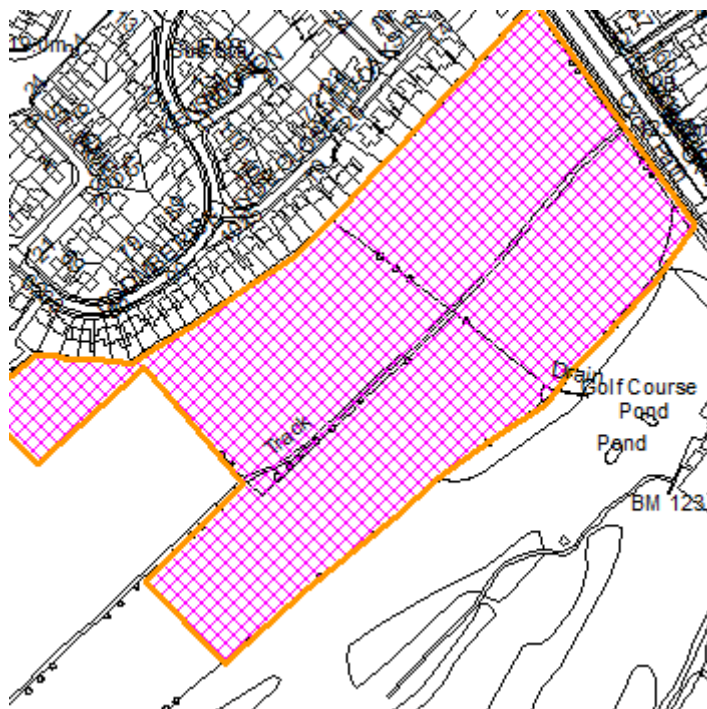


Application Number**Address****Report Items**

- | | | |
|------------|--------------|--|
| 8a. | 17/00310/REM | Land At Cottage Farm
Glen Road
Oadby
Leicestershire |
| 8b. | 17/00338/FUL | 48 Severn Road
Oadby
Leicester
LE2 4FY |
| 8c. | 17/00392/FUL | The Grange
Highfield Drive
Wigston
Leicestershire
LE18 1NN |
| 8d. | 17/00396/FUL | 70 Repton Road
Wigston
Leicestershire
LE18 1GD |

8a.	17/00310/REM	Land At Cottage Farm Glen Road Oadby Leicestershire
	6 July 2017	Development of land for up to 150No. dwellings (Use Class C3) and associated infrastructure, including pedestrian and vehicular access, open space and structural landscaping (Rev C)
	CASE OFFICER	Tony Boswell



Site and Location

The application site in this case is known as "Cottage farm". It lies to the south west of the A6 Glen Road. It is bounded to the east by the Oadby Golf Course, to the west by homes and gardens in Whiteoaks Road, Hyde Close and Coombe Rise. To the south the land is largely unoccupied, with Coombe Park somewhat further to the south east.

Description of proposal

This application is solely for approval of "reserved matters" following the grant of outline planning permission at appeal (see below). Those reserved matters relate to the appearance, landscaping, layout and scale of the proposed development. The means of access via an all new junction from the A6 trunk road were granted full planning permission as part of the original outline permission and so are not the subject of this application.

Significantly, this application for approval of the submitted layout does NOT include the entire original outline application site. Part of that outline permission's site is not included and at a future date the applicants anticipate making a future quite separate application to enable development of a further 28 homes and gardens in the south east corner of the original application site. Those additional 28 homes would thus be in addition to the 150 homes and other works which are the subject of this current application. The deletion of that portion of the original outline planning permission site is entirely lawful.

Also significantly, after submission of the original site layout drawings a number of objections were submitted by LCC Highways. Those concerns were relatively minor in nature and primarily related to dimensional aspects of the layout with a view to future adoption as public highways. In the course of amending the layout the applicants also took the opportunity to slightly amend the housing layout in proximity to the entrance from Glen Road (these changes were partially prompted by the applicant's wish to have a better range of homes available early within the development to act as "show homes"). The resulting changed layout was the subject of a second round of consultations with local residents, as reported below.

This application (as originally submitted) was supported and illustrated by a total of 64 documents and detailed drawings. 45(30%) of the total number of proposed homes would be affordable homes; of which 36 would be social rented and 9 would be shared ownership. The remaining 105 homes for open market sale would comprise 47 x 3 bedrooomed homes and 53 x 4 bedrooomed homes.

The development proposed includes around a dozen differing house types with variations in elevational treatment. These entail three different brick selections, two different grey or brown roof tiles and with some use of off-white render or "rain screen" boarding. A range of different types and configuration of porch help to distinguish individual homes. The range of house types and selection of elevational approach/materials are "grouped" to enhance a "sense of place". Their sizes range from 51 sq metres (3 x two bedrooomed flats) to 139 sq metres (13 x four bedrooomed houses). Those homes in prominent corner locations have gardens facing the public domain enclosed by screen brick walls (i.e. durable over decades). Other boundaries including those between gardens are generally timber fenced. All of the homes and gardens as proposed have on-plot car parking generally with garages, with the exception of the 45 affordable homes which are laid out with discrete off-plot but allocated parking (Note that RSLs and similar affordable housing providers will not fund the building of on-plot garages).

The "back to back" distances between proposed homes is generally in the order of some 22 metres, and "back to flank walls" are generally some 13-14 metres. Those distances vary considerably

throughout the development although there are no apparent cases of over-close window to window potential for overlooking. The equivalent back to back distances with existing properties in Coombe Rise, Hyde close and Whiteoaks Road are invariably in the order of 24 (plus) metres. The rearward boundary to that edge of the site is effectively screened in large measure by a well established hedge.

There is a substantial amount of new tree and shrub planting throughout the proposed scheme. This includes new street trees and front garden planting. Tree planting ranges from "heavy standards" up to the occasional semi mature specimen. It also includes the preparation and planting of the proposed open spaces. At the time of drafting this report all of the proposed preparatory tree clearing appears to have been completed.

In addition to homes and gardens the proposed layout includes the S106 delivery of a number of new allotments adjacent to the landscaped frontage to Glen Road, a similar S106 delivery of a new "junior" playing pitch in the south west corner of the site (accessible from Coombe Park), a new balancing pond in the south east corner of the site – which will form part of an informal public open space (POS) down the entire eastern edge of the development, alongside the adjacent Golf Course (where development is prevented by an underground water main beneath that POS).

The proposed layout is broadly very similar to the illustrative framework drawing as submitted at the outline stage, and so as conditionally permitted at appeal. It includes a number of serpentine public highways, and some private driveways which mainly serve homes and gardens along the eastern edge of the development where facing the Golf Course. That public highway extends to near the southern edge of the development where, within the emerging Local Plan process, the applicants anticipate promoting additional residential development on land to the south which is already under their control. Any such proposals will be considered at a future date as part of the Local Plan process, no doubt having regard to local issues, future public consultations on those proposals and Borough wide housing land availability as a whole.

Aspects of the proposed design and layout will best be understood from the drawings to be displayed.

Relevant Planning History

13/00478/OUT – sought outline planning permission for a development of 150 homes etc, refused planning permission by this Council but granted a conditional planning permission by the Secretary of State as a result of planning appeal APP/L2440/A/14/2216085.

That outline planning permission included the following "pre-commencement" planning conditions:

- 1,2 and 3 – Commencement of Development and approval of Details.
- 4 – Phasing of the development.
- 5 – Design, including Landscaping.
- 6 – Reserved Matters, specifics.
- 7 – Sustainability Statement
- 8,9,10 – Management of any Land Contamination found.
- 11,12,13,14 – Ecological Matters
- 15,16 – Archaeology
- 17,18,19 – Drainage issues
- 20 – Implementation of Highway entrance to glen road before occupation.
- 21 – Construction site Management.
- 22- Pedestrian Link to the adjacent Coombe Park.

Consultations

Leicestershire County Council (Highways) – Have submitted a “holding objection” to the original proposed internal highway works. At the time of drafting this report that holding objection remains in place and the recommendation below assumes that those matters will be resolved before this Committee meeting.

Leicestershire County Council (Archaeological Services) – reply awaited.

Leicestershire County Council (Ecology) – Holding objection relating to some of the details submitted. As above, at the time of drafting this report that holding objection remains in place and the recommendation below assumes that those matters will be resolved before this Committee meeting.

Oadby Civic Society – *"The Society wishes to register its objection to the above Planning Application on the following grounds – The housing layout shown on this application is for 178 houses, when the original Outline Approval was given for 150 houses, thereby creating an increase in density and inevitably a reduction in plot size. The proposed road layout would indicate the possibility of future development to the west which would be contrary to Council Policy"*

OWBC Tree Warden – still awaited.

Representations

58 near neighbours notified by direct mail on the 21st of July 2017. Those same near neighbours were re-notified (along with other consultees) on the 21st of August following submission of revised drawings. The final date for replies is therefore the 11th of September 2017.

Site notices (x2) posted on the 24th of July as a “Major Development” and a Press Notice posted on the 3rd of August 2017.

The applicants held an exhibition and “drop in” regarding the proposed development on the 13th of June 2017 which involved written invitations to some 500 local homes and businesses. A report of that event has been submitted along with other details. It is known that, following that event the applicants have also engaged face to face with a number of nearby neighbours at their request. This engagement process appears to have prompted a number of minor amendments to the submitted scheme.

At the time of drafting this report, one e-mail (of objection) has been received concerned with the following points:

- * The accuracy of legal boundary shown (appears to be a potential boundary dispute)
- * Volume of traffic onto Glen Road at peak times
- * No high mesh fencing should be used.
- * S106 monies should have included improvement of local medical facilities
- * Alleged unlawful felling of trees. Want assurance that tree enhancement occurs.
- * Beauchamp School may once have wanted to provide a new link road from the School to the A6. This is not included.

Relevant Planning Policies

National Planning Policy Framework

Oadby & Wigston Core Strategy

Core Strategy Policy 11 : Affordable Housing
Core Strategy Policy 12 : Housing Needs of the Community
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.

Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document

Planning Considerations

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

- * The quality of the proposed design and layout
- * The impact of the proposal on neighbouring residential properties
- * Compliance with terms of conditions on the Outline Planning permission..

The quality of the proposed design and layout

The quality of the design and layout, including proposed landscaping is of a high and certainly acceptable order. The density of the development as a whole is in the region of 30 dwellings per hectare – including public open spaces. The objectives cited in the adopted “Residential Development SPD” relating to garden sizes and privacy standards are generally met or exceeded. The quality of proposed landscaping is again fairly generous. Note conditions recommended regarding implementation of landscaping at the end of this report.

The “subtraction” of a portion of the site to provide for a future additional development of a further 28 homes and gardens does not have any tangible or adverse effect upon the design and layout of the 150 homes which are the subject of this application. In part that conclusion reflects the focus of the development on smaller 2 and 3 bedroom homes, rather than the larger 4 and 5 bedroomed homes that might otherwise have been expected.

The impact of the proposal on neighbouring residential properties

The major impact upon adjacent homes and gardens would be the loss of what is currently their rural views. However, mere loss of view is not a material planning consideration and is inherent in the original outline planning permission granted on appeal. The “back to back” distances from proposed homes to those existing homes adjacent are significantly in excess of the privacy distances adopted in this Council’s Residential Development SPD.

Compliance with terms of conditions on the Outline Planning permission

At present officers are still considering or consulting on strict compliance with certain of the conditions imposed on the outline permission. Some conditions such as a construction site management plan or Sustainability Statements have also yet to be submitted for approval. The recommendation below suggests that subject to this Committee's approval of issues of siting, layout and design etc, officers be delegated in the normal way to approve relevant conditions once submitted in an acceptable form.

Conclusion

In matters of detail and as a whole the proposed development is supportable. Conditions are recommended below to secure compliance and delivery of a number of matters.

Implications Statement

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

Recommendation

That the Director of Services be authorised to issue approval to relevant conditions imposed on outline planning permission APP/L2440/A/14/2216085, subject to receipt of acceptable drawings and supporting documents in each case, and subject to the following conditions.

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

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and the occupiers of adjacent buildings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 2 The scheme of walling and fencing approved as part of the detailed scheme of boundary treatment shall be completed prior to the first occupation of the dwelling to which the fencing/walling relates.

Reason: To safeguard the visual amenities of the area, the amenities of the future occupiers of the dwellings, 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.

- 3 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.
- 4 Unless otherwise first agreed in writing by the Local Planning Authority no building works or associated works or operations shall 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 there shall be no works at any time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and 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 The development shall be carried out in accordance with the following: (To follow)
- 2 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.
- 3 This decision is also conditional upon the terms of the planning agreement which has been entered into by the developer and the Council under Section 106 of the Town and Country Planning Act 1990 (as amended). The Agreement runs with the land and not to any particular person having an interest therein.
- 4 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.

5 **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.

8b.	17/00338/FUL	48 Severn Road Oadby Leicester Leicestershire LE2 4FY
	25 July 2017	Change of Use from existing retail to hot food takeaway, installation of external extractor flue, and shop front with roller shutters
	CASE OFFICER	Dean Baker



Site and Location

The application site relates to a purpose built shop unit with flat above, at the end of a parade of three units. The right hand unit is in use as a retail chemist's shop, while the centre unit and application site to left, are vacant, having previously been used jointly as a convenience store. To the rear of the site is an open car park area accessed from St Pauls Close, some flats and a church, and to the south, beyond a walkway to the car park, is the Co-Operative food store which was formerly The Blues PH, which has its own extensive car park. The surrounding area is primarily residential.

In general, the land rises from south to north. Severn Road is on a bus route, where buses currently operate a local service to and from Leicester City Centre, in general 6 buses per hour (3 each way) between 05.50 hrs and 20.02hrs.

Description of proposal

The application seeks the change of use of the right hand unit from Class A1 retail shop to a hot food take away, within Class A5, together with minor alterations to the shopfront and security shutters and the installation of an extractor flue up the south side of the building.

The statutory determination period for this application expires on the 19th September 2017, and it is intended to issue a decision as soon as practicably possible after the committee meeting.

Relevant Planning History

94/0227/8P : Installation of security shutters – Permitted

Consultations

Leicestershire County Council (Highways) – Refers LPA to current standing advice (Sept 2011)

OWBC Environmental Health – have concern over possible noise issues from roller shutter which could be late at night and cause disturbance to local residents. No information has been provided about the type of extraction system and it is not possible to evaluate its effectiveness and be certain that statutory nuisance from smells would not arise.

Representations

Neighbours have been informed and a notice placed with letters of representation (from 22 properties) and a petition signed by 21 people (7 of whom also wrote) in opposition to the proposal being received at the time of writing this report.

The date for the receipt of comments expired on the 28 August 2017.

The reasons for objection can be summarised as follows: -

No need for further hot food outlet; Inappropriate in residential area; Noise and disturbance and security fears, especially with late opening hours; Increase in traffic and parking; Effect of cooking smells; Result in further littering and other anti-social behaviour; Increase in vermin; Would encourage local school children to eat unhealthy food.

No letters in support have been received.

Relevant Planning Policies

National Planning Policy Framework

Oadby & Wigston Core Strategy

Core Strategy Policy 2 : Development in centres of Oadby, Wigston and South Wigston
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.
Shopping Proposal 9 : Impact of A3(incl.A5) Uses on Residential Amenity
Shopping Proposal 17 : External Security Protection

Planning Considerations

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

- * The principle of the use.
- * The impact of the proposal on the visual (public) amenity
- * The impact of the proposal on private amenity of neighbouring residential properties.

The principle of the use

Core Strategy Policy 2 confirms that the Borough Council will seek to retain local shopping opportunities to meet the everyday needs of local people and that provision will be made for local services and community facilities within local centres. The supporting text indicates that the shops at Severn Road etc are identified as a Local Centre within the retail hierarchy. It suggests that uses within such centres might include the provision of a hot food takeaway use. Several other similar local centres within the Borough do have hot food take away provision.

The impact of the proposal on public amenity

The subdivision of the double shop unit would require alterations to enable the application site to function as an independent shop, notably because it currently has no access other than through the adjoining unit. External alterations to the property would include a new shopfront to provide such access and consequent changes to the existing roller shutters. These proposals are in keeping with the style of the adjacent shop units. The shutters would be perforated and powder coated in accordance with published design guidance. These alterations are acceptable from a public amenity aspect. The flue proposed would be a powder coated metal tube projecting up the flank wall of the building, discharging at high level. Whilst the design would be quite functional, it is similar to flues at other similar premises, some of which are simply natural galvanised finish.

The impact of the proposal on neighbouring residential properties.

The objections and comments of local residents and shop owners are noted and responded to as follows:

Need for further food outlet; - The double shop is currently vacant following closure of the Mace Superette. Need in itself is not a planning consideration, but is a matter for the market to determine.

Inappropriate in residential area; Noise and disturbance and security fears, especially with late opening hours; Anti-social behaviour. Whilst the area is predominantly residential, it should be borne in mind that the unit is part of a small parade of shops and other non residential uses, including a chemists, a church and a supermarket. Other than the flats above the shop units, the units are effectively within an island of commercial uses which do not abut residential properties. The property is on a bus route. The Core Strategy suggests that such uses can be acceptable within local centres such as this. Several other local centres around the borough have similar provision. Noise and disturbance are more likely to occur later at night, which would exacerbate security fears. The hours of opening could be restricted so that late evening opening is eliminated, thus limiting the risk of late night disturbance etc. The adjacent supermarket stays open until 22.00 hrs and would also give rise to noise and disturbance. Their hours are not restricted by planning conditions. A limit on the take away to, say, 21.30 should allow for dispersal of customers to coincide with the current closure times for the supermarket. Any opening times later than 23.00hrs (as suggested by the applicant) would be subject to licensing controls.

Traffic generation and parking: It might reasonably be expected that visiting customers to a business might generate some increase in traffic. However, there is no reason to suggest that such parking would be significantly different to that of a general retail use as could be operated under the present planning permission or that any increase, perhaps in the evenings, would be significant over that generated by other nearby shops. There is unrestricted roadside parking outside of the shops and a car park to the rear. The adjacent supermarket has a large car park for customers and it is possible that some customers would be making purchases from more than one of the shops during their visit. As the unit is in a local shopping area it would be likely that some customers may travel by bicycle or on foot. Some provision for cycle parking could be required on the forecourt of the shop.

Effect of cooking smells; Odours from the cooking processes would be reduced by filtering and extracted at high level. Modern extraction systems, properly maintained, can generally be effective in controlling cooking smells and fumes. A suitably designed extraction system would be required in accordance with a scheme to be submitted. There are many instances of such extraction systems within the borough and there is no reason to believe that a system to reduce odours to an acceptable level could not be achieved at this location.

Littering / Increase in vermin; The unregulated discarding of food waste could be attractive to vermin. Customers who purchase food for consumption elsewhere (i.e. home or workplace) would not be contributing to a littering issue. Those consuming their purchases in cars near to the site would generally take their litter with them. The control of litter (and vermin for that matter) is a matter for control under non-planning legislation.

Encouragement of local school children to eat unhealthy food. There is nothing in the application to suggest that the food to be sold would be unhealthy. There is nothing in the development plan to control the establishment of such uses within proximity of local schools.

Overall the proposal is considered to comply with the provisions of the relevant policies and is considered acceptable subject to conditions.

Conclusion

For the reasons set out above, the proposal would be in general accordance with the development plan. As such, planning permission should be granted subject to conditions.

Implications Statement

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

RECOMMENDATION: 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 No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan and detailed specification for the position and design of an extractor flue system and air conditioning plant to be installed. The extractor flue system and air conditioning plant shall be installed before the use hereby permitted is commenced, in accordance with the approved details and shall thereafter be operated and maintained in accordance with the manufacturer's specifications.

Reason: In the interests of the amenities of nearby residential occupiers in accordance with saved policy Shopping Proposal 9 of the adopted Oadby and Wigston Local Plan.
- 3 The use hereby permitted shall not commence until a scheme to control noise emanating from the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented prior to the commencement of the use and shall be retained and operated in the approved manner thereafter, for the duration of the use.

Reason: In the interests of the amenities of the residential occupiers of the first floor units above the shops in accordance with saved policy Shopping Proposal 9 of the adopted Oadby and Wigston Local Plan.
- 4 The use hereby permitted shall not open to customers outside of the hours of 09:00 to 21:30 Mondays to Saturdays. It shall not open at all to customers on Sundays or Bank Holidays. No deliveries to or from the site shall take place outside of these opening hours.

Reason: In the interests of the residential amenities of occupiers of nearby properties in accordance with saved policy Shopping Proposal 9 of the adopted Oadby and Wigston Local Plan.
- 5 Prior to commencement of the use hereby permitted, secure cycle parking facilities for 4 cycles shall have been provided on the forecourt of the premises in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be thereafter maintained as such for their designated purposes for the duration of the uses hereby permitted.

Reason: To encourage sustainable alternatives to the motor vehicle and in accordance with the aims and objectives of the National Planning Policy Framework and Oadby and Wigston Core Strategy Policy 4.

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

Composite drawing - RP Design drawing no.RPD/July/2017/107/01 received on 25th July 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 This permission requires you to submit further details to the Local Planning Authority on the proposal prior to the commencement of works on site. There is a fee payable to the Local Planning Authority when a request is made for the discharge of one or more conditions on the same permission or for confirmation of compliance with a condition or conditions. At the time of writing, the fee is payable per written request to discharge conditions not per condition and therefore any number of conditions may be included on a single request. The fee for such a request associated with this permission (at the time of this decision notice) is £97. The fee must be paid when the request is made. The Local Planning Authority has a statutory period of 8 weeks for the determination of such requests.
- 6 The Application as submitted was considered to be acceptable and therefore discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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.

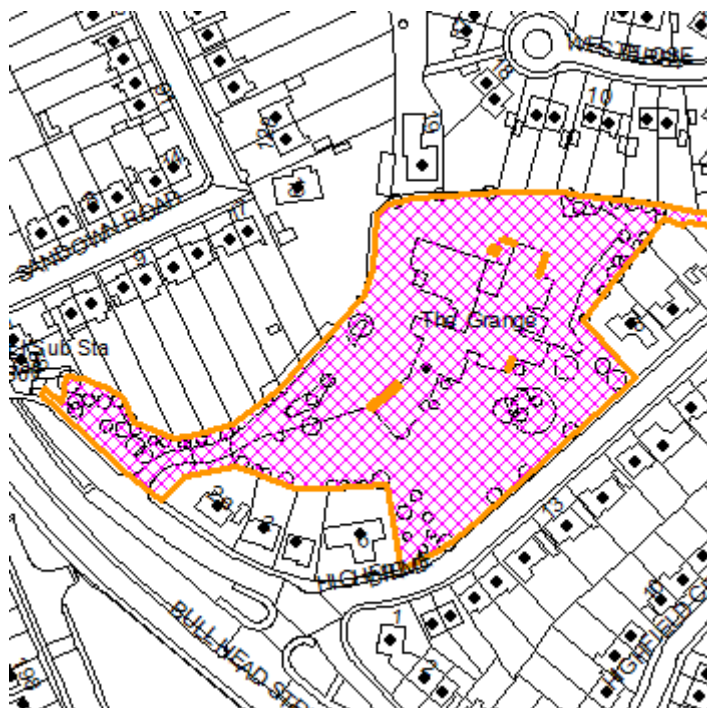
The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements,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

8c.	17/00392/FUL	The Grange Highfield Drive Wigston Leicestershire LE18 1NN
	10 August 2017	Proposed new parking area and vehicular access
	CASE OFFICER	Stephen Robshaw



This application is before the Development Control Committee at the request of Cllr. Mrs L Broadley

Site and Location

The site in this case is the business premises of the Institution of Occupation Safety and Health (IOSH) at the Grange, Highfield Drive, Wigston.

The site and its existing buildings form an important and prominent feature within the locality and the buildings are grade 2 listed. No works are proposed to the buildings. The site, (the grounds of the property), contains a number of trees covered by preservation orders some of which are directly affected by this proposal.

Description of proposal

The proposal forming this application is for the creation of an additional access point to the property along its Highfield Drive boundary and a significant increase in the current level of on-site parking spaces available. It will also allow for the creation of a 'One Way system' for traffic within the site by using the current access as the site entry point and the proposed new access as the exit point. This is the proposal put forward by the applicant.

Relevant Planning History

None relevant

Consultations

Leicestershire County Council (Highways) – "The Local Highway Authority advice is;

The County Highways Authority (CHA) are cautious when assessing a proposal that provides two unrestricted accesses, this said the proposal is likely to reduce the number of vehicles associated with IOSH that currently park within the highway along Highfield Drive, therefore, in the view of the CHA the residual cumulative impact of the proposal is not considered severe providing the conditions set out below are adhered to. (These conditions will be reported on later in this document)

Whilst the proposal offers an in/out access which is preferable this is not something the CHA are able to enforce or ensure remains should the premises be sold, therefore, notwithstanding the details submitted the proposed access should have an effective minimum width of 6.0m in accordance with the details set out in our design guide the 6Cs Design Guide and any gates should be set back at least 5m behind the highway boundary and the access and any turning area should be surfaced with bound material.

Leicestershire County Council Arboricultural Officer

The report from Symbiosis Consulting is comprehensive and detailed and provides all the necessary information to protect retained important trees.

I agree with the observations about the three trees which would need to be removed (T811/813/815) which are relatively indifferent C-category trees with fairly short life expectancy. It would be unreasonable to enforce their retention at the expense of an otherwise desirable and acceptable development.

The important factor is the successful retention of the larger and more prominent trees (T803/804/806/807), and their protection against site works and excavation damage. The proposed use of a cellular retention system of construction (Cellweb/Infraweb) within the recommended root protection areas (RPA) of the mature trees has been regularly tested and used in many other locations, and because it builds on top of existing levels without any deep excavation (and spreads surface loading) it facilitates tree retention and avoids ground compaction (frequently the cause of lingering demise in mature trees).

The BS5837:2012 recommended protective fencing is usually erected at least at the RPA perimeter, but in this case the roadway is being constructed with the Cellweb/Infraweb system within the RPA, and the fencing erected as close to this as possible.

If the recommendations in the Symbiosis report are followed and appropriate conditions attached, I consider that the proposal is acceptable in tree terms. It is noted that there may be scope for new tree planting elsewhere on the site.

Representations

Neighbours have been notified of the application and 6 letters of objection have been received at the time of writing this committee report. The expiry date for comments was 5 September 2017.

The grounds for objection can be summarised as follows;

- * Light pollution from additional lighting being required.
- * Increase in traffic, noise and pollution.
- * Loss of trees.
- * Loss of green space affecting wildlife and pets.
- * Traffic congestion resulting in difficulty accessing properties in Highfield Drive.
- * Existing car park not used to full capacity and question the need for additional parking.
- * Larger conferences may be in the future so still a problem with parking even with increased capacity. Council to force IOSH to reduce the number of delegates attending courses thus eliminating the need for additional parking.
- * Pedestrian hazard caused by vehicles using the proposed new opening.
- * Local residents have already suffered enough as a result of the new estate at the top of Cleveland Road.

The application is before the Planning Committee as a result of being called in by Cllr Mrs L Broadley based on the concerns of local residents.

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 Highfield Drive.
- d) Any possible noise and traffic implications that may arise if this proposal were to be approved.

Effect on the visual amenity of the locality.

Clearly the loss of 3 trees will have an immediate visual impact on the locality, however as has been reported earlier the Leicestershire County Council (LCC) Arboricultural Officer has advised the these three trees are "relatively indifferent C-category trees with fairly short life expectancy". That being the case then it is not unreasonable to expect that these three trees would need to be removed in any event at some point in the not too distant future. The loss of these trees will be partially remedied by the proposed planting of 5 new trees to the rear of the new car parking area. The proposal is that these new trees should be of the "American Sweetgum" species.

The existing hedge and fence boundary treatment is to be removed/adapted as necessary to facilitate the required visibility splay from the proposed new site exit. From the drawings submitted it seems quite clear that the vast majority of the proposed new parking area will be completely hidden from public view at street level and adjustments to the fencing/hedges will only affect 6 of the proposed 29 spaces. It is not stated what adjustments are considered necessary but conditions can be imposed requiring this to be agreed prior to the commencement of any works in connection with this proposal.

The proposal to install 1.5 metre high sliding gates at the proposed new exit will have limited effect on the visual amenity and this can be kept to a minimum by requiring appropriate colour treatment to blend in with the surroundings.

The effect of additional lighting in the proposed new parking area must be carefully taken into consideration as has been pointed out by local residents. Currently no definite proposal has been put forward on this subject but again agreement on this matter can be conditioned to be agreed prior to the commencement of any works on site should the proposal be approved. Informally a suggestion has been made that the existing "Bollard" style of lighting could be continued in the new proposal area. This would give low level lighting sufficient to use the car park safely and have the minimum possible effect on neighbouring properties. In order to keep possible harm to the neighbours to a minimum conditions can be imposed to restrict the hours the additional lighting is used.

Amenity

The proposal before the Committee is for additional parking "on-site", in the main, to do away with the need for those attending the site to park on the street thus reducing congestion on the highway in the locality of the current access/exit point to the site. The overall effect is, therefore, little or no additional traffic but a "shifting" of the movements and less highway congestion overall as a result. Yes there will be additional traffic movements along the Highfield Drive side of the site but it is anticipated that the peak levels will be at staff starting and finishing times. During out of office hours the proposal is for the proposed new exit to be kept shut. It would be difficult to impose conditions on this because from time to time there may be a, genuine, need to have the gates open earlier or later. Because the traffic peaks will mainly be a two specific times of the day during the week only it is not anticipated that the proposal will have any substantial harmful effect on the

neighbouring properties. Indeed the overall effect of the proposal will be to reduce the harmful effects on the properties adjacent to the current existing access.

Traffic congestion on Highfield Road

The whole idea of the proposal before the Committee is to remove the need for IOSH vehicles and visitors to park on the highway. Whilst there will be additional movements at opening and closing times it is not anticipated that there will be any long term congestion restricting access/egress to and from neighbouring properties.

The parking survey submitted with the application clearly shows an element of unnecessary highway parking but, in the main, supports the fact that even if all visitors tried to park on-site there is currently insufficient capacity for them to do so.

Whether or not IOSH decide to have larger conferences/courses in the future is not a material planning consideration and is a matter of conjecture which cannot be taken into account.

The possible pedestrian hazard is more than catered for with the visibility splays included in the proposal and accepted by the CHA.

The suffering of local residents because of previous off-site developments is not a material planning consideration in connection with this proposal.

Highway Implications.

It is to be noted from the CHA advice that the provision of an in/out access is not something they can enforce or ensure remains in place should the premises be sold. Likewise it is doubtful that the LPA can impose any form of condition that guarantees the retention of the in/out system on any future sale of the property. What can be considered is the desirability and enforceability of having a condition to the effect that before the new car parking area is brought into use the entry and exit points should be clearly identified and signed to that effect as in the Combined design, Access & Heritage Statement, submitted in support of the proposal, it is stated at 2.06 that a one-way-system is at the heart of the proposal.

As has been reported earlier the CHA is not opposed to the proposal but has suggested the following conditions be imposed should permission be granted:

Conditions

1. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 6 metres, a gradient of no more than 1:20 distance for at least 10 metres behind the highway boundary and shall be surfaced in a bound material with a dropped crossing and 6metre control radii each side of the access. The access once provided shall be so maintained at all times.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

2. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) any vehicular access gates, barriers, bollards, chains or other such

obstructions shall not be erected within a distance of 5 metres of the highway boundary, any gates shall be hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

3. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 10metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

4. No part of the development hereby permitted shall be occupied until such time as 2.0metre by 2.0metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

Informative(s)

Planning Permission **does not** give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you **must** ensure all necessary licences/permits/agreements are in place and that they fully meet and comply with the 6Cs Design Guide or that suitable alternatives have been agreed in writing with the County Highways Authority. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

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, in the main overcomes the concerns of neighbours, satisfies CHA and the Arboricultural Officer. Conditions can be imposed to cover the uncertainties mentioned earlier over lighting, Gate and fence colour etc.

More importantly the proposal is a means of freeing up the Highway to the Southern end of Highfield Drive currently used as an overspill car park.

Officers are of the opinion that the design has been well thought out and the proposal offers an acceptable and needed development.

Implications Statement

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

Value for Money	No Significant implications
Equalities	No Significant implications
Legal	No Significant implications

RECOMMENDATION: GRANTS

Subject to the following condition(s)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Prior to the commencement of development 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 use of the parking area 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.

- 3 Prior to the first occupation of the car park hereby granted the parking areas shown on the approved plan(s) shall be provided in a bound material (with the parking bays marked out on the ground) and thereafter shall be made available at all times for their designated purposes.
Reason: As recommended by Leicestershire County Council (Highways) in the interests of highway safety and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

- 4 Prior to the commencement of any works hereby approved details of the proposed method of illumination of the car parking area to be submitted to and agreed in writing by the Local Planning Authority. Details to include the design style of lighting and materials to be used along with full details of the level of luminance proposed. Thereafter all lighting to be installed in full compliance with the agreed details.

Following installation the new lighting installed shall only be used as necessary between the hours of 08:00 and 18:00 Monday to Friday, 08:00 and 12:00 Saturday and not at all on Sundays and Bank Holidays.

Reason : To protect and respect the amenity of neighbouring residential properties and prevent light pollution from over illumination.

- 5 Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 6 metres, a gradient of no more than 1:20 distance for at least 10metres behind the highway boundary and shall be surfaced in a bound material with a dropped crossing and 6metre control radii each side of the access. The access once provided shall be so maintained at all times.
Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

- 6 Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) any vehicular access gates, barriers, bollards, chains or other such obstructions shall not be erected within a distance of 5 metres of the highway boundary, any gates shall be hung to open away from the highway.
Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Paragraph 32 of the National Planning Policy Framework 2012.
- 7 The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 10metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.
Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.
- 8 No part of the development hereby permitted shall be occupied until such time as 2.0metre by 2.0metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.
Reason: In the interests of pedestrian safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.
- 9 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 The development shall be carried out in accordance with the following:
- * Graham Harris Partnership Ltd
 - * Drawing numbered 5994/IOSH/19 dated 14 July 2017 and received by the Council on 10 August 2017
 - * Combined Design, Access & Heritage Statement Dated August 2017
 - * Symbiosis Consulting
 - * Arboricultural Survey Impact Assessment & Method Statement prepared for IOSH dated 18 July 2017 and received by the Council on 10 August 2017
- 2 Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. Therefore, should birds or bats be present, works should be deferred until the late summer/autumn.
- 3 Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act

1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

4 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.

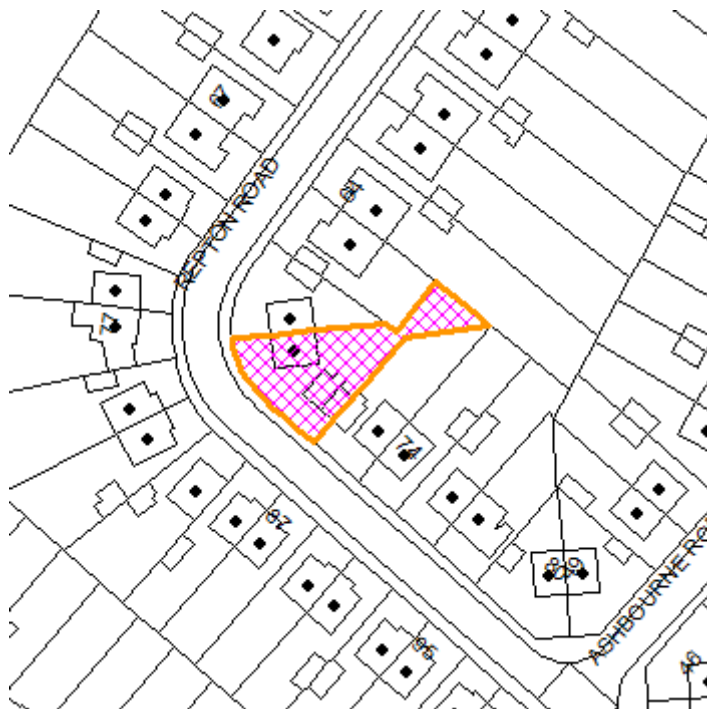
The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements,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

8d.	17/00396/FUL	70 Repton Road Wigston Leicestershire LE18 1GD
	25 August 2017	Two storey detached house with two bedrooms, alteration to vehicular access and provision of parking to 70 Repton Road and the proposed dwelling
	CASE OFFICER	Dean Baker



This application is brought before the Planning Committee at the request of Councillor Helen Loydall.

Site and Location

The application relates to the subdivision of a plot within a 1950's development of predominantly 3 bed semi-detached houses in Wigston, and the erection of a detached two bedroom house. The plot is on the inside of a sharp bend in the road and the existing house is on a slant across that corner; with the plot returning 30 deg to follow the road alignment. This side area is built out with a pair of garages and a store, which is all under flat roofs. The plot is somewhat triangular, with a broad frontage and narrowing as it goes down the garden to the rear. The garden comes to a c.2m wide pinch point before opening out to a further backland area. The whole front garden is given over to parking, with vehicle access in front of the forecourts to the garages, furthest from the bend.

Description of proposal

The proposal is to subdivide the plot, demolish the garages and store, and erect a detached two storey house on the site of the garages. The division between the plots appears somewhat contrived, with vehicular access to the host dwelling being gained across land in the new plot, which does not use that specific access for itself; and with the new plot narrowing in its middle to just over 2m width for a distance of about 6m before widening into its main garden area. The new house would abut the garage of no.72 Repton Road, a flat roofed side extension to a 2 storey semi, and would follow the building line of that property. The house would have an "on the wall" gutter detail on its south west side, so as not to oversail or encroach on neighbouring land. The new house has been designed to reduce down from 6.4m wide at the front, in a series of steps to 2.9m wide at the rear. There would be no garaging for the property or the host dwelling. Each would be provided with 2 parking spaces in front of each house. To this end it would be necessary to construct an extended width vehicular access in front of the property.

The statutory determination period for this application expires on the 20th October 2017, and it is intended to issue a decision as soon as practicably possible after the committee meeting.

Relevant Planning History

16/00026/FUL - Detached 2 bedroom two storey house with associated parking and accesses – REFUSED for reasons of Out of scale and character with surrounding developments, Cramped layout, and Highway safety

Consultations

Leicestershire County Council (Highways) – LHA refers the Local Planning Authority to current standing advice provided by the LHA dated September 2011 – with particular reference to provision for off-street parking facilities for both proposed and existing dwellings

OWBC Planning Policy – Comments incorporated within body of assessment below.

Representations

At the time of drafting this report, neighbours had been informed and a notice placed with one letter of representation (from one property) being received.

The date for the receipt of comments expired on the 26 September 2017.

The reasons for objection can be summarised as follows: -

- * Adverse impact on visual and spatial character of area through overdevelopment of the site
- * Neighbour amenity – Overshadowing, overlooking, loss of privacy
- * Public amenity – Overdevelopment, loss of open aspect; Out of character and scale; Spoiling street scene/spatial characteristics, Terracing effect
- * Highway safety – Loss of on-street parking; Additional traffic; Road is access route to primary school,

Relevant Planning Policies

National Planning Policy Framework

Oadby & Wigston Core Strategy (2010)

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

Oadby and Wigston Local Plan

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

Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document
6C's Design Guide

Planning Considerations

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

- * Planning Policy relevant to sustainability and character of site and proposal;
- * The impact of the proposal on the street scene
- * The impact of the proposal on neighbouring residential properties.
- * Impact on highway safety;

Sustainability:

The site forms part of a residential curtilage within the built up area of Wigston. It is currently occupied by domestic outbuildings, used for storage. The NPPF 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 excludes land in built up areas such as private residential gardens. Therefore there is no presumption in favour of development advocated by the NPPF. In addition, Paragraph 58 of the NPPF seeks to ensure that developments respond to local character and history, and reflect the identity of local surroundings. The proposal does not achieve this.

Character of Site and Proposal and impact of the proposal on the street scene

Core Strategy Policy 15 Landscape and Character states that 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.

Core Strategy Policy 14: Design and Construction, requires all new development proposals to have high quality inclusive design... *that 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*.

According to the Council's Landscape Character Assessment the site is located within The Poplars urban character area. Such character area has a number of defining characteristics including medium size and regular plots in relation to house type and large backland areas of back gardens. Poor infill development is noted as a threat to the area's character.

Urban Character Area W(vii): The Poplars – policy recommendation states:

'Any infill development should respect the features of the area: e.g. use of paler buff and brown brick colours, respect the regular frontages and plot shapes, use of formal planting, verges and trees, use of low walls as boundary features and use of design features such as bays and porches and entrance features.'

Assessment:

It is not unusual for plots situated on corners, such as this, to have wider than average frontages to compensate for the tapering width of the rear garden. Plot sizes in the immediate locality range from 220 sq.m (no.68) up to 290 sq.m for houses, with larger plots still for the bungalows. The current plot for no.70 is 352 sq.m (which includes an area which has at some stage been annexed from a neighbouring bungalow and is linked by a 2m+ wide pinch at the foot of the original garden). As proposed, the plot for the new house would be 161 (incl. the annexed area), which would leave 191sq.m. for no.70 itself. The private amenity space for the existing house would be in the region of 75 sq.m (subject to the demolition of the 15sq.m single storey rear extension). The new property would have a series of connected small spaces around the building which culminate in a 7m wide area which is linked by a 2.2m wide by 6m long strip. Thus, although the rear garden area is stated as being about 85 sq.m, this includes the aggregate of a series of paths and small spaces at the side of the building. The main area is about 70sq.m, much of which is out of view from the rear of the house, being behind a neighbouring garden and reached by a 2m wide passage. This compares with 62sq.m (for no.68), 115 (no.66), 160 (no.72).

The applicant indicates that other corner plots 68, 80, 82 Repton Road and those returning into Ashbourne Road have wedge shaped plots on account of their splay corner sitings and that accordingly his proposal is comparable. It is confirmed that no.70 currently has a wide frontage and tapering depth, comparable to these other corner plots. However, the subdivision of the plot would result in an additional house within that frontage, causing it to be cramped within the street scene. As an example, it is noted that the new house would have on the wall guttering on the south east elevation, which is indicative of being too large for its plot. None of the nearby houses have this feature 'as built'.

The new plot itself does not conform to the general pattern of development which is 'house and drive/garage to the side'. Although some houses may have been extended into this side garage area, they maintain a plot width comparable to that pattern. This proposal would not.

The footprint of the building would be smaller than others in the locality.

The design draws no features from nearby houses.

Parking provision would include space directly in front of the houses – generally in the street there is a driveway in front of a garage, and in most instances the parking is not in front of the houses themselves.

The dwelling itself would be very narrow, having a maximum width a little under 6.5m, which then reduces in steps to less than 3m at the back, such that the internal floor area would be about 51sq.m. This is very small for a 3 person dwellinghouse. It contrasts strongly with the surrounding development, which was built with an air of spaciousness and at a time when land was not at such a premium that developers would provide decent sized family accommodation within their developments.

For the above reasons, the proposed dwelling would not conform to the prevailing character of development in the vicinity.

The impact of the proposal on existing and proposed residential occupiers.

The proposal would follow the line of development to the south east and would be of comparable depth to the neighbouring property at 72. Comment has been made about overlooking / loss of privacy but this is considered to be satisfactory; the front to front distance across the road is approx 20m and is in line with the remainder of the street, while any overlooking of the neighbouring rear garden at 72 would be no worse than exists with their semi detached neighbour at 74. First floor windows in the stepped side elevation would face towards the flank of the host house and its rear garden, but these are shown as obscure glazed and would be secondary windows to the bedrooms and a feature glazed panel to the staircase. There would be slight overlooking of the garden at no.70, but this is considered to be acceptable.

The proposal would create some overshadowing to the rear gardens of 70 and 72 at certain times of day. These gardens face east and north east, respectively, so would not be overly sunny at the best of times. The new house would be due south of the garden to the host dwelling, and so would overshadow it from late morning onwards, after which the garden is in the shadow of its own house. The proposed house is south west of the neighbour at no.72 and so would overshadow their garden later in the afternoons. These effects would be greater outside of high summer, when the sun is lower and casts longer shadows.

The size of the proposed accommodation would be very small that would have an impact on the persons occupying it. For illustrative purposes an assessment of the proposal against Environmental Health Standards (relating to HMO's and private rent accommodation) as well as the Nationally produced standards (which have not been adopted by the Council) show the following

Aspect of proposal	Actual dimension	Council Standard	National standard
Overall floorspace	51sq.m	-	70 sq.m
Area of master bedroom	10.5 sq.m	10.5 sq.m (not contained in the Council Standards but taken from the Housing Act 1985 as primary legislation)	11.5 sq.m
Width of master bedroom	2.3m	-	2.75m
Area of 2 nd bedroom	6 sq.m	6.5 sq.m	7.5 sq.m

As can be deduced, the overall floorspace is about 73% of the national standard, which when taken with the lack and configuration of the amenity space about the as well as parking provision emphasis the restricted and cramped nature of the development proposed.

Highway safety

The widening of the driveway would result in a combined driveway width of 9.78m. This would be at the furthest point possible from the tight bend in Repton Road and would result in the loss of some kerbside parking capacity in this narrow and congested street.

The removal of the bay feature from the previous scheme enables sufficient parking space depth in front of the proposed dwelling to enable vehicles to park clear of the footway.

Neither parking area (for host or new dwelling) would benefit from on site turning facilities.

The existing house would have replacement parking provision directly in front of that property and to the side, accessed in tandem fashion from in front of the new house. Although both spaces are of adequate dimension and allow free passage for pedestrian access, they are effectively tandem and would require a convoluted reversing manoeuvre to access/egress space 2.

Conclusion

Although some attempt has been made to try to overcome the previous reasons for refusal, it is considered that this revised proposal would still be out of scale and character, would still be cramped within the building and plot and visually within the street scene, and would still result in parking and manoeuvring contrary to highway safety.

Implications Statement

Health	The accommodation proposed would fail to meet the Council's adopted space standards..
Environment	No Significant implications
Community Safety	No Significant implications
Human Rights	The rights of the applicant to develop his property has to be balanced against the rights of neighbours.
Equal Opportunities	No Significant implications
Risk Assessment	No Significant implications
Value for Money	No Significant implications
Equalities	No Significant implications
Legal	No Significant implications

RECOMMENDATION: REFUSE

The Reason(s) for refusal are;

- 1 The application site is located within The Poplars Urban Character Area which is characterised by medium sized dwellings in regular plots with large back gardens. The subdivision of the plot as proposed, because of its restricted size would lead to a development out of keeping with the established scale and character of the area to the detriment of the street scene and the visual quality of the area in general, contrary to the aims and objectives of the National Planning Policy Framework, Core Strategy Policies 14 and 15 of the Oadby and Wigston Borough Council Core Strategy, Landscape Proposal 1 and Housing Proposal 13 of the Oadby and Wigston Borough Council Local Plan and the Oadby and Wigston Landscape Character Assessment.
- 2 The proposed dwellinghouse, which would be situated hard on the boundary with number 72, would result in a contrived layout and rear amenity space for the new property out of keeping with the spatial character of the surrounding development, and a cramped internal

layout injurious to the living standards which potential occupiers might reasonably expect to enjoy. The proposal would therefore not respect local character and distinctiveness and would therefore be contrary to the National Planning Policy Framework, Core Strategy Policies 14 and 15 of the Oadby and Wigston Borough Council Core Strategy, Landscape Proposal 1 and Housing Proposal 13 of the Oadby and Wigston Borough Council Local Plan and the objectives of the adopted Residential Development Supplementary Planning Document.

- 3 The new vehicular access proposed would not provide adequate forward inter vehicle or vehicular/pedestrian visibility splays across land within the applicant's control to enable safe vehicular egress from the site. The parking areas proposed for the existing house do not provide a safe and convenient passage to space 2. The proposed development would therefore be likely to result in the obstruction of the highway by parked vehicles which, in itself, would create a hazard to road users. The proposal would therefore be likely to result in additional dangers for highway users, contrary to the principles and standards contained within the 6Cs Design Guide and Policy 4 of the Core Strategy.

Note(s) to Applicant :

1 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.

BACKGROUND PAPERS

1. 17/00310/REM
2. 17/00338/FUL
3. 17/00392/FUL
4. 17/00396/FUL

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