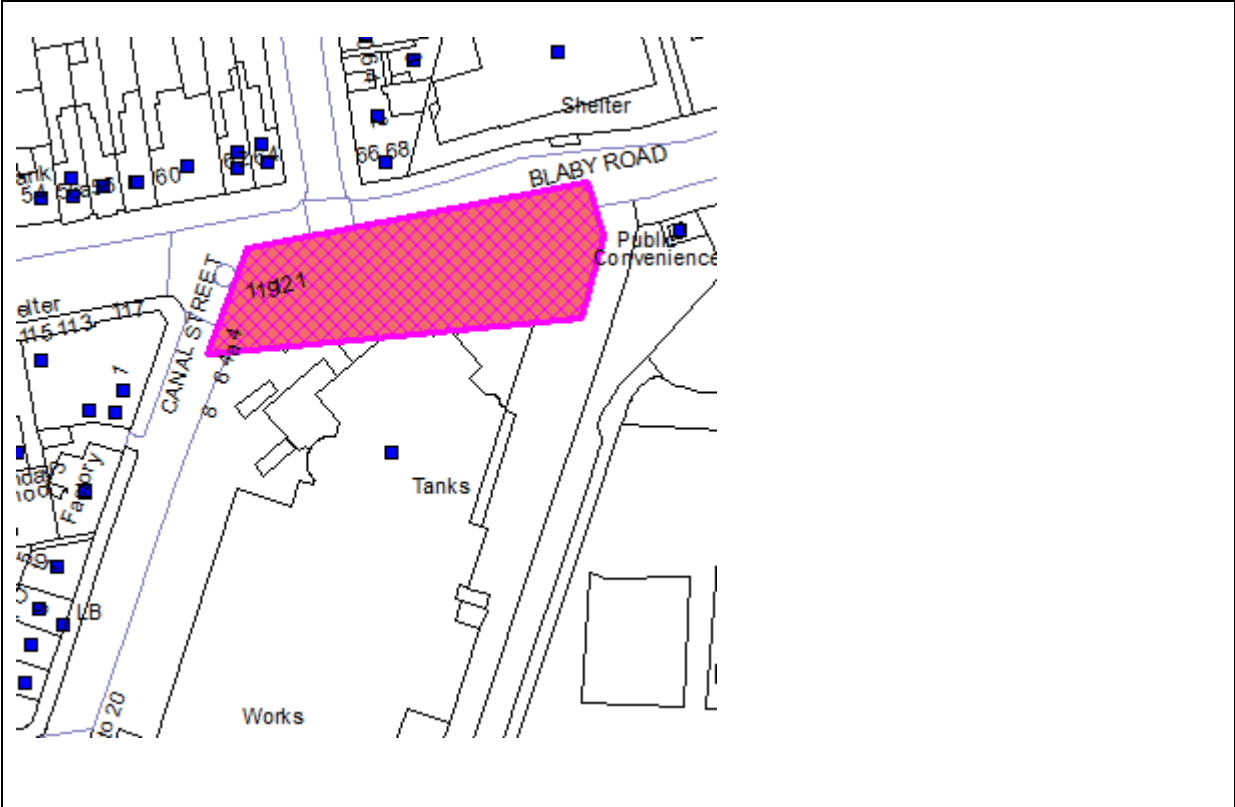


Application Number**Address****Report Items**

- a. **18/00094/ADV** South Leicestershire College
Blaby Road
Wigston
Leicestershire
LE18 4PH
- b. **18/00191/FUL** 39 Whiteoaks Road
Oadby
Leicestershire
LE2 5YL
- c. **18/00205/FUL** Nautical William
Aylestone Lane
Wigston
Leicestershire
LE18 1BA

a.	18/00094/ADV	South Leicestershire College Blaby Road Wigston Leicestershire LE18 4PH
	28 March 2018	Erection of a freestanding digital media screen capable of displaying advertisements.
	Case Officer	Alex Matthews



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Site and Location

The application site is South Leicestershire College which is situated on the south side of Blaby Road, Wigston. The specific location where the proposed freestanding digital media screen would be displayed would be the north-west frontage of the application site, relatively close to the mini roundabout and the junction of Blaby Road and Canal Street. The proposed media screen would be single sided and would front towards Blaby Road. Other than the road and pavements the proposed media screen would face towards ground floor predominantly retail units and other units above, opposite the application site. The site under consideration is not listed but does however fall within the designation of the South Wigston Conservation Area.

Description of Proposal

The applicant is seeking planning permission for the erection of a freestanding digital media screen capable of displaying advertisements. As stated within the submitted planning application form the proposed media screen would be of a free standing nature, and constructed from black powder coated metal and toughened glass polycarbonate. The height from the ground to the base of the advertisements would be approximately 0.428m, the dimensions of the proposed advertisements would be approximately 1.828m by 0.750m by 0.232m (H x W x D), and the maximum height of any of the individual letters would be approximately 1.046m. The proposed signage would involve varied colour of text and background and such would be internally illuminated up to a level of approximately 2000cd/m². The illuminance would be static and video display.

The statutory determination period for this application expired on 23 May 2018, and it is intended to issue a decision as soon as practicably possible after the Committee meeting.

This application is brought before the Committee as the applicant is Oadby & Wigston Borough Council.

Relevant Planning History

07/00285/FUL – Proposed redevelopment of site to construct new college building for South Leicestershire College with car park and associated works. (Rev A, B, C &D) – Application Permitted: 03/12/2007

07/00511/CON – Demolition of all buildings except for the De Vase Rautledge Works, Canal Street. – Application Permitted: 03/12/2007

08/00387/VAC – Section 73 application to remove condition 3 and vary condition 27 of planning permission 07/00285/FUL which relates to the proposed redevelopment of site to construct new college building for South Leicestershire College with car park and associated works. (Rev A, B & C). – Application Permitted: 02/12/2008

10/00239/VAC – Section 73 application to vary conditions 4 (relating to approved plans and specifications), 16 (relating to refurbishment works details) and 26 (relating to specific construction details) of planning permission 08/00387/VAC which relates to proposed redevelopment of site to construct new college building for South Leicestershire College with car park and associated works. – Application Permitted: 25/08/2010

10/00300/ADV – Display of 3 No. non-illuminated monolith signs & other non-illuminated signage (Revision C) – Application Permitted: 25/08/2010

Consultations

Leicestershire County Council (Highways) – No comments received

OWBC Environmental Health – No comments received

OWBC Forward Plans – No comments received

Wigston Civic Society – No comments received

Representations

Neighbours have been informed, a press notice has been publicised, and a site notice has been placed outside the application site. No letters of representation have been received at the time of writing this report. The date for the receipt of comments expired on the 16 May 2018.

Relevant Planning Policies

National Planning Policy Framework (2012)

Oadby & Wigston Core Strategy

Core Strategy Policy 14 : Design and Sustainable Construction

Core Strategy Policy 15 : Landscape and Character

Oadby & Wigston Local Plan

Landscape Proposal 1 : Design of new development subject to criteria

Landscape Proposal 8 : Criteria for assessing the suitability of Advertisement applications

Supplementary Planning document/Other Guidance

South Wigston Conservation Area Appraisal

Conservation Areas Supplementary Planning Document (2008)

Landscape Character Assessment (2005)

Planning Considerations

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

- * The impact of the proposal on the street scene

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- * The impact of the proposal on neighbouring residential properties

The impact of the proposal on the street scene

The proposed scheme of development is considered by the Local Planning Authority to be reasonable in terms of design, size and bulk. Such is considered not to be out of character with regards to the design, character and appearance of the existing site and the surrounding locality. The proposal is considered by the Local Planning Authority to be reasonable. The development would incorporate materials which are considered to be appropriate for this type of development. The Local Planning Authority has no objection with regards to the design, character and appearance of the overall proposal and the impact which such may have on the street scene.

The impact of the proposal on neighbouring residential properties

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, character, appearance and impact on the street scene. In addition to this any potential impact on the neighbouring properties with regards to loss of daylight/ sunlight, overlooking or providing an overbearing feel has also been considered.

The scheme of development as proposed is considered not to cause a substantial impact on neighbouring amenity. The Local Planning Authority considers this development scheme not to significantly detract from neighbouring amenity and the development is, therefore, considered to be acceptable on neighbour amenity grounds.

Conclusion

The authorised delegated officer is recommending approval of this planning application.

Implications Statement

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

Recommendation

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

- 1 The grant of express consent shall expire at the end of a period of five years from the date of this notification.

Reason: To comply with the requirements of Regulation 16(2) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 2 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the requirements of Schedule 2 Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 3 No advertisement shall be sited or displayed so as to:

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To comply with the requirements of Schedule 2 Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 4 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the requirements of Schedule 2 Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with the requirements of Schedule 2 Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 6 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the requirements of Schedule 2 Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 7 Unless otherwise first approved in writing 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: Mr Mark Hryniw - Received by the Council: 07 March 2018

Planning Statement - Ref: N/A - Provided by: Mr Mark Hryniw - Received by the Council: 07 November 2017

Location Plan - Existing - Ref: N/A - Provided by: Mr Mark Hryniw - Received by the Council: 07 March 2018

Site Plan - Proposed - Ref: N/A - Provided by: Mr Mark Hryniw - Received by the Council: 07 March 2018

Totem Plans - Ref: PDSTOP47-GA001 Issue 1 - Provided by: Mr Mark Hryniw - Received by the Council: 07 March 2018

Base Plate Plans - Ref: MPDSTOP47-0131 Issue 1 - Provided by: Mr Mark Hryniw - Received by the Council: 07 March 2018

Installation Manual - Ref: N/A - Provided by: Mr Mark Hryniw - Received by the Council: 07 March 2018

Proposed Location Mock Up - Ref: N/A - Provided by: Mr Mark Hryniw - Received by the Council: 07 March 2018

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 :

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority for the display of an advertisement 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 8 weeks of the date of the decision notice.

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

b.	18/00191/FUL	39 Whiteoaks Road Oadby Leicestershire LE2 5YL
	11 May 2018	Raising the ridge height of existing dwelling, provision of new gable and two dormers to the sides to provide first floor accommodation, plus alterations to external aesthetic finish.
	Case Officer	Mrs Tracey Carey



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Site and Location

Whiteoaks Road is characterised by single storey bungalows, fairly uniform in design with single garages to the side/front. Glen Way to the north of the site is predominantly two storey. The application site is a detached bungalow with a garage to the side/front constructed in buff brick with an element of cladding to the front and render to the rear with a tiled roof. A prominent chimney stack is built into the front external wall and extends from ground level to beyond the roof ridge.

The property stands alone on this stretch of Whiteoaks Road, on the corner of Glen Way and has the rear garden area of No.32 Glen Way forming its western boundary.

Description of proposal

The application involves the raising of the roof of the existing dwelling by around 1.5m, the creation of a new gable to the side up to ridge height (facing Glen Way) to provide an additional bedroom (No.3) and two dormers, one in either side of the roof slope. The dormers measure 3m wide x 2.8m high x 3.3m deep and will provide a bathroom and a further bedroom (No.4). The property is to be fully rendered with the exception of the garage which is to remain as brick.

In line with the increased height of the roof the chimney height will also increase by a similar amount. Two new windows are proposed at first floor level in the rear elevation and the garage door to the front is to be replaced with a window and the garage converted to a study/dining area.

The statutory determination period for this application expires on the 6 July 2018 and it is intended to issue a decision as soon as practicably possible after the committee meeting.

Relevant Planning History

None Relevant

Consultations

None

Representations

Neighbours have been informed and a press/site notice placed with 9 letters of representation being received. The date for the receipt of comments expired on the 6 June 2018. Following the receipt of revised plans and the re-notification of neighbouring properties, 10 letters of representation have been received.

The reasons for objection can be summarised as follows: -

- Overshadowing of garden;
- loss of privacy/overlooking as the dwelling is located near to the fence;
- loss of light;
- will change the street scene and aspect of Whiteoaks Road and set precedent for future development of bungalows to houses, further changing aspect of road.

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- overdevelopment;
- goes against the quiet residential low level area. I had an application turned down for a second storey for this reason. I quote from the refusal *'in our opinion the proposed extension is unsatisfactory in relation of the street picture and, if permitted, it could lead to other similar proposals which collectively would detract from the pleasing appearance of the residential development in this area'*;
- out of character;
- no other properties with dormers in the road;
- so few bungalows on the market as it is;
- cannot see logic of the reason put forward *'...to improve the quality of living for the occupants by increasing the space available for a family.'* The existing bungalow has been a family dwelling in the past and is therefore adequate for this purpose;
- they are still planning to convert bungalow to house, if the owners really want to live in a house, there are several currently on the market in Oadby to choose from;
- all 39 properties should have been notified;
- will ruin integrity of Whiteoaks Road;
- 90% of render out of character;
- very little has changed in the road over the years;
- why is there an extra chimney, it looks out of place with existing properties.

The application has been brought to Committee at the request of Councillor Darr.

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.

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

Emerging Local Plan

Policy 44 : Landscape and Character

Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document

Planning Considerations

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

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

The impact of the proposal on the street scene

Whiteoaks Road comprises single storey dwellings following a similar building line. The site itself sits on its own on the corner of Whiteoaks Road and Glen Way. The properties immediately to the rear on Glen Way are all two storey. Given its separation from the other

single storey dwellings and the backdrop of two storey development to the rear there is no objection in principle to the increase in the roof height which at 6.6m would be between the height of the existing single storey properties and that of the two storey properties.

However, there are some concerns regarding the new gable and the dormer windows which by reason of the height of the new gable (up to the new ridge height) and the size of the dormers would appear over dominant features within both the roof slope and the street scene and would create a top heavy appearance. The impact of which would be exacerbated given the relationship of the property to the corner.

The Council's Residential Development Supplementary Planning Document (adopted 2005) requires dormer windows to be kept to a minimal size and avoid becoming an over dominant feature within the roof space which creates a top heavy appearance to a dwelling. As a general guide dormers should be the same size or smaller than any windows on the existing property and, except in exceptional circumstances, dormers should be set at least 0.5m below ridge level.

Whilst dormers are not particularly a feature of the area it should be noted that there is a large flat roof boxed dormer on the front of a property to the rear in Glen Way (no.43) which is prominent in the street scene.

In view of the above concerns the applicant's agent has been asked to reduce the height of the gable to 0.5m below the ridge and reduce the height, width and projection of the dormers. Revised plans have been received which show the reduction in the height of the gable which in turn has reduced the width by around 1m. The dormer windows have also been reduced in height by 0.2m, in width by 0.6m and the projection has been reduced by around 0.7m. These amendments address the previous concerns and are considered acceptable.

The surrounding area comprises a varied pallet of materials which includes brick, render and elements of cladding and stone work, therefore the proposal to render the property, retaining elements of brickwork to the front, side and rear would be in keeping with the character and appearance of the surrounding area.

The impact of the proposal on neighbouring residential properties.

The new gable and side dormer on the east elevation front the side/rear garden area of No.1 Whiteoaks Road on the opposite corner, however this is in excess of 18m away and appears to be used for the parking of a caravan/vehicles.

The side dormer on the western elevation is sited approximately 4m from the boundary of No.32 Glen Way, this window relates to a bathroom and thus can be conditioned to be obscure glazed and non-opening up to 1.7m above finished floor level to protect the amenities of this neighbouring property.

In view of the above it is not considered that the proposal will significantly impact on the amenities of neighbouring properties.

Highway/Access

The proposal results in a four bedroom property and thus requires 3 parking spaces. Whilst the proposal involves the loss of the existing garage a plan showing the three spaces required within the curtilage of the site has been provided.

Ecology

The County Ecologist has commented that *'it appears from the plans that the proposed extension will affect the existing roof space. The dwelling is adjacent to good bat foraging habitats, therefore there is a strong possibility that bats are roosting in the roof space of the existing property and could be disturbed by the proposed works'*.

In view of these comments a bat survey has been requested.

Other Matters

One representation received refers to an application for a second storey for which permission was refused at their property. I am unable to find any record of a second storey extension however there was an application for a single storey extension refused at the property although this was back in 1966 and was allowed on appeal.

Reference has also been made to an extra chimney. It should be noted that the existing property currently has two chimneys, thus the proposal retains the same number.

Conclusion

In summary, the proposed development is not considered to 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 and is therefore recommended for approval.

Implications Statement

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

Recommendation

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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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 and Wigston Local Plan.

- 3 The dormer window on the west elevation shall be fitted with obscure glass and shall be of a non-opening design up to a minimum height of 1.7 metres above the internal finished floor level. The windows shall not be replaced or altered without the written permission of the Local Planning Authority.

Reason: To safeguard the privacy of occupiers of the adjoining property and in accordance with Landscape Proposal 1 and Housing Proposal 17 of the Oadby and Wigston Local Plan.

- 4 Before the additional bedrooms are first brought into use, the 3 parking spaces shown on the approved plans shall be provided within the curtilage of the premises. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for such use.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

- 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 submitted by Design Studio Architects Limited received by the Local Planning Authority on 30 April 2018

Existing and Proposed Plans and Elevations, Drawing No. DSA-18032-PL-AL-01-B submitted to and received by the Local Planning Authority on 29 May 2018.

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 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.

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.

c.	18/00205/FUL	Nautical William Aylestone Lane Wigston Leicestershire LE18 1BA
	8 May 2018	Demolition of existing building and erection of 1 apartment block of 23 flats (Use Class C3) (17x one-bed and 6x two-bed) with associated external works, parking and landscaping.
	Case Officer	Tony Boswell



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Site and Location

The Committee will recall that this site was the subject of application 17/00084/FUL which was refused planning permission in July of last year. Following the dismissal of a subsequent planning appeal these current proposals have been submitted in order to address the Council's earlier reasons for refusal – see under "Planning History" below.

The application site is the Public House and car park known as "The Nautical William" PH. This lies to the South East of Aylestone Lane and the accommodation road along its frontage, at the junction with Rolleston Road. There is a bus stop midway along the Rolleston Road frontage of the site which will no longer have to be relocated – unlike the previous proposals under 17/00084/FUL. That bus stop evidently serves as a "timing point" by bus operators in which bus drivers will sometimes wait at the bus stop for some minutes before leaving at the time of their scheduled departure. That in turn can lead there to be several busses paused at the stop concerned – a point made by objectors to both the previous scheme and that now proposed.

The junction of Aylestone Lane and Rolleston Road is complex, due to the adjacent accommodation road and historically has been notably hazardous – due to vehicles on the accommodation road sometimes failing to stop or to slow when crossing Rolleston Road. Traffic calming measures have, therefore, been recently introduced. The car park of the current public house has traditionally been used by groups of local children as a shortcut to join Rolleston Road, having generally crossed Aylestone Lane opposite the application site.

The area as a whole comprises almost entirely two storey semi-detached and terraced homes with gardens. A notable exception to that established pattern of development is immediately adjacent to the site on its south eastern side where there is a development of eight terraced homes of altogether higher density, and all with non-traditional flat roofs.

Description of proposal

Unlike the previously refused scheme, the current proposals would be entirely two storey in appearance, although there is a raised section of roof between the corner and part only of the Rolleston Road frontage. This enables two further flats within the internal frontage to the rearward car park. Materials would be brick and tile, with render used on projecting bay windows. The Aylestone Road frontage would include two balconies (unlike the previous proposals). The road side perimeter of the development would be enclosed within 1 metre high "hoop topped" black railings. Within those railings the frontage of the new building would be set back by between 3.8 metres (furthest) and 2 metres (closest).

The new building would include an internal secure cycle store, with an adjacent store for refuse and recyclables. Both of those features would be well located for the convenience of residents and would enable routine refuse collections from the nearby Rolleston Road frontage.

A new road entrance to the rearward car park would be between the end of the building on Rolleston Road frontage and the adjacent number 67 Rolleston Road. Unlike the previous scheme, there would be no windows or other threats to the privacy or outlook of number 67. That car park would contain 23 marked parking bays in its southern part while the northern part closer to the new building would be laid out as a communal "amenity area"

with seating and landscaping. Note that conditions are recommended to secure the quality and proper implementation of landscaping throughout the development as a whole.

The statutory determination period for this application expires on 7 August 2018, and it is intended to issue a decision as soon as practicably possible after the committee meeting and completion of a relevant Section 106 Planning Obligation, details of which follow.

Relevant Planning History

Planning application 17/00084/FUL was refused on the 14 July 2017 for the following two reasons:

- 1 *The proposal as illustrated for 29 Flats represents a gross and unacceptable overdevelopment of the site which would erode the local distinctiveness of the two storey and moderate density suburban locality in which the existing Public House sits. In particular but not exclusively this is evidenced by:*
 - a. *The use of three storey built form throughout much of the development.*
 - b. *The use of external balconies to make good a very limited amount of external amenity space. Those balconies would be uncharacteristic of the locality and would threaten the perceived and actual privacy of existing two storey dwellings on the north side of Aylestone Lane.*
 - c. *The excessively high density of the proposal (circa 100 dpa) in contrast to the locally characteristic density of circa 30 - 40 dpa.*
 - d. *The proximity of the proposed building to first floor bedroom windows at number 67 Rolleston Road (adjacent) which would bring about an unacceptable loss of light and outlook to those neighbouring bedroom windows.*
 - e. *Despite advice to the contrary from the Local Highway Authority and the provision made for secure residents' cycle provision, the Council's Development Control Committee believe that the 29 car spaces proposed would not routinely meet the needs of all residents, their visitors and service vehicles without reliance on nearby or adjacent on-street parking capacity. Adjacent highways are already inconvenienced by occasionally severe and hazardous traffic congestion. (Aggravated by use of the adjacent bus stop on Rolleston Road as a delaying "timing point" by bus operators).*

The form of development would therefore be contrary to national planning policy in paragraphs 56, 57 and 64 of the National Planning Policy Framework; policies 14 and 15 of the Oadby and Wigston Core Strategy and Landscape Proposal 1 of the saved Oadby and Wigston Local Plan. Finally, relevant aspects of the OWBC Residential Development Supplementary Planning Document.

- 2 *In the absence of any appropriate S106 obligation, the proposal makes no acceptable provision for the provision of affordable housing, the local provision of Open space, Sport and Recreation and the costs to the Council of replacing and relocation the adjacent bus shelter on Rolleston Road. (If that consequence of the proposal is agreed by Leicester County Council as Local Highway Authority). The proposal would therefore be contrary to Policies 11 and 12 of the Oadby and Wigston Core Strategy.*

That refusal of planning permission was the subject of a subsequent appeal to the Planning Inspectorate. In dismissing that appeal the appointed Inspector generally agreed with the

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Council's reasons for refusal of planning permission but made a number of other points which have guided these revised proposals and which are also reflected in the Officer's report and recommendations which follow.

Consultations

Leicestershire County Council (Highways) – Formal comments awaited. Other conditions may be recommended following receipt of comments.

Leicestershire County Council (Contributions Team): Set out later in this report.

OWBC Forward Plans : Have contributed to this report as a whole.

Wigston Civic Society : *"We are in support of the redevelopment of this site with housing and we support this amended application in which the objections raised in our letter of 7 May 2017 in relation to the original objection appear to have been resolved. We note that the original application was refused and on appeal to the inspector, the Council's original decision was upheld. We note the following in relation to our objections to the original application:*

- * *The bulk of the building on the north western corner had been removed, although there remains a small squared off diagonal section to form a minor statement.*
- * *By removing the third storey from the road elevations the bulk of the height to the road elevations has been removed and the eastern end of the block to the Aylestone Lane frontage now has a hipped roof, again removing the bulk. It is noticed that the only two flats to the third storey now face the internal parking/seating area and do not overlook the existing road elevations. Balconies have been mostly removed*
- * *Both elevations have been set back a little further compared to the original so allowing small front gardens to the ground floor units and reducing the bulk to the frontages.*

The amended vehicle entrance, turning design is much improved and also reduces the bulking effect on 67 Rolleston Road".

Representations

23 near neighbours were notified by direct mail and a site notice posted, all to expire by 27 June 2018.

At the time of writing, two letters of objection have been received raising the following concerns:

- * Aylestone Lane and Rolleston Road are busy roads which will be aggravated by the development.
- * Many school children use this route to and from local schools.
- * Will overlook properties in Rolleston Road opposite.
- * "There are no other properties like this on our street, so personally it would not look nice".
- * Would cause noise and pollution. "Most people going to the Nautical William go on foot so noise isn't too bad on the whole".

- * Increase in air pollution locally.
- * Still too close to the boundary and not in line with existing properties.
- * Flats will have at least two cars each. Not enough car parking leading to on-street car parking. (Note by Officers – 17 of the 23 flats would be single bedroomed. Published ONS figures for 2011 found that only 32% of all households within the UK had access to two or more cars).
- * Road entrance would be too close to the existing bus stop on Rolleston Road. Hazardous to pedestrians using that bus stop.

Councillor Boulter has requested that this application should be determined by this Committee in view of the planning history of the site.

Relevant Planning Policies

National Planning Policy Framework

All relevant in whole or in part

Oadby & Wigston Core Strategy

Core Strategy Policy 10	:	Community Infrastructure
Core Strategy Policy 11	:	Affordable Housing
Core Strategy Policy 12	:	Housing Needs of the Community
Core Strategy Policy 14	:	Design and Sustainable Construction
Core Strategy Policy 15	:	Landscape and Character

Oadby and Wigston saved Local Plan

Landscape Proposal 1	:	Design of new development subject to criteria.
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New Draft Local Plan (To be given limited weight pending formal adoption later in 2018)

Draft New Local Plan Policy 9	:	Open Space, Sport and Recreation Facilities
Draft Local Plan Policy 13	:	Affordable Housing
Draft New Local Plan Policy 46	:	Infrastructure and Developer Contributions

Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document
 Developer Contributions Supplementary Planning Document

Planning Considerations

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

- * The impact of the proposal on the street scene
- * The impact of the proposal on neighbouring residential properties.
- * Matters relating to traffic, car parking and local pedestrian safety.
- * Section 106 Obligations to render the proposed development acceptable.

The impact of the proposal on the street scene

The previous proposals as refused planning permission were substantially of three storey construction. The current proposals are almost entirely of two storey appearance although there is a raised area of roof along part of the Rolleston Road frontage which would

accommodate two flats that would only be visible from the "interior" elevations of the proposal towards the car park. The street appearance is thus entirely two storey.

The design as a whole would be in brickwork and tile, with render used only on projecting bay windows. Unlike the previously refused scheme there would only be two balconies to the Aylestone Lane frontage, with none on the Rolleston Road frontage. There would, however, be two further balconies on the inward facing elevations to the on-site car park.

The development as a whole would be enclosed by new 1 metre high "hoop topped" railings (enclosing landscaping), with the exception of a pedestrian entrance in the Rolleston Road frontage immediately north of the pre-existing Bus Stop shelter. That interruption in boundary railings will also permit routine access to and from the internal store for refuse and recyclables.

The frontage of the proposed building would be set back by between 3.8 metres (furthest) and 2 metres (closest) from the enclosing boundary railing. On neither of the two frontages would the new building be in close proximity to any more traditional homes which observe a fixed "building line". In that situation the fact that the building does not observe a traditional building line cannot be objectionable. Neither does the absence of a "front garden" such as the more traditional homes and front gardens, including front garden car parking, that are typical of the surrounding locality.

The impact of the proposal on neighbouring residential properties.

The building as proposed would be not less than 21 metres from homes opposite on Rolleston Road; 9.8 metres from the adjacent number 67 Rolleston Road on that same Rolleston Road frontage, and 34-35 metres from properties opposite on Aylestone Lane. A single flat on the first floor of the proposed development would be some 19.2 metres from the frontage windows of number 156 Aylestone Lane.

This Council's normal requirement for minimum "back to back" distances is 22 metres, although this is generally slightly relaxed between frontages or across a street. (See paragraph 4.2 of the adopted "Residential Development" Supplementary Planning Document, which remains in force pending adoption of the forthcoming new Local Plan). In the assessment of Officers the development does not, therefore, pose any threat to the light, outlook or privacy of nearby or adjacent homes and gardens.

During the redevelopment process there would clearly be some potential for disturbance to local conditions, not least to immediate neighbours. Note that the recommended conditions require the preparation and submission of a Construction Site Environmental Management Plan (CSEMP). That should at least prevent any severe excesses over the few months concerned.

Matters relating to traffic, car parking and local pedestrian safety.

Aylestone Lane is a heavily trafficked Urban Distributor road and Rolleston Road is a fairly busy road used by a number of local bus services. It is clear from objectors (including those to the previous scheme) that perceived traffic congestion, noise and pollution are important local concerns. These concerns are aggravated by the tendency of bus drivers to use the Rolleston Road bus stop as a delaying "timing point".

The location of the proposed building and railings are such that safe forward visibility would be provided for pedestrians, cyclists and other road users both at the junction of Aylestone Lane and Rolleston Road, and at the proposed new car park entrance to Rolleston Road. A condition requiring approval of a Construction Site Environmental Management Scheme will enable the Council to ensure that same margin of safety is maintained throughout the development process.

As reported earlier, the proposal includes a central car park with 23 on-site parking spaces. Unlike the previous scheme as refused planning permission, the car park would be accessed via a new 4.8 metre wide entrance from Rolleston Road located between the new building and the adjacent 67 Rolleston Road. Previously the entrance was to have been via an archway which would have entailed re-locating the existing bus stop. In dismissing the previous appeal the Inspector did not have sympathy with the Council's concern about inadequate off-street parking capacity. Given that the scheme now includes just 17 x single bedroomed flats and 6 x two bedroomed – with very adequate cycle storage and, immediately adjacent to a number of local bus services, Officers believe that the 23 car spaces proposed would be more than adequate to prevent any significant aggravation of local traffic and on-street parking concerns. (Noting earlier that published ONS figures for 2011 found that only 32% of all households within the UK had access to two or more cars – which includes a great many households in 3, 4 or more bedroomed houses).

That new car park entrance would be on a straight section of Rolleston Road and, assuming only that drivers including bus drivers use normal care and attention, there is no reason to suppose that any hazard would arise for pedestrians, cyclists or other road users.

Section 106 Obligations to render the proposed development acceptable.

Core Strategy Policy 10 states that the Council may seek developer contributions to mitigate or compensate for the impact of a development on existing community interests and the local environment. Any such contributions should also be in compliance with relevant requirements of the CIL Regulations. In this case consultations have been undertaken to assess relevant requirements which would comply with the CIL Regulations as follows:

LCC Libraries – No requirement

LCC Education – No requirement (as less than 10 two bedroom homes)

LCC Civic Amenities – No requirement.

OWBC - **£15,856.12** towards implementation of Open Space, Sport and Recreation Facilities in Wigston.

OWBC – Some 20% of the proposed new homes should be in the form of “affordable homes” to comply with the requirements of Core Strategy 11 and Draft New Local Plan Policy 13.

23 flats x 20% = 4.6 – i.e. **5 affordable homes.**

NHS (East Leicestershire and Rutland Clinical Commissioning Group) – Have bid for the sum of £5,183.33, to assist in improving patient access arrangements at the Two Steeples Medical Centre which is the nearest NHS GP centre to the development. Unfortunately, that

bid as documented is not compliant with relevant requirements of the CIL Regulations and so cannot be supported by officers.

Conclusion

The design, scale and massing of the proposed 23 flats and their access and parking arrangements are now supportable – subject to compliance with the conditions recommended below, and an acceptable Section 106 Obligation regarding the inclusion of 5 affordable homes and the contribution of £15,856.12 towards local Open Space, Sport and Recreation facilities.

Implications Statement

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

Recommendation

For the reasons set out in the above report then:

Subject to the completion of an acceptable Section 106 Obligation and for the reasons set out in the above report, **PERMIT** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Prior to the commencement of development details of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.
Reason: To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 3 Prior to the commencement of development a detailed scheme of landscaping and measures for the protection of trees to be retained during the course of development shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that a landscaping scheme is provided to enhance the development and in accordance with the aims and objectives of the National Planning Policy

Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

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

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

- 5 Prior to the first occupation of any of the dwellings hereby permitted the access and parking areas shown on the approved plan(s) shall be provided in an approved surface with the 23 parking bays marked out on the ground and thereafter shall be made available at all times for the use of residents or visitors to the premises.

Reason: 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.

- 6 Prior to commencing any part of the development hereby permitted or demolition prior to commencement a Construction Site Environmental Management Scheme (CSEMS) shall be submitted to and approved in writing by the Local Planning Authority. In particular but not exclusively that CSEMS shall include:

- a) Details of measures to safeguard the safety of passing pedestrians, cyclists and other road users throughout the construction period.
- b) The proposed hours within which works of demolition, construction works and deliveries to the site may take place. (08:00 to 18:00 would be acceptable).
- c) The proposed days of the week during which works of demolition, construction works and deliveries to the site may take place. (Saturdays, Sundays and Bank Holidays being excluded).
- d) Measures to prevent the emission of dust, detritus or excessive noise throughout the works as hereby permitted.
- e) Measures to prevent any mud or detritus from being deposited on roads or footways in proximity, including measures for the inspection and remediation of any accidental deposition on roads or footways in proximity.
- f) The location of a reception area for the safe reception and on-site storage of building materials from suppliers.
- g) The location of on-site facilities for the parking of operatives' vehicles throughout the construction period.
- h) The contact details of a named individual who will take responsibility for management and enforcement of the approved CSEMP.

Reason: To safeguard the amenities and safety of nearby residents and road users, having regard to the proximity of the site to a number of homes and gardens, along with two busy roads which among other things are used by local school children.

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

TBC - following minor amendments.

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 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.

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

- a. 18/00094/ADV
- b. 18/00191/FUL
- c. 18/00205/FUL