plan (1999) in regard to infill development, states:

'Planning permission will not be approved for infill residential development unless: the development proposed would not have an adverse impact on the character of the area; and the design of the development would not have an adverse effect on the amenities of adjacent or nearby properties'.

With the land being situated within the Oadby Arboretum Urban Character Area, Paragraph 3.3.19 in the Oadby & Wigston Landscape Character Assessment (2005) is relevant and the area is characterised by:

- * High level of tree cover from structured tree planting along streets;*
- * High level of specimen tree planting along streets and in gardens;*
- * Dominant but attractive roads and street pattern;*
- * Large plot sizes;*
- * Impressive building frontages and strong boundary treatments;*
- * Large houses/University use set in landscaped grounds;*
- * Individually designed buildings;*
- * Sports grounds and playing fields – open and landscaped;*
- * Remnant spinneys;*
- * Rationally structured townscape with strong sense of enclosure;*
- * Low vehicle presence.*

In relation to the need to retain control on inappropriate development within the Arboretum area, Paragraph 3.3.25 of the Landscape Character Assessment states the following:

'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'.

Policy Recommendation O(ii)/3 in the Landscape Character Assessment focuses on the need to 'retain plot size, building size to plot size ratio and open space'. It states that:

"a characteristic of many parts of the area is relatively large-scale buildings, in terms of residential buildings, in spacious plots. Any proposals for sub-division of plots or infill development or loss of open space are likely to dilute the overall character".

Further to this, Policy Recommendation O(ii)/4 seeks to 'conserve landscaped gardens and grounds and boundary treatments'.

Therefore, this proposal is considered to be unacceptable in principle as it would have a detrimental impact on the locale and the overall landscape and character of the Oadby Arboretum area. The Council will refuse all proposals that seek to sub-divide any plot within the Oadby Arboretum Urban Character Area in accordance with Core Strategy Policy 15 and policy recommendations as set out in the Oadby and Wigston Landscape Character Assessment (2005).

For information, with the site proposing the provision of 15 dwellings (net 14), an affordable housing contribution would be required. With the site being located within the settlement of Oadby, a 30 per cent onsite contribution would be required. Required onsite provision of affordable homes would be 5 units of the current proposed total. The proposed development would need to contribute towards the identified housing needs of the different groups in the community. Core Strategy Policy 12: Housing Needs of the Community is relevant in this case. The exact provision would need to be agreed with the Council's Communities Team, although the Head of Communities has identified that there is a requirement for both 2 and 4 bedroom affordable units in Oadby and therefore a mix of the two would be sought.

The proposal would also require a developer contribution in line with the Council's Developer Contributions Supplementary Planning Document (2011) for Open Space, Sport and Recreation for a total of £25,841.28 (based upon 2 X 4 bed dwellings and 12 X 2 bed apartments).

Comments Received: 11/05/2017

Volunteer Tree Warden (Susan Wilkins) -

There is a substantial group of Scots Pine trees in that area of Oadby, of which there are about 15 in the drive of the property. In my opinion, these trees should be preserved at all costs. I cannot comment on the proposed building work as I am not a near neighbour.

Comments Received: 20/04/2017

Planning Ecology, Leicestershire County Council (Kirsty Gamble) -

It appears from the plans that this proposed development involves the demolition of the existing dwelling on site. The dwelling is directly adjacent to mature gardens and trees, which provide good bat foraging habitats. There is therefore a strong possibility that bats are roosting in the roofspace of the existing property and could be disturbed by the proposed works.

For these reasons, in accordance with Trigger A2 of our local validation criteria, we recommend that a bat survey of the property is carried out and submitted before the planning application can be determined. This should involve an external and internal inspection of the building by an appropriately licensed bat worker. Depending on the results of this, an emergence survey may also be required. Emergence surveys can only be carried out between May and mid-September. Please find attached a copy of our Bat Protocol, which explains in more detail when a survey is required and the level of survey expected.

Please note that ODPM Regulations require bat surveys to be submitted prior to the determination of a planning application. It is also essential that the extent that they may be affected by the proposed development is established before the planning permission is granted. (Reference: Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)).

Comments Received: 05/05/2017

Planning Archaeologist, Leicestershire County Council (Teresa Hawtin) -

We have checked the site against the Leicestershire & Rutland Historic Environment Record (HER) and do not feel that any archaeological work is required as part of the scheme.

We recommend that you consult your Conservation Officer, given the application site's close proximity to the North Memorial Homes Conservation Area.

Comments Received: 28/06/2017

Asset Protection Waste Water East, Severn Trent Water Ltd. -

I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.

Condition

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Comments Received: 23/05/2017

Planning Control, Leicestershire County Council (Andrew Tyrer) -

I am writing further to your notification received on 18/04/2017 relating to the above proposal. I have now received some of the responses from the various service departments of the County Council, which are attached for your information.

** Please note the Highways & Transport & Education observations are currently unavailable. (The response will be forwarded to you as soon as possible).*

Any further responses will be forwarded to you. Any requirements for service provision should be included in your negotiations with the developer(s), when you seek to secure appropriate contributions associated with the proposed development.

Comments Received: 09/05/2017

Representations

This planning application has been publicised via the Local Authorities weekly list, neighbour and consultation letters being sent out, a site notice being placed in front of the application site, and a press notice being publicised. The overall consultation expiry date for this planning application was Tuesday 6th June 2017.

In total approximately x30 representation comments have been received in relation to this planning application. These comments will in due course be made publically available on the Local Planning Authorities public access page under the case reference 17/00070/OUT.

The following presents a summary of the objection comments which have been received by the Local Planning Authority:

- * Parking, traffic and congestion
- * Size of the proposed scheme
- * Highway safety
- * Tree preservation
- * Loss of privacy
- * Impact on neighbours
- * Out of character in relation to surroundings

- * Size of development
- * Overdevelopment
- * Roads narrow
- * Disturbing the local community
- * More pollution will be created
- * Safety of children - nearby school
- * Design, character and appearance
- * Impact on local amenity
- * Visual impact
- * Impact on adjoining conservation area

Due to the high volume of neighbourhood representations this planning application is therefore being taken to the Planning Committee for consideration.

Relevant Planning Policies

National Planning Policy Framework

Oadby & Wigston Core Strategy

Core Strategy Policy 4 - Sustainable Transport & Accessibility

Core Strategy Policy 14 - Design & Sustainable Construction

Core Strategy Policy 15 - Landscape & Character

Oadby & Wigston Local Plan

Landscape Proposal 1 - Design of new development subject to criteria

Housing Proposal 13 - Infill development

Planning Considerations

Planning Policy Context:

The application site is situated within the Oadby Arboretum Character Area as set out within the Oadby & Wigston Landscape Character Assessment (2005) where the area is identified and characterised by, amongst other things, large plot and property sizes as well as open space where the sub-division of plot, infill development and or loss of open space will dilute the overall character of the area. Policies 14 & 15 of the Oadby & Wigston Core Strategy require schemes to protect and enhance the distinctive landscape and character of the borough and respect local character while saves Housing Policy 13 seeks to prohibit infill development adversely affecting the area by way of character and amenity. In the form proposed the development is unacceptable by virtue of inappropriate sub-division of the site in a manner out of keeping with and detrimental to the locality contrary to provisions of policies 14 & 15 of the Oadby & Wigston Core Strategy, saved Housing Policy 13, and Oadby & Wigston Landscape Character Assessment.

Design, Character & Appearance:

The proposed developments design, character, scale, bulk, massing and appearance presents a contrived and unattractive form of development which would harm the character and appearance of the Oadby Arboretum Area in which sited, the neighbouring North Memorial Homes & Framework Knitters Conservation Area, and the general surrounding locality. Accordingly such would fail to meet the objectives of Landscape Proposal 1 and Housing Proposal 13, in that the proposal would present a scheme of an overly dominant nature, due to its design form and style. As a result of this the proposal would have a detrimental impact on the amenities of the surrounding area, particularly the Arts and Crafts inspired cottages to the north of the application site over Stoughton Close which form part of the conservation area. As such the proposed would be contrary to the aims and

objectives of the National Planning Policy Framework; Oadby & Wigston Core Strategy Policy 14 & 15; and Landscape Proposal 1 & Housing Proposal 13 of the Oadby and Wigston Local Plan.

Impact on Neighbour Amenity:

The proposed development would result in a scheme of a substantial size, bulk and mass which would be overbearing to and dominate neighbouring properties. As such the proposed addition would harm the residential amenity which neighbouring occupiers might reasonably expect to enjoy, which would be contrary to the aims and objectives of the National Planning Policy Framework, Oadby & Wigston Core Strategy Policies 14 & 15, and Landscape Proposal 1 & Housing Proposal 13 of the Oadby & Wigston Local Plan.

Highways/ Access Issues:

Upon consulting the Local Highways Authority at Leicestershire County Council, the Local Planning Authority have been informed that insufficient information has been provided with this application to enable a full reasoned Highway Authority response to be given.

Further details are required in relation to the proposed accesses to the site and the impact onto the highway. The accesses should afford adequate width and pedestrian and vehicular visibility splays for the speed of traffic on the adjacent highway in the interest of highway safety.

Both of the proposed accesses and internal layout should be in accordance with the County Highway Authority design guide, the 6C's Design Guide.

As such currently stands the absence of such information presents reasoning for the refusal of this planning application.

Other Matters:

In addition to the above referenced absence of required highways information the Local Planning Authority would also require further information in relation to Arboriculture and Ecology to the satisfaction of the required consultees. In the absence of such this also presents reasoning for the refusal of this planning application.

Conclusion

In summary the proposed development is considered to; be out of context with regards to planning policy specifically relating to the sub-division of plots; present an unattractive design, character & appearance; and also be detrimental impact on neighbouring amenity. In addition to this further information would be required to support this application. This planning application is therefore being recommended for Refusal.

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 have 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: REFUSE

The Reason(s) for refusal are:

- 1 The application site is situated within the Oadby Arboretum Character Area as set out within the Oadby & Wigston Landscape Character Assessment (2005) where the area is identified and characterised by, amongst other things, large plot and property sizes as well as open space where the sub-division of plot, infill development and or loss of open space will dilute the overall character of the area. Policies 14 & 15 of the Oadby & Wigston Core Strategy require schemes to protect and enhance the distinctive landscape and character of the borough and respect local character while saved Housing Policy 13 seeks to prohibit infill development adversely affecting the area by way of character and amenity. In the form proposed the development is unacceptable by virtue of inappropriate sub-division of the site in a manner out of keeping with and detrimental to the locality contrary to provisions of policies 14 & 15 of the Oadby & Wigston Core Strategy, saved Housing Policy 13, and Oadby & Wigston Landscape Character Assessment.
- 2 The proposed developments design, character, scale, bulk, massing and appearance presents a contrived and unattractive form of development which would harm the character and appearance of the Oadby Arboretum Area in which sited, the neighbouring North Memorial Homes & Framework Knitters Conservation Area, and the general surrounding locality. Accordingly such would fail to meet the objectives of Landscape Proposal 1 and Housing Proposal 13, in that the proposal would present a scheme of an overly dominant nature, due to its design form and style. As a result of this the proposal would have a detrimental impact on the amenities of the surrounding area, particularly the Arts and Crafts inspired cottages to the north of the application site over Stoughton Close which form part of the conservation area. As such the proposed would be contrary to the aims and objectives of the National Planning Policy Framework; Oadby & Wigston Core Strategy Policy 14 & 15; and Landscape Proposal 1 & Housing Proposal 13 of the Oadby and Wigston Local Plan.

- 3 The proposed development would result in a scheme of a substantial size, bulk and mass which would be overbearing to and dominate neighbouring properties. As such the proposed addition would harm the residential amenity which neighbouring occupiers might reasonably expect to enjoy, which would be contrary to the aims and objectives of the National Planning Policy Framework, Oadby & Wigston Core Strategy Policies 14 & 15, and Landscape Proposal 1 & Housing Proposal 13 of the Oadby & Wigston Local Plan.
- 4 The Local Planning Authority is of the opinion that, based upon responses received from consultees, insufficient information and evidence has been provided to show that the development would not adversely impact on highway safety, protected species in the form of bats and trees protected by Tree Preservation Orders. In the absence of the necessary detail the proposal conflicts with the provisions of the NPPF relating to highway safety, protected species and protected trees. The proposal also therefore conflicts with policies 14 & 15 of the Oadby & Wigston Core Strategy.

Note(s) to Applicant:

- 1 For the avoidance of doubt this decision relates to the following plans and particulars:-
- * Application Form - Ref: N/A - Provided by: MAS Architecture Ltd. - Received by the Council: 06/04/2017
 - * Design & Access Statement - Ref: 21706(00)001 rev - Provided by: MAS Architecture Ltd. - Received by the Council: 06/04/2017
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 - * Proposed Site Layout - Ref: 21706(03)008E - Provided by: MAS Architecture Ltd. - Dated: 08/2016 - Received by the Council: 20/03/2017
 - * Site Cross Sections - Ref: 21706(05)001 - Provided by: MAS Architecture Ltd. - Dated: 03/2017 - Received by the Council: 20/03/2017
 - * Site Cross Sections - Ref: 21706(05)002 - Provided by: MAS Architecture Ltd. - Dated: 03/2017 - Received by the Council: 20/03/2017
 - * Site Analysis - Ref: 21706(03)002A - Provided by: MAS Architecture Ltd. - Dated: 02/2016 - Received by the Council: 06/02/2017
 - * Design Concept - Ref: 21706(03)003A - Provided by: MAS Architecture Ltd. - Dated: 02/2016 - Received by the Council: 06/02/2017

2 **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority 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.gov.uk/appeal-planning-inspectorate

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

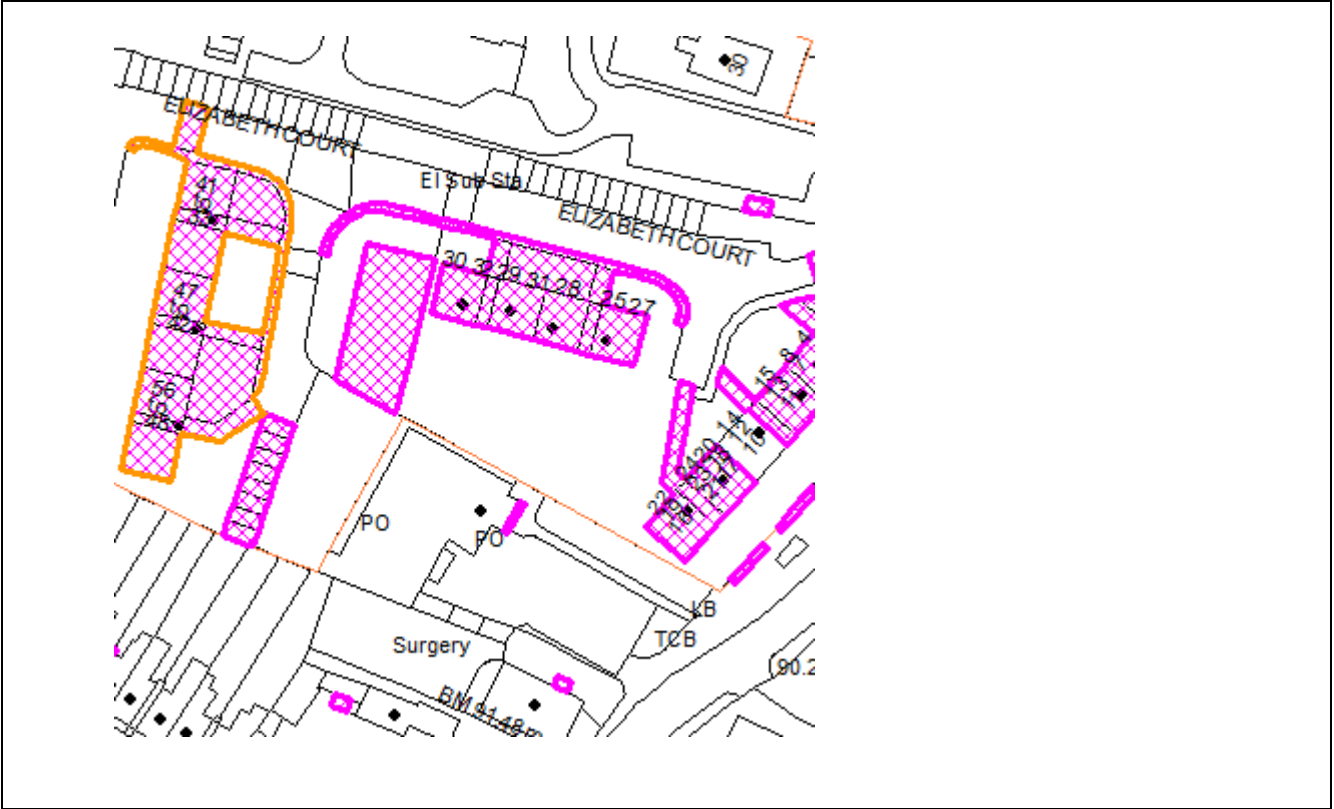
development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

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.	17/00122/FUL	1-80 Elizabeth Court Wigston Leicestershire LE18 2AE
	5 May 2017	New external cladding and replacement of window frames, with new canopies to entrances.
	CASE OFFICER	Tony Boswell



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Published 2014

Site and Location

This report and recommendation relate to the application number 17/00122/FUL for the partial re-cladding of numbers 1 – 80 Elizabeth Court, Wigston, LE18 2AE. In as much as this Council own the freehold of the application site then it is incumbent upon this Committee to determine the case, rather than have it dealt with under powers delegated to officers.

1-80 Elizabeth Court comprises a group of four x three and two storey flatted buildings on the north side of Wigston Town Centre, off Long Street at its northern end. The site as a whole is not within the Conservation Area.

Description of proposal

The buildings are of a distinctive modern design with a mixture of brick and rendered elevations under a flat roof.

The proposal is to re-clad the rendered portions of those elevations with a better insulated "rockwool" panel, with a non-visible "fire stop" incorporated between floors. This approach would be applied as part of an overall refurbishment of the buildings to include new UPVC windows in all cases.

As originally proposed, the new cladding panels were to be an overall off-white in colour. Following discussion with residents within the life of the application, it is now intended to make that finished colour a graduated pattern – starting with a darker colour at ground floor level and becoming paler/lighter with upper floors. (CGI graphics will be displayed to the Committee showing this intended effect).

Relevant Planning History

None Relevant

Consultations

Wigston Civic Society consulted on 5th May 2017. No reply received.

Representations

131 residents of flats, neighbours and near neighbours notified by mail on 8 of May 2017, and a site notice displayed. Advertised in the Leicester Mercury on 11 May 2017. No replies received.

Relevant Planning Policies

National Planning Policy Framework

Oadby & Wigston Core Strategy

Core Strategy Policy 14 : Design and Construction

Oadby and Wigston Local Plan

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

Supplementary Planning Document/Other Guidance

Planning Considerations

The sole material planning consideration to be taken into account in this case is that of external appearance. The appearance of the buildings as re-clad would be little different from the existing appearance, although the graduated use of colour as now proposed following discussion with residents may represent a marginal improvement to the external appearance of the buildings concerned.

Conclusion

Although very recent events have drawn forceful attention to the importance of fire resistance in such re-cladding projects, that issue is the subject of other legislation – namely the UK Building Regulations and compliance with those Regulations. This being the case, matters of fire resistance are not a material planning consideration before this Committee. (The subject of which of various panel specifications to employ has been the subject of considerable correspondence between Planning Officers and the Council's consultants acting to implement the proposals).

The external appearance as proposed would bring about a marginal but welcome improvement to the external appearance of the buildings, and their domestic energy efficiency. The proposal is therefore deserving of support, subject only to routine planning conditions.

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.

Note(s) to Applicant :

- 1 You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.
- 2 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.
- 3 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.

4 **Appeals to the Secretary of State**

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If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

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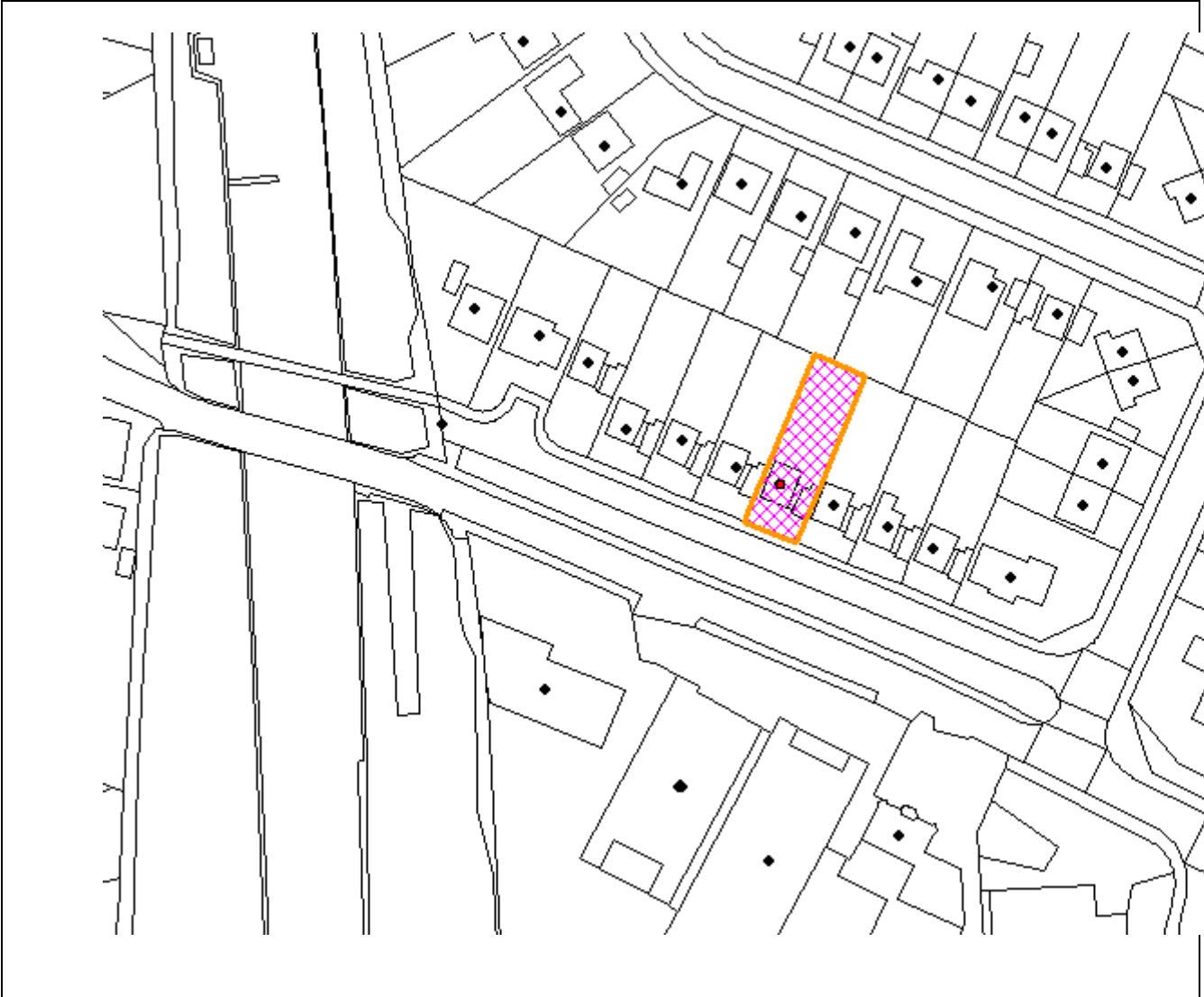
The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, 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.	17/00151/FUL	253 Aylestone Lane Wigston Leicestershire LE18 1BE
	23 March 2017	Erection of a double storey side extension, a single storey rear extension, and the change of use from a dwelling to 3No. flats.
	CASE OFFICER	Alex Matthews



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Published 2014

Site and Location

The application site is a detached dwellinghouse situated on the northern side of Aylestone Lane, Wigston. The property is situated amongst other residential properties of a similar age and design style. The existing dwellinghouse is set back from the roadside, with an open fronted driveway. The existing property is constructed from brickwork, concrete roof tiles, and UPVC windows and doors.

Description of Proposal

The applicant is seeking planning permission for the erection of a double storey side extension, a single storey rear extension, and the change of use from a dwelling to x3 flats.

The proposed double storey side extension will extend out approximately 3.7m from the east facing elevation of the existing dwellinghouse (excluding the existing garage). This proposed addition will be set back by approximately 1.0m at first floor level from the existing front elevation of the property. This is to ensure the proposed appears in keeping and subservient from the original dwellinghouse. In addition to this the proposed ridge height for this addition will be set down slightly from the existing ridge.

The proposed single storey rear addition will extend approximately 4.0m beyond the rear elevation of the existing property. Like the existing property a width approximately 9.4m is proposed and such will incorporate a pitched roof sloping away from the existing property. A height of approximately 3.7m will be incorporate at the highest point, and a height of approximately 2.6m will be provided at the eaves.

The applicant is seeking planning permission to convert the existing dwellinghouse into x3 one bedroom flats. The layout of the proposed would be significantly reconfigured to facilitate such. The existing garage space would be lost and the proposed ground floor would facilitate x2 flats. Each would provide a lounge, a kitchen, an en-suite and a bedroom to the rear. The proposed first floor plan would facilitate x1 flat with a bedroom served by an en suite and kitchen at the front, and with a lounge, bathroom, and store room towards the rear.

It is also proposed by the applicant to increase the parking provision at the front of the property from the x1 existing space to x3 spaces.

Like that of the existing property the applicant is proposing that this development would be constructed from brickwork, concrete roof tiles, and UPVC windows and doors.

The statutory determination period for this application expires on the 18th May 2017, and it is intended to issue a decision as soon as practicably possible after the committee meeting.

Relevant Planning History

16/00573/FUL - Erection of single storey side & rear extensions, and the change of use from dwelling to x3 flats - Application Refused 13/02/2017

16/00489/FUL - Erection of a double storey side, and a double & single storey rear extension [Revised Plans: 08/12/16] - Application Approved 09/12/2016

16/00359/FUL - Erection of a double storey side and single storey rear extension - Application Refused 17/10/2016

Consultations

Leicestershire County Council (Highways) -

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 as outlined in this report.

The Highway Authority has no objections to this proposal as it could not be demonstrated it would result in a material increase in traffic visiting the site.

Conditions:

- * The access shall be constructed in accordance with drawing Drg MPD-PL-01.
Reason: To ensure a satisfactory form of development and in the interests of highway safety.*
- * No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.
Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway.*

Comments Received: 20/04/2017

Oadby & Wigston Borough Council (Planning Policy) -

The principle of extending and converting this residential dwelling at No. 253, Aylestone Lane, Wigston, into self contained flats is acceptable in a planning policy context.

However, the Case Officer must be satisfied that the application accords with Core Strategy Policy 4: Sustainable Transport and Accessibility, as well as its supporting text. The application should accord with Leicestershire County Council's 6C's (3 County / 3 City Authorities) Design Guide and the Case Officer must be satisfied that the off road parking provision meets those standards. It may also be appropriate to consider the availability of parking options on Aylestone Lane and the surrounding roads, in order to ensure that accessibility in the immediate vicinity is not compromised.

It is apparent that the last application (16/00573/FUL) was refused and one of the reasons given was that the proposed scheme would represent an unsustainable development in that it presents an unattractive, not subservient and contrived design which would not be in keeping with the design quality of the existing property or in relation to that of the surrounding area.

Therefore, it is imperative that this proposal accords with Core Strategy Policy 14: Design and Sustainable Construction. The Case Officer must be satisfied that the intensified use of this plot utilises inclusive design principles, including layout, orientation, landscape, streetscape, scale, materials, natural surveillance and sustainable construction.

With regards to local distinctiveness, as referred to in Core Strategy Policy 15: Landscape and Character, the Case Officer must also be satisfied that the sub-division of this property will not have a detrimental impact upon the prevailing quality and character in this locality.

Comments Received: 24/04/2017

Representations

Neighbours have been informed and a site notice placed with x1 letter of representation (from x1 property) in objection to the proposal being received at the time of writing this report.

The date for the receipt of comments expired on the 28 April 2017

The reasons for objection can be summarised as follows:

*4th Planning Application for 253 Aylestone Lane,
Ref: Planning Application No: 17/00151/FUL*

We are once again putting our objections in for the planning, this being the 2nd planning application for 3 flats at 253 Aylestone Lane, we are extremely disappointed to be taking more of our time in this matter and are finding this extremely stressful.

Again we refer to the size of the road and frontage to the property there is not adequate room for parking. 3 flats could potentially house 2 people per flat with this in mind there could be a possible six vehicles plus any company vehicles parked outside the property. We can see on the plans that there is going to be room for 3 small vehicles on the drive way, bearing in mind a large vehicle will not fit due to the length of the driveway, also with this in mind there will be need for egress and access so this will mean that any other vehicles belonging to 253 will be parking on adjacent properties, this will cause upset and stress to residents and the already congested road.

The rejection by yourselves for the last set of plans for 3 flats ref: 16/00573/FUL was that the living space was inadequate for living standards, looking at the plans we can see no further increase in the size of the property to allow for suitable sized living standards. Please can you inform us at what point are you the council going to say that the street cannot accommodate 2 further properties, it is clearly not large enough and does not have adequate parking facilities.

It has been communicated by Stephen Robshaw to us in an email that you have been in discussion and advising the developer of 253 Aylestone Lane on overcoming your objections, we feel that this seems to be biased to the developer and not the neighbouring residents. With this in mind can you please advise us on our rights to appeal and how we understand that a small 3 bedroom property can equate to 3 separate dwellings. We feel the dwellings/flats will be of substandard size and parking amenities extremely inadequate, we do believe that common sense should prevail in rejecting this application due to the above information given.

Can you please let us know if this is going to be continuously ongoing or do we at some point get closure, or do they continue until this plan gets passed as we feel this is the way it seems to be developing between yourselves and the developer.

We will leave you with this final thought that it is our understanding that the council should be in the interests of residents as well as developers and developments and hope that you will take all of our concerns in to consideration when making the decision on this planning application.

*Regards
Mr and Mrs Moore
255 Aylestone Lane*

Comments Received: 26/04/2017

Councillor Mrs Helen E Loydall and Councillor Garth (Bill) A Boulter have both requested that this planning application gets taken to Planning Committee.

Relevant Planning Policies

National Planning Policy Framework

Oadby & Wigston Core Strategy

Core Strategy Policy 4 - Sustainable Transport & Accessibility

Core Strategy Policy 14 - Design & Sustainable Construction

Core Strategy Policy 15 - Landscape & Character

Oadby & 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

This planning application was taken to the previous committee on Thursday 15th June 2017. The outcome of such was that the decision on this application was deferred. Planning officers have been advised by the committee to contact the applicant/ agent and enquire if there is any possibility that they would consider utilising the proposed as a singular dwellinghouse rather than the proposed x3 flats. This has been put to the applicant and agent and they have firmly stated that they wish for this planning application to be considered as originally submitted.

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

- * Design, Character & Appearance
- * Amenity
- * Impact on Neighbour Amenity
- * Highways/ Access Issues

Design, Character & Appearance:

The Local Planning Authority considers the proposed development to be reasonable in terms of design, size and bulk. The proposed scheme is considered not to be out of character with regards to the design and character of the existing building or in relation to that of the surrounding locality. In addition to this the householder extensions granted planning permission under the reference 16/00489/FUL are considered to be more substantial in terms of size and bulk.

The double storey side addition is not considered to be out of character with regards to the design, character and appearance of the existing building or in relation to that of the surrounding locality. The proposed addition has been set back 1.00m at first floor level from the first floor front elevation of the existing property. In addition to this the ridge height is set down from that of the ridge. This helps ensure that such will appear subservient in relation to the existing dwellinghouse.

The development will incorporate brickwork, concrete roof tiles, and UPVC windows and doors to match the existing property as closely as possible. The Local Planning Authority considers these materials appropriate for this type of development.

Amenity:

With regard to the sizes of the proposed three flats each of which will provide one bedroom the proposed conversion is considered to be reasonable with regards to size and layout of the proposed accommodation. Such is considered to meet the minimum space standards for one bedroom flats as set out in the Department for Communities and Local Government Technical Housing Standards - nationally described space standard (un-adopted). The Local Planning Authority therefore does not have any objection to the proposed with regards to the space and size of the proposed accommodation units.

Impact on Neighbour Amenity:

The Local Planning Authority considers this proposal to be acceptable on neighbouring amenity grounds. Analysis of the site together with the plans submitted has been undertaken by the Local Planning Authority. Assessment has been undertaken with specific regards to design and appearance, and also the impact on the neighbouring properties with regards to loss of sunlight/daylight, overlooking, and overbearing. The scheme as provided is considered to not to significantly detract from neighbouring amenity. The Local Planning Authority consider this proposed scheme to present less of an impact on the neighbouring amenity than the previously approved planning application under the reference 16/00489/FUL. This is due to the omission of the first floor rear extension which provided a depth of approximately 1.5m. The Local Planning Authority considers this proposed scheme to be acceptable on the grounds of neighbour amenity.

Highways/ Access Issues:

The Highways Department at Leicestershire County Council has been consulted with regards to this planning application. They have since provided the Local Planning Authority with the above referenced comment. After considering this consultation comment from Leicestershire County Councils Highways Department the Local Planning Authority considers the proposed scheme not to present any major issues with regards to car parking, highways and access. Two conditions have been recommended which the Local Planning Authority will incorporate into the decision notice.

Conclusion

In summary, the proposed development is considered not to significantly harm the character and appearance of the existing property or that of the surroundings, the amenity of neighbouring residential properties or the safe and efficient use of the highway. This planning application is therefore being 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 have 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 All external materials used in the development shall match those of the existing building in colour, size, coursing and texture unless otherwise first agreed in writing with the Local Planning Authority.
Reason: To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby & Wigston Local Plan.
- 3 The access shall be constructed in accordance with the following drawing:

- Existing & Proposed Plans - Ref: MPD-PL-01 - Provided by: Master Plan Design Solutions - Dated: 15/03/2017 - Received by the Council: 23/03/2017

Reason: To ensure a satisfactory form of development and in the interests of highway safety.
- 4 No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.
Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage to traffic, including pedestrians, in the public highway.
- 5 Unless otherwise first approved in writing (by means of a Non-Material Amendment/ Minor-Material Amendment or a new Planning Permission) by the Local Planning Authority the development hereby permitted shall be carried out in accordance with the approved plans and particulars listed in the schedule below:

- Application Form - Ref: N/A - Provided by: Master Plan Design solutions - Received by the council: 23/03/2017

- Existing & Proposed Plans - Ref: MPD-PL-01 - Provided by: Master Plan Design solutions - Dated 15/03/2017 - Received by the Council: 23/03/2017

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

Note(s) to Applicant:

- 1 You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.
- 2 If the proposal involves the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Etc. Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.
- 3 For the avoidance of doubt this permission does not authorise any development outside the application site including any foundation, footings, fascias, eaves, soffits, verges or guttering.
- 4 You are advised that any amendments to the approved plans will require either a Non-Material amendment application, a Minor Material Amendment application or a new planning application. If this is the case then you should allow at least 8 weeks before the intended start date to gain approval for such amendments. Further advice can be obtained by contacting the Planning Section of the Council on any amendments (internal or external).
- 5 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.

6 **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority for the proposed development 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 12 weeks 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.gov.uk/appeal-planning-inspectorate

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.

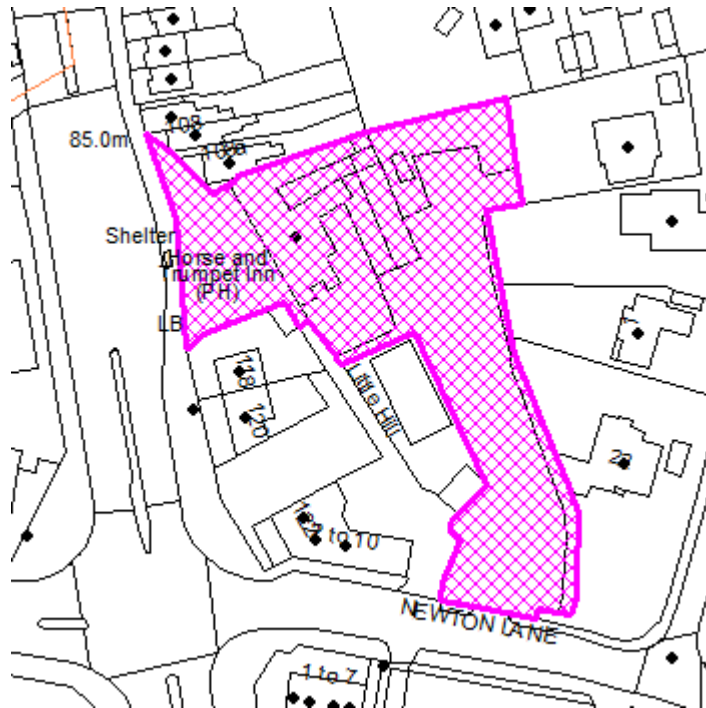
The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements,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

4	17/00192/FUL	Horse & Trumpet Bull Head Street Wigston Leicestershire LE18 1PB
	24 April 2017	Erection of a brick wall and decking within curtilage of Public house and re-location of footpath Z17 (Little Hill) to accommodate walled area.
	CASE OFFICER	Stephen Robshaw



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THIS APPLICATION IS BEFORE THE PLANNING COMMITTEE AT THE REQUEST OF CLLRS BOULTER AND CHARLESWORTH

Site and Location

The site in this case is the Horse & Trumpet Public House adjacent to 108A Bull Head Street Wigston

The site and its existing buildings form an important and prominent feature within the locality but are not within any conservation area. The Public House itself does not appear on the Schedule of Significant Buildings though the Framework Knitters shed to the rear does appear on that list. However it does not form part of this application.

Description of proposal

The proposal forming this application is in two parts as follows;

1. The diversion of part of Public Footpath Z17 (Little Hill, Wigston) over part of the existing PH Car Park.
2. The construction of a brick wall and wooden decking to the front of the PH over a section of the existing Public Footpath and part of the existing car park

Relevant Planning History

None relevant

Consultations

Leicestershire County Council (Highways) – "The Local Highway Authority advice is that, 'The local Highways Authority refers the LPA to current standing advice provided in September 2011. Consider Parking Provision'. A note has also been made as follows in connection with the Public Footpath, 'Proposal will require diversion of PROW Z17. See PROW comments previously provided'. Those comments were to the effect that in principle he has no objection.

The LCC Public Rights of Way Officer was consulted and his response is detailed later in this report.

Representations

Neighbours have been notified of the application and proposal and at the time of writing this report no neighbour responses have been received. The expiry date for comments was 2 June 2017.

The application is before the Planning Committee as a result of being called in by 2 (two) OWBC elected members on the following basis;

- * Z17 is not a Public Footpath but part of the original Leicester to London Road.
- * Pedestrians will be forced to walk into the unmarked and irregular Car Park.
- * Adequate seating to the side of the PH so this development is not required.
- * Alternative proposals could be found to put the proposed seating elsewhere and thus avoid the need to divert the Footpath.

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.

Planning Considerations

The main issues to be considered with this proposal are;

- a) The effect of the proposals on the Visual Amenity of the area.
- b) The possible harm caused to the private amenity and lifestyle of the occupants of neighbouring properties.
- c) The effects of the proposal on the main highway along Bull Head Street.
- d) Any possible noise and litter implications that may arise if this proposal were to be approved.

Effect on the visual amenity of the locality.

The Design & Access Statement submitted in support of the application includes a statement to the effect that "the proposed seating area would simply allow for the maintenance of the existing A3/A4 use and allow for patrons of The Horse & Trumpet to sit outside when the weather is fine, to enjoy the services of the Public House. The proposed walled seating area would be finished in attractive local brick, with black wrought iron railings that would separate the patrons of the Public House from the public realm. The materials used would be sympathetic to the existing materials found on-site and would reflect the existing built environment".

The statement goes on to say "the proposed relocation of the public right of way would result in an amendment to the Definitive Public Rights of Way Map from Leicestershire County Council. Naturally the proposed relocation would mimic the existing hard surface of the Horse & Trumpet car park and the proposed 2.5 metre relocation would be clearly defined from the rest of the Horse & Trumpet car parking area". No specific suggestions as to the method of the demarcation have been put forward other than to suggest "potentially fencing the borders of the pathway off by a method proposed by the Council". If this application were to be approved then clearly any form of demarcation proposed would have to have the least possible effect on the visual amenity. Any permission that may be granted could have a condition to the effect that this matter would have to be agreed before any work on installation commenced.

In their Design and Access statement the applicants agents make mention of the fact that in June 2015 decking similar to that now proposed was installed but removed at the request of the County Council when it emerged that it was located directly over footpath Z17. At that time officers of Oadby & Wigston Borough Council took photographs of the structure then in place and these are now produced to give an indication of the likely effect on the amenity of the area of the current proposals. It is officers' opinion that the overall effect on the visual amenity is minimal and will decrease further over time as the materials weather down. Indeed the use of wrought iron railings as proposed by this application will reduce substantially any harmful effect when compared to the wooden boundary balustrade originally used.

Transport, Car Parking & Highway Implications.

The main points to be considered here are;

- * The effect on the traffic movements along Bull Head Street.
- * The effect on pedestrian access and safety.
- * The effect of any potential loss of any car parking area.
- * Comments from the County Council Highways and Rights of Way officers.
- * Noise impact on neighbouring properties.

Traffic movements

It is considered by officers that the current proposal will have little or no effect on the traffic using Bull Head Street as the entrance to the car park is already located there and it is not proposed to alter that entrance in any way.

The customers of the Public House are already able to sit outside the premises if they wish to do so as tables and chairs are placed outside in suitable weather conditions. The creation of a purpose built, protected seating area will, therefore, have no harmful effect on this. Indeed it may have a beneficial impact as the seating will be controlled to a defined area.

Pedestrian access and safety

Currently patrons of the Public House, who arrive by car, are able to park directly over footpath Z17 as it is not clearly defined or marked as such on site. The creation of a clearly defined and separated footpath will remove this problem and ensure that the footpath, as diverted, remains open to pedestrian use at all times which at present is not the case. The creation of a clearly defined "No Parking Area" will promote pedestrian safety.

Currently pedestrians have access to the footpath from two directions and this will not change in any way under the proposals now before the Committee.

Car parking

The Potential loss of car parking space on site is minimal as the defined car park is already to the highway side of footpath Z17 and not right up to the Public House. The relocation of the footpath by 2.5 metres and the construction of the decking area will mean that the footpath is no longer through the curtilage of the Public House and the car park will be in the correct place. When taken in conjunction with the car park to the rear of the premises officers believe that there is more than ample off road parking provision on site and the effect of the potential relocation of Z17 will be insignificant in that respect.

County Council Highways and Rights of Way officer comments

As reported earlier the County Council Highways response to their consultation was 'The local Highways Authority refers the LPA to current standing advice provided in September 2011. Consider Parking Provision'. A note has also been made as follows in connection with the Public Footpath, 'Proposal will require diversion of PROW Z17. See PROW comments previously provided'.

The parking provision has, been considered as reported above.

Concern has been expressed to Officers that the description of Z17 as a footpath is incorrect and that it has, in times gone by, been part of the former Leicester to London main highway. The County Council Rights of Way Officer was asked to comment on that matter and has responded as follows;

"Regarding the status of the right of way I can confirm that public rights of way are highways, just not used for public vehicular use. I have no information on whether or not this route formed the original alignment of the London Road. The 1880s Map of the area which is the earliest detailed map that is readily available shows no hint of it being so but it might possibly be so. Someone would need to research this at the Wigston, County Records Office if it were to be evidenced.

County councils were given the legal responsibility of drawing up and then publishing Definitive Maps under the provisions of the National Parks and Access to the Countryside Act 1949. As part of the process Parish, Town and Urban District Councils were tasked with surveying all the known rights of way in the parish or district, drawing up a survey plan and survey statement and then submitting the completed survey to the County Council for inclusion in the first Definitive Map.

Wigston Urban District Council carried out its survey in 1952 and subsequently sent the documentation to the County Council.

The Urban District Council coloured the route in question purple. The formal convention is that footpaths are coloured purple on such surveys, bridleways are coloured green and Roads Used as Public Paths (subsequently reclassified as Byways or restricted Byways) shown as green dashed lines. This convention persists to this day on Definitive Maps, if they are published with coloured lines rather than black and white. Leicestershire's Definitive Map is published using lines styles in black and white."

Officers do not feel that any useful purpose will be served by pursuing this aspect further.

In respect of the proposal, as submitted, the Rights of Way officer advises;

"I have no objection to the proposal in principle.

May I suggest that the kink at the northern end of the diversion is ironed out by straightening out the alternative route so that it re-joins the existing path where the garden wall of number 108a starts. Members of the public will generally take a direct line rather than a kinked one if given the choice so I think it would be preferable for the public. In addition it would mean the owners would be given greater flexibility to manage the area of land in their ownership which I have shaded blue on the attached plan.

I appreciate that this bit of straightening out would not be strictly necessary to enable development to take place but in addition to that consideration it is reasonable and appropriate to think through the practical issues for members of the public when considering a diversion and I believe the straight line would be a better, more practical route. The creation of a kinked path would not be in the best interests of the walking public."

That proposal was put to the applicants' agents and they have signified their agreement to the County Council's suggested revision of the route of the footpath and an amended drawing to that effect has been received.

Noise impact

Currently the Public House places "Picnic Style" tables and seats outside for the use of patrons without the need for consulting the Council as they are firmly within the curtilage of the premises and no formal permission is required. In their Design & Access Statement the planning agents propose that the creation of an elevated, fenced external seating area used solely by patrons will be materially more favourable than tables and chairs placed at will around the front of the premises with no protection or clearly defined boundary.

The application, as submitted, and before the Committee, proposes the hours of use of the external seating area to be;

	Monday to Friday	Saturday	Sunday/Bank Holidays
A3 use	12:00 – 23:00	12:00 – 00:00	12:00 – 23:00
A4 Use	12:00 – 23:00	12:00 – 00:00	12:00 – 23:00

At present there is no restriction on the use of the external tables other than the normal opening hours as no form of permission is required. The suggested use times for the decking reflect a similar use pattern. Officers are of the opinion that no significant harm will be caused to the amenity of the area should the hours be approved as requested.

Policy considerations

In addition to the NPPF the Oadby & Wigston Borough Council Policies to be considered here are;

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

Core Strategy Policy 14

Design and Construction

The Council will require high quality inclusive design for all new development and major refurbishment in Oadby and Wigston.

Proposals for new development and major refurbishment will need to demonstrate how the proposed development:

- * respects local character, patterns of development, is sympathetic to its surroundings and should contribute to creating buildings and places that are attractive with their own distinct identity;
- * promotes safe and inclusive communities able to be accessible to all members of the community regardless of any disability or background and to encourage sustainable means of travel;
- * will provide opportunities to promote biodiversity;
- * will create, enhance or improve accessibility, legibility, permeability and connectivity;
- * will provide opportunities for well designed and integrated public art;
- * incorporates measures to minimise waste and energy consumption, conserve water resources and provide for renewable energy generation, in accordance with Core Strategy Policies 8 and 9;

- * utilises inclusive design principles including layout, orientation, landscape, streetscape, scale, materials, natural surveillance and sustainable construction; and achieves layout and design that is safe, secure and enhances community safety.

Compliance with the above criteria will need to be expressed through submission of a Design and Access Statement.

Major development including large-scale refurbishment will require preparation of a Masterplan, Development Brief, Concept Statement and/or Design Code where appropriate.

Proposals for innovative design or construction that contributes to the aims of sustainable development and reducing the impacts of climate change will be considered favourably by the Council.

Core Strategy Policy 15

Landscape and Character

All development proposals will be considered against the need to protect and enhance the distinctive landscape and historic character of the Borough. They should reflect the prevailing quality, character and features such as settlement pattern, views, biodiversity and local distinctiveness.

The Borough Council will take into account any potential impacts on the character and quality of the landscape and built environment, particularly where this relates to nationally designated areas or features of landscape and cultural significance. Landscape Character Assessments, Conservation Area Appraisals and Management Plans will be prepared and used to improve the quality of development, to assess potential impacts and support the enhancement of landscape as part of site restoration.

The Leicestershire Historic Landscape Characterisation will be taken into account when proposals are being considered.

The Borough Council will encourage the preservation and enhancement of the distinctive character and appearance of archaeological sites, listed buildings and buildings of local importance, Conservation Areas and other cultural assets that are of significant value.

The preservation and enhancement of local distinctiveness will be enabled by the publication of a list which identifies key local buildings, structures and features which are not eligible for listing under the statutory regime but contribute to the local character. Special consideration should be given to development or works which would likely prejudice known sites of archaeological interest.

The historic character and ecological value of the Grand Union Canal Conservation Area will be protected.

Local Plan Policy

LANDSCAPE PROPOSAL 1:

Development will be permitted provided:

- 1) existing landscape features, such as walls, hedges and trees, will be retained and additional well designed landscaping and open space that is well related in scale and location to the proposed development will be provided in the layout of larger developments;
- 2) the building design, scale, form and materials will contribute positively to the overall quality of the environment and be carefully related to existing and proposed development;
- 3) the layout, design and landscaping features will discourage crime;
- 4) it will not harm the amenities of occupiers of adjacent properties or cause a juxtaposition of incompatible uses; and
- 5) it will not prejudice the development of adjoining land.

Conclusion

The proposal before the Committee, if approved, overcomes the member concern that pedestrians will be forced to walk into the unmarked and irregular car park. In that respect the design is well thought out and intentioned.

The issue of the description of Z17 as a footpath has been demonstrated to be unfounded based on previous Council projects undertaken.

Alternative space being available elsewhere on the site which would avoid the need for diversion of the footpath is not a material consideration as the application, in simple terms is merely trying to put on a formal footing what is already happening, without the need for planning permission, and against which the Council has received no complaints . The creation of the raised decking encloses the current Ad-Hoc external seating and improves the safety of pedestrians.

It is unfortunate that no response has been received to the County Rights of Way Officers alternative proposal but, in essence, it makes no real difference to the principle under consideration with this application.

Officers are of the opinion that the design has been well thought out and offers an acceptable development for the Public House whilst at the same time improving the safety of pedestrians using the footpath Z17.

As the external use is already in place albeit on an informal basis the overall additional harm to the amenity of the area is considered to be negligible.

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 have 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 Notwithstanding the approved plans, prior to the commencement of development a detailed plan (or plans) indicating the positions, design, materials and type of treatment to be put in place to provide demarcation of Footpath Z17 from the Public House car park shall be submitted to and approved in writing by the Local Planning Authority. The approved demarcation treatment shall be completed prior to the first use of the development hereby approved and shall be retained in perpetuity.
Reason: To ensure that a adequate demarcation is provided to protect the safety of users of Footpath Z17 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 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.

- 4 The use hereby permitted shall not be open to customers outside the following times:

Monday to Friday	12:00 and 23:00 for both A3 and A4 Uses
Saturdays	12:00 and 00:00 for both A3 and A4 Uses
Sundays and Bank Holidays	12:00 and 2300 for both A3 and A4 Uses

Reason: In the interests of the amenities of local residents and the locality in general in compliance with Landscape Proposal 1 of the Oadby and Wigston Local Plan.

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

- 2 **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.gov.uk/appeal-planning-inspectorate

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

Corporate Architecture Limited Chartered Architects drawing numbers 3994/EB/15/002 dated Dec 2015

TMDP LLP drawing number SK02 revision A dated 8/11/16

BACKGROUND PAPERS

1. 17/00070/OUT
2. 17/00122/FUL
3. 17/00151/FUL
4. 17/00192/FUL