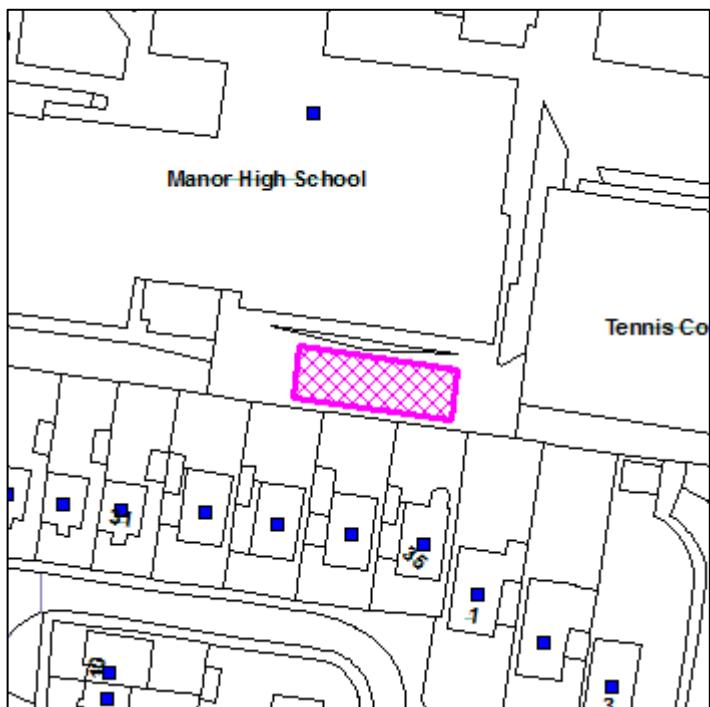


**Application Number****Address****Report Items**

- a. 19/00146/FUL**      Manor High School  
                                  Copse Close  
                                  Oadby  
                                  Leicestershire  
                                  LE2 4FU
- b. 19/00151/COU**      112 Aylestone Lane  
                                  Wigston  
                                  Leicestershire  
                                  LE18 1BA

<b>a.</b>	<b>19/00146/FUL</b>	Manor High School Copse Close Oadby Leicestershire LE2 4FU
	<b>1 April 2019</b>	Erection of a dining/multi-use canopy.
	<b>Case Officer</b>	Richard Redford



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## **Site and Location**

The site as a whole comprises Manor High School with its access, buildings, playing fields and associated space. Access to and from the site is via Copse Close. To the north of the school site as a whole is Brookside Primary School while to the south and west are residential dwellings. Beyond the primary school to the north as well as beyond the sports fields associated with the application site to the east, is agricultural land. The site is occupied by numerous school buildings, playing fields (inc tennis courts), break / lunch areas and associated access arrangements.

The proposal will be located to the south of the main school building in an area used as a school yard prior to school starting as well as over breaks and lunch periods.

## **Description of proposal**

The application seeks planning permission for the erection of a dining / multi-use canopy. With a footprint measuring 8m wide by 23m long, it will be 2.4m high at its lowest points (the outside edge of the 23m lengths) and 3.4m high at its greatest in the centre of the canopy which is curved. To be constructed of steel with a tensile roof, it will be sited in an area of the school site that is currently a hard landscaped playground that is used for play and other school related purposes with there being a number of picnic type tables in existence on the area at present. The Design and Access Statement submitted with the application also sets out that it will provide a covered seating area, be capable of use in all weathers while being powder coated.

As a result of further dialogue with the agent, up-dated plans have been received correcting an error on three of the plans originally provided in relation to the site boundary treatments with the adjacent dwellings which showed the height of the fence between the school site and these neighbours as being higher than was the case. The drawings show the boundary at its correct height of 2m. Further, the agent has also confirmed that the steel frame will be granite grey in colour while the canopy roof will be champagne colour. They have also provided clarification that the use of the term "mutli-use" means it will be of use for multiple school related purposes and will only be used by the school during its normal operating hours.

The statutory determination period for this application expired on the 29 May 2019 and an extension of time has been sought up to and including 28 June 2019 in order to issue a decision the day after the committee meeting.

## **Relevant Planning History**

While the site has a planning history, none are relevant to the consideration and determination of this application.

## **Consultations**

OWBC Environmental Health:

Commented that Environmental Health had no observations to make on the application.

## **Representations**

Neighbours have been informed and a site notice displayed. A total of 4 letters of objection

from 4 properties) and 1 “petition” of 15 signatures from unknown addresses objecting to the proposal have been received at the time of writing this report. The grounds of objection are as follows;

- \* Noise will be considerable and unacceptable;
- \* the proposal would be an eye sore;
- \* rubbish would accumulate;
- \* currently have problems with food and bottles being thrown over fences into the gardens of adjacent properties;
- \* the saleability of the adjacent properties would be affected;
- \* property de-valuation;
- \* could be used in the evening if the school decided to hire out to other venues in the summer holidays;
- \* if it was hired out it would pose and contribute to parking issues;
- \* impact on residents on what is a residential area;
- \* the impact of having a raised building at the rear of their property;
- \* reduction of natural light entering rear gardens;
- \* canopy is a general term that should be expanded upon;
- \* increased smoke levels; and
- \* it could be located further away from the adjacent properties.

The date for the receipt of comments expired on the 29 May 2019

Councillor Mrs L Kaufman has requested the application be considered and determined by the Planning Committee on the grounds of local concern over amenities and use.

## **Relevant Planning Policies**

### National Planning Policy Framework

### Oadby and Wigston Local Plan

Policy 1 – Presumption in favour of sustainable development

Policy 6 – High quality design and materials

Policy 44 – Landscape and character

## **Planning Considerations**

The main issues to consider in the determination of this application comprise firstly the design, appearance, scale, massing and bulk of the proposal; and secondly the impact of the proposal on neighbouring residential properties.

Located within the Leicester Urban Area and used for educational purposes, the principal of the proposal is acceptable in accordance with Policy 1 in presumption of favour of sustainable development.

The proposal, as set out above, has a footprint measuring 8m wide by 23m long covering an area of 184 square metres in an area of the school grounds currently hard surfaced and available for use by pupils during school hours including break and lunch times. While the footprint of the structure could be seen as large, based solely on its dimensions, it is a small area when considered in terms of its existing location on an area of school yard 50m by 20m which continues to extend beyond these dimensions down the side of the existing school building adjacent to neighbouring dwellings. It has been designed with a curved roof on

steel frame in order to provide and maintain an open nature and appearance whilst also enabling a functional use for purposes associated with the school.

Its design and appearance are acceptable as are its scale, bulk and massing within the context of its location within the site. The materials and colours are considered to be acceptable as well as appropriate and in-keeping with the school building while not detracting from the amenities of the neighbouring dwellings.

Situated immediately to the south of the school site 6.2m from the edge of the canopy element and 8.4m from the steel frame are timber fencing associated with the adjacent residential dwellings. The rear walls of these dwellings are, based on the site location plan provided and excluding any extensions they may have, approximately 12.5m from the boundary fencing resulting in the proposal being 18.7m from the rear walls of the dwellings. With an eaves height of 2.4m at 18.7m distance and maximum height of 3.4m at 22.7m it is considered that the proposal would not be overbearing, domineering or oppressive on the rear garden amenities of these adjacent dwellings.

It is important to note that the dwellings themselves could erect outbuildings 2.5m high within 2m of their site boundaries or 4m high to the top of a dual pitched roof where situated more than 2m from their site boundaries under permitted development rights. From these it can be seen that the height has been kept to a minimum in order to ensure any impacts through height are kept to a minimum while also ensuring no unacceptable impact upon light levels.

While concerns from residents over noise are noted, the area where the proposal is to be sited is currently used as an area of school yard already accessible by students and staff. Any increase in noise is not, in this instance, considered sufficient to justify a reason for refusal.

With regards to other concerns raised by residents, both property de-valuation and the saleability of dwellings are not a material planning consideration while points raised by residents relating to rubbish could be addressed through an informative advising that sufficient refuse receptacles should be provided to prevent rubbish from building up on site or neighbouring sites. The agent has confirmed that it will be used by the school only and not others while there is no evidence to support concerns over increased smoke levels.

## **Conclusion**

Overall therefore the proposal complies with adopted policy, is of an appropriate design and appearance while not resulting in any unacceptable impact upon neighbouring amenities. As such it is recommended for approval subject to conditions and informatics.

## **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.

**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. The development shall be carried out in accordance with the following documents and plans;  
Application forms; Design and Access Statement; and drawing titled Manor High School-Planning Site and Location Plans - Proposed numbered 15292MHS-P-SLP-P all submitted to and received by the Local Planning Authority on 1 April 2019;  
Agents e-mail of 6 June 2019 confirming granite grey (RAL 7026) coloured steel work and champagne coloured roof fabric and the use of the structure by school only during normal operating times;  
Amended drawing numbered 15292MHS-P-WE-P Rev A titled Manor High School-Planning-West Elevation Proposed submitted to and received by the Local Planning Authority on 6 June 2019;  
Amended drawing numbered 15292MHS-P-NE-P Rev A titled Manor High School-Planning-North Elevation Proposed submitted to and received by the Local Planning Authority on 6 June 2019;  
Drawing numbered 15292MHS-P-EE-P titled Manor High School-Planning-East Elevation Proposed submitted to and received by the Local Planning Authority on 6 June 2019.

**Reason:** For the avoidance of doubt and to ensure the development is carried out in accordance with the documents and plans considered and on which the decision was made.

3. The development hereby approved shall only be used by Manor High School during its normal operational times only.

**Reason:** For the avoidance of doubt in accordance with submitted information and in order to ensure the protection of adjacent amenities.

### Note(s) to Applicant :

1. The applicant is advised, based on third party comments received during the consideration of the application hereby approved, to ensure sufficient bins are provided and emptied on a regular basis to ensure no adverse impacts on amenities of the site itself or the amenities of neighbouring and surrounding sites.

- 2.** You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.
- 3.** For the avoidance of doubt this permission does not authorise any development outside the application site including any foundation, footings, fascias, eaves, soffits, verges or guttering.
- 4.** You are advised that any amendments to the approved plans will require either a Non-Material amendment application, a Minor Material Amendment application or a new planning application. If this is the case then you should allow at least 8 weeks before the intended start date to gain approval for such amendments. Further advice can be obtained by contacting the Planning Section of the Council on any amendments (internal or external).
- 5.** The applicant is advised that no demolition works or associated works or operations should take place on the site except between the hours of 8.00am and 6.00pm Monday to Friday, 9.00am to 2.00pm on Saturday and at no time on Sundays or Bank Holidays.
- 6.** The Application as submitted was, on balance, considered to be acceptable and whilst discussions with the applicant were held to seek a higher quality of development the originally submitted development is not considered to be bad enough to warrant refusal of the application. The Local Planning Authority has therefore acted proactively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) 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](http://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.

<b>b.</b>	<b>19/00151/COU</b>	112 Aylestone Lane Wigston Leicestershire LE18 1BA
	<b>2 April 2019</b>	Change of use of ground floor from residential (Class C3) to Funeral Services (Class A1) and erection of a single storey rear extension.
	<b>Case Officer</b>	Richard Redford



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## **Site and Location**

The site is occupied by an extension two-storey detached building with the area to the front of the building covered with hardstanding. Its front wall comprises a shop front at ground floor level covering approx. two thirds of its width with the remainder of the ground floor and first floor as extended having a residential appearance. There is a full width dropped kerb along the site frontage on Aylestone Lane. Site boundaries comprise 1m high brick walls and 2m high timber fencing. Ground levels on the site are level although there is slight fall along Aylestone Lane in the immediate area.

Surrounded predominantly by two-storey residential dwellings (detached and semi-detached), there is a single storey A1 retail unit within sight of the application site.

## **Description of proposal**

Planning permission is sought for the change of use of the ground floor from residential (Use Class C3) to a funeral services unit (Use Class A1) and the erection of a single storey rear extension to the existing building for use within the proposed use. Within the application forms it details that it will operate from 9am to 5pm Monday to Friday while the submitted drawings detail the extension will be constructed of materials to match the main dwelling. In terms of the extension, part of the existing detached garage will be integrated into the extension with an area measuring 4.7m wide by 9.5m deep being constructed measuring 2.5m to eaves and 4.5m high to the top of the dual pitched roof element. The existing garage element which is to be retained and incorporated into the extension will see the existing inward facing wall removed but all other elements remaining as they currently exist. A further extension measuring 1.5m wide x 3m deep x 2.7m to eaves and 3.5m to ridge height will be constructed. An area of the existing buildings ground floor will be demolished to enable the burial vehicles to access the proposed extension. As extended the ground floor will provide an office, an area of retail space, two chapels of rest, one mortuary, one preparation area and an enclosed area for 2 burial vehicles.

The agent has also provided a parking layout plan for the site showing 4 parking spaces to the front of the site along with the two spaces for the burial vehicles in the extension. They have also confirmed that the first floor will remain in residential use and be occupied in association with the business. An up-dated Planning Statement has also been provided that includes a sequential assessment addressing commercial properties available in the relevant areas detailing that where units of suitable size are available they are too expensive.

The statutory determination period for this application expires on the 28 June 2019 as a result of an extension of time having been agreed by the agent to allow the decision to be issued the day after the committee meeting.

## **Relevant Planning History**

Change of use from Residential (Use Class C3) to Retail (Use Class A1) (17/00538/COU) – Refused 19 January 2018

Extension to form bedroom (72/1105/10) Approved 15 February 1972

Shop front (70/2035/10) Approved 30 April 1970

Extension to the dwelling (2528/67) Approved 18 November 1967

Extension of store room to the rear (3868/66) Approved 24 August 1966

Extension to shop (680/59) Approved 18 February 1959

## **Consultations**

### *Original Consultation:*

Leicestershire County Council (Highways): Insufficient information has been provided to allow a detailed assessment with confirmation of parking spaces widths to the side and rear of the building required.

OWBC Building Control: No comments received.

OWBC Environmental Health: Have no objections to the proposal.

OWBC Forward Plans: Comment that a Sequential Assessment is required to be provided along with a plan showing proposed parking spaces to be used in association with the proposal.

OWBC Licensing: No commented received.

### *Re-Consultation:*

OWBC Forward Plans: Comment that based on the Sequential Test provided there are no other suitable sites available; there are parking space inconsistencies and it is unclear if the upper floor will be ancillary or separate from the proposed use.

Leicestershire County Council (Highways): No objections subject to conditions

## **Representations**

Neighbours have been informed and a press/site notice placed with 14 letters of representation from 13 properties received at the time of writing this report. The date for the receipt of comments expired on the 3 May 2019.

11 letters of objection have been received from 10 properties objecting to the proposal on the following grounds:

- \* Aylestone Lane is a busy B road with vehicles of all size often travelling at excessive speeds;
- \* regular use of Aylestone Lane by emergency vehicles;
- \* large amounts of pedestrians including children using the footpaths here;
- \* the preceding points make manoeuvring difficult in a standard car let alone funeral vehicles;
- \* the proposal is for 5 vehicles yet the existing site only has space for 3;
- \* embalming fluid falls into a hazardous substance that will be used on the site despite assertions made;
- \* inappropriate location for such a use amongst residential dwellings;
- \* increase in traffic levels and congestion with resultant highway safety concerns;
- \* increased noise levels;

- \* insufficient parking provision;
- \* the view from the application site to neighbouring and surrounding sites upsetting to their residents;
- \* a number of ambiguous points made on the submission;
- \* outside of defined retail locations as per the previous refusal so should be refused again;
- \* sufficient funeral service provision exists in the area with 8 providers in a 2 miles radius of the site;
- \* negative impact on well-being and construction being stressful if allowed
- \* increased traffic movements throughout the day;
- \* parking over the drives of neighbouring and surrounding dwellings;
- \* existing disturbance from existing A1 convenience store which will get worse with the proposal;
- \* the site is located outside of defined shopping centres;
- \* too much being squeezed into the site;
- \* round the clock movement of vehicles by the proposed use in association with the proposed use;
- \* rear garden areas regularly flood;
- \* the site is in a primarily residential area so a lot of those will be overlooked;
- \* errors and inconsistencies in the application forms including residential numbers on the site and drainage;
- \* no improvement to site boundary treatments resulting in adverse impact on neighbours;
- \* no details for provisions of DDA compliant access;
- \* 8 other such facilities in the Council area;
- \* property de-valuation.

A total of 2 letters of support has been received commenting as follows:

- \* The building needs to be brought back into use;
- \* the building was previously used for commercial purposes which most residents would have been aware of when purchasing their properties so the proposed use would not impact beyond previous levels;
- \* the proposed use is unlikely to cause too much disturbance;
- \* traffic reverses from the convenience store 4 doors down and seemingly causes no issues so why should this proposal;
- \* a family run business are proposing to take it on and operate it with them having answered questions they were posed.

1 petition objecting to the proposal has also been received with a total of 27 signatures from 23 different addresses objecting on the grounds of the site being in a residential area and not a commercial area; traffic and congestions concerns; highway safety concerns for pedestrians as the site is on a school route; parking provisions and general parking concerns; noise from 24 hour a day vehicle movements.

Councillor Mrs H Loydall has requested the application be determined by the Planning Committee on highway and parking grounds as well as the proposed change of use.

## **Relevant Planning Policies**

National Planning Policy Framework (NPPF)

Oadby and Wigston Local Plan

- Policy 1 : Presumption in Favour of Sustainable Development
- Policy 2 : Spatial Strategy for Development within the Borough
- Policy 6 : High Quality Design and Materials
- Policy 22 : Delivering Retail
- Policy 34 : Car Parking
- Policy 44 : Landscape and Character

## **Planning Considerations**

The issues for consideration relate to the principle of the development, design, appearance, neighbouring amenities and parking.

### Principle:

Local Plan Policy 1 on the Presumption in Favour of Sustainable Development suggests that all development proposals must take account of the broad aim of sustainable development. The policy goes on to suggest that the Council will be positive when determining development proposals that reflect the presumption in favour of sustainable development contained in the NPPF. Further, the policy states that '*for development to be deemed 'sustainable' within the context of this Plan, it must contribute towards delivering the Spatial Strategy, the Council's Vision and Objectives, and must be in conformity with the local planning policies contained within this Plan*'.

Local Plan Policy 2 on Spatial Strategy for Development within the Borough suggests that the Council will always seek the reuse of previously developed land. While the policy goes on to illustrate the areas within the Borough that have been allocated for development, including retail development, these allocations are all of a major scale.

Local Plan Policy 22 relating to Delivering Retail encourages retail and other town centre uses to be located within the '*town and district centre first*' and that where this is not the case, in accordance with national policy, a sequential test must be submitted by the applicant.

From looking at the building in its current condition, it has the appearance of being retail (Use Class A1) at ground floor with residential above. Associated with this, an assessment of the site's history indicates a number of planning permissions relating to the use of the site for mixed purposes comprising retail (Use Class A1) and residential (Use Class C3) with it appearing that the residential use was ancillary to the use of the building for retail purposes. Whilst no evidence exists of planning permission having been applied for let alone determined with an approval or refusal, an investigation into the use of the building has established that residential rates have been paid on the whole building since at least April 1993. On the basis that this is just under 25 years ago at the time of writing this report, it can be established that a significant period of time over the necessary 4 years has passed to make the residential use of the building lawful and immune from any enforcement action. Had the building remained in Use Class A1 retail with ancillary residential above, planning permission would not be required for the change of use element as proposed in this

application. Nonetheless, planning permission is now required due to the residential use being lawful and immune from enforcement action.

The proposal is situated within the Leicester Principal Urban Area (PUA). An assessment of the Sequential Test provided in the up-dated Planning Statement has been undertaken and Planning Policy is satisfied that it demonstrates that as of April 2019, there were no other suitable and available units within the Borough's town, district and local centres available to fulfil the applicant's requirements.

Although the applicant is seeking to develop a large extension to the rear, the proposal is predominantly seeking the reuse of previously developed land and while not comprising land allocated for larger scale development through Local Plan Policy 2, it would contribute toward the re-use of brownfield land and provide an element of the identified retail provision.

The proposal, therefore, complies with the provisions of policies 1, 2 and 22 in the Oadby and Wigston Local Plan.

Design and appearance:

From the front of the building there will be limited change in the design and appearance of the building. The main element of change that will be visible is the demolition of an element of the ground floor of the building to its side in order to facilitate vehicular access by the funeral vehicles to the enclosed rear area of the building as extended. It is considered by Officers that this demolition part of the proposal is acceptable as it will allow the intended business to operate in a respectful, professional manner while not resulting in any adverse or detrimental effects on the character and appearance of the building or area.

An element of the dual pitched roof will be visible from an oblique angle to the front of the building and from this position it is not considered that it would adversely impact the streetscene.

In terms of the rear extensions, it is of significance that the existing garage / outbuilding on the site adjacent to and on the boundary 110 Aylestone Lane will remain in-situ on site and be integrated into the larger extension. As is proposed the larger rear extension will end 1m beyond the rear wall of the existing single storey side and rear extension at 110 Aylestone Road upon which it will not have any adverse or detrimental impact.

The boundary between the application site and the other adjacent dwelling at 114 Aylestone Lane comprises a low level boundary treatment resulting in the extension being very visible and while the nearest flank wall of the extension will be 4m off the boundary, due to the boundary treatment it can be seen as having a potentially overbearing impact on this neighbour. This concern could be overcome through a condition being attached to any permission requiring a 2m high boundary fence to be put on the site boundary which will serve to minimise the potential overbearing impact through a fence that would, for a dwelling, be permitted development. Such a condition would comply with the relevant tests whilst also addressing the concern in a manner that would not result in a reason for refusal being capable of being supported.

A small amount of the extension would intersect the notional 45-degree from the relevant window point of 114 Aylestone Lane, however, the amount is of a very small level such that it would not be sufficient to justify a refusal. The design and appearance of the extensions are appropriate to the building and area while the use of matching materials will serve to ensure that they fit in with the area without resulting in any adverse or detrimental impacts.

Overall, therefore, the proposal complies with the provisions of policies 6 and 44 of the Local Plan.

Highways and Parking:

In respect of highway matters, Leicestershire County Council as the relevant Highway Authority initially commented that the development would not lead to an intensification of use compared to the extent use but requested clarification that the proposed garage - which is to be utilised for mourning car and hearse parking - meets the minimum width requirements (2.3m) as detailed in the Leicestershire Highway Design Guide (LHDG).

Clarification was duly provided by the agent and the Highway Authority subsequently re-consulted. They then commented that following receipt of a revised Proposed Plan and Main Elevations (Drawing No. 112AL RWFS-(PLANN APP) #002A) and Proposed Parking Plan(Drawing No. 112AL - RWFS-(PLANN APP) #003A), it had been detailed that the current access measures 2.470m from a recent survey and that this is be increased to provide a new 2.5m opening. These drawings identify that the garage will have a minimum door width of at least 2.3m (including the door frame); as such, the LHA is satisfied that useable parking spaces are to be provided. They, therefore, had no objections to the proposal on highway safety grounds subject to conditions being attached to any approval.

The parking spaces provided to the front that will serve the relatives of those visiting the unit, if approved, as well as the occupant of the first floor flat which will be a member of staff, comply with the relevant parking standards.

As such the proposal is considered acceptable on highway and parking grounds.

Other Matters:

As mentioned above, it has been indicated that the first floor residential unit will be occupied by a member of staff in the interests of security and it is considered that a condition requiring this should be attached to any approval on the grounds of security while also ensuring that the proposed parking provision continues to comply with standards.

As set out above a number of objections have been received on the application raising a number of different points and the following are the relevant responses to those concerns raised.

With regards to highway and pedestrian safety, the Highways Authority have set out that the proposal will not impact on highway or pedestrian safety unacceptably such as to justify a refusal. Furthermore, they are satisfied with the proposed arrangements in respect of the funeral vehicles and that sufficient parking has been provided in accordance with standards.

The OWBC Environmental Health department were consulted on the application and had sight of the submitted plans which indicate the mortuary and preparations area. As such they are aware of the works that would take place at the property and have raised no

objections nor requested conditions and or informatives in relation to the embalming fluids issue.

The sequential test submitted has shown that in this instance it is an acceptable location for the proposal while noise levels associated with the proposal are likely to be minimal so that it would not justify a reason for refusal.

Views of the proposal would not be a reason for refusal nor would the existence of other funeral providers in the locality

While any instances of parking over the drives of neighbouring and surrounding dwellings would understandably be frustrating, this in itself is not a planning consideration so could not form the basis of a reason for refusal. Furthermore, there is no evidence to support the assertion that existing disturbance from the A1 convenience retail store a few plots along from the proposal would get worse.

In terms of round the clock movement of vehicles in association with the proposed use the application forms detail the hours of opening as being 9am to 5pm Monday to Friday which could be conditioned and would thus prevent round the clock trips from members of the public.

There will be no overlooking beyond what currently exists while property de-valuation is not a material planning consideration to be taken into account.

## **Conclusion**

While the site is located outside of designed town and shopping centres, based on the sequential test submitted the proposal would represent an effective, efficient re-use of an existing building that was formerly in retail use and provide a use that cannot be provided in the identified locations. Furthermore, the proposal would not impact upon highway and pedestrian safety while also providing sufficient parking provision. The extensions are of a design and appearance that is acceptable and would not, subject to conditions, impact upon neighbouring amenity.

The application is, therefore, recommended for approval 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**

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.

**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 extensions elements of 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, Policies 6 and 44 of the Oadby and Wigston Local Plan.

- 3.** Prior to the first use of the development hereby granted the access and 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 Policy 34 of the Oadby and Wigston Local Plan.

- 4.** The development hereby permitted shall only be open to the public between the hours of 9.00am and 5.00pm Monday to Friday. There shall be no activities outside these hours nor on Saturdays, Sundays or Bank Holidays.

**Reason:** In the interests of the amenities of local residents and the locality in general and in compliance with Policies 6 and 44 of the Oadby and Wigston Local Plan.

- 5.** Prior to the first use of the development hereby permitted, a 2m high close boarded fence shall be erected along the north-east boundary to the rear of the building along the site boundary with 114 Aylestone Lane, Wigston and thereafter retained.

**Reason:** In the interests of neighbouring amenities and the protection thereof.

- 6.** Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or the provision of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any orders revoking and re-enacting those Orders, this permission shall relate to the use of the premises as a funeral directors as described in your application and for no other purpose.

**Reason:** To ensure any future use of the premises does not adversely affect the amenities of the locality and to prevent changes of use of the premises which could be better located in designated centres.

- 7.** The first floor flat shall not be occupied other than by a person(s) primarily employed in the ground floor funeral directors (Use Class A1) as detailed in the agents e-mail to the Local Planning Authority on 25 April 2019.

**Reason:** In the interests of security, amenity and parking provisions associated with the development.

- 8.** No external lighting shall be erected at the site unless details have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of neighbouring amenity.

- 9.** Notwithstanding the submitted plans, any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors/ 6.1 metres for up-and-over doors / 6.5 metres for doors opening outwards, have a minimum door width of 2.3 metres and thereafter shall be so maintained.

**Reason:** To enable a vehicle to stand clear of the highway whilst the garage / car port doors are opened/closed, to protect the free and safe passage of traffic, including pedestrians, in the public highway, to ensure that adequate off street parking provision is available to reduce the possibility of on street parking problems locally and in accordance with the National Planning Policy Framework (2019).

- 10.** The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the Proposed Parking Plan drawing number 112AL - RWFS-(PLANN APP)#003A. Thereafter, the onsite parking provision shall be so maintained in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

- 11.** The development hereby approved shall be carried out in accordance with the following;

Application forms and drawing titled 'Proposed Plan and Main Elevations' numbered 112AL-RWFS-(PLANN APP)#002 dated February 2019 both submitted to and received by the Local Planning Authority on 2 April 2019; Drawing titled 'Proposed Parking Plan' numbered 112AL-RWFS-(PLANN APP)#003 dated April 2019 and the agents e-mail of 17:25 to the Local Planning Authority both submitted to and received by the Local Planning Authority on 25 April 2019; and The Planning Justification Statement by Landmark Planning dated March 2019 submitted to and received by the Local Planning Authority on 25 April 2019.

**Reason:** For avoidance of doubt and to ensure the development is implemented in accordance with the documents and plans considered acceptable.

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.** 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.** 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).
- 4.** The Applicant is advised that each car parking space shall measure a minimum of 2.4 metres in width by 4.8 metres in length with any access isles being a minimum of 6 metres in width.
- 5.** The applicant is advised that no demolition works or associated works or operations should take place on the site except between the hours of 8.00am and 6.00pm Monday to Friday, 9.00am to 2.00pm on Saturday and at no time on Sundays or Bank Holidays.
- 6.** The Application as submitted was, on balance, considered to be acceptable and whilst discussions with the applicant were held to seek a higher quality of development the originally submitted development is not considered to be bad enough to warrant refusal of the application. The Local Planning Authority has therefore acted proactively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) 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](http://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.** 19/00146/FUL

**b.** 19/00151/COU