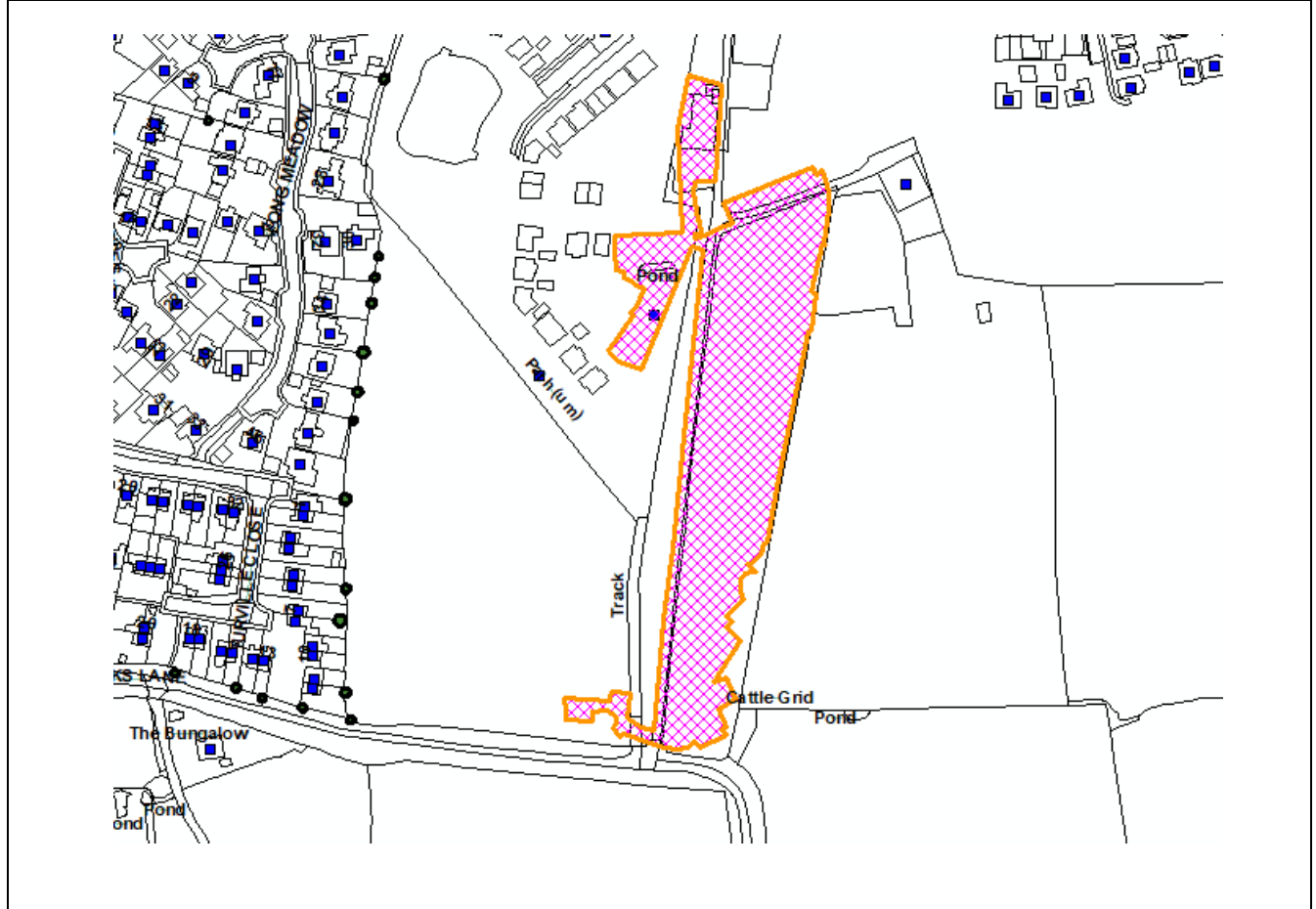


**Application Number    Address**

**Report Items**

- a.    **21/00485/FUL**            Land South  
  Newton Lane  
  Wigston  
  Leicestershire
  
- b.    **22/00112/FUL**            52 Thirlmere Road  
  Wigston  
  Leicestershire  
  LE18 3RR
  
- c.    **22/00147/REM**            21 Willow Park Drive  
  Wigston  
  Leicestershire  
  LE18 1EB

a.	<b>21/00485/FUL</b>	Land South Newton Lane Wigston Leicestershire
	<b>30 November 2021</b>	Relocation of pumping station and the provision of an additional 38 dwellings.
	<b>Case Officer</b>	Jonathan Cosgrove



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## Site and Location

The application site is located within the Phase 1 Wigston Direction for Growth Area (which was first allocated in the Council's Core Strategy Development Plan Document), which currently benefits from Planning Permission for residential development of in excess of 482 residential units and associated infrastructure. The area of land with planning permission is currently being developed in phases. This proposal application (21/00485/FUL) relates to a parcel of land that is currently illustrated as open space within the wider development (Phase 1).

There is a Badger sett on the land that has now been closed and Public Footpath Z12 runs through the proposed development. The site is not within a Conservation Area and does not contain or impact on the setting of any Listed Buildings, there are no other relevant planning constraints.

The proposal site is also located adjacent to further Phases of the Wigston Direction for Growth Area (which was allocated in the Council's Local Plan Development Plan Document) that benefits from a Committee resolution to grant subject to agreement of a Section 106 (planning reference 21/00028/OUT). The resolution to grant is for up to 650 residential units and associated infrastructure.

Therefore, this proposal would form part of the Wigston Direction for Growth Area.

## Description of proposal

The application seeks Planning Permission for the relocation of the approved pumping station and the provision of an additional 38 dwellings on open land within the site.

The statutory determination period for this application expires on the 5 August 2022 and it is intended to issue a decision as soon as practicably possible after this Committee meeting.

## Relevant Planning History

13/00403/OUT: Mixed use development for up to 450 dwellings & 2.5 hectares of employment land (B1/B2) along with new formal recreation space with changing facilities, allotments, landscaping & storm water balancing & associated infrastructure (Rev A-C) – Permitted: 25 February 2016.

16/00316/REM: Reserved matters application for the residential development of 450 dwellings, open space, allotments, landscaping and storm water balancing and associated infrastructure on Land South of Newton Lane – pursuant to outline planning permission 13/00403/OUT – Permitted: 29 June 2017.

18/00070/NMA: Updates to David Wilson Homes house types and garage designs, following outline planning permission 13/00403/OUT, reserved matters approved under 16/00316/REM and subsequent reserved matters approved under 18/00087/REM – Permitted: 02 May 2018.

18/00087/REM: Replan of matters previously approved under reserved matters application 16/00316/REM. Handing of Plot 449 (with associated changes to Plots 447 and 448), Plot 4 relocated adjacent to Plot 50 (with associated reconfiguration of Plots 2 - 7 and 49 - 50). External materials pursuant to Condition 2 of 16/00316/REM – Permitted: 08 May 2018.

18/00235/NMA: Re plan of matters previously approved under reserved matters application 16/00316/REM. Handling of plot 449 & (with associated changes to plot 447 and 448), plot 4 relocated adjacent to plot 50 (with associated reconfiguration of plots 2-7 and 49-50). External matters pursuant to condition 2 of 16/00316/REM – Application Returned: 21 May 2018.

18/00260/FUL: Amendments to original planning permission 18/00087/REM with amended house types, changes to layout and the provision of an additional 32 dwellings overall – Permitted: 27 March 2020.

19/00121/NMA: Non-material amendment to planning permission 13/00403/OUT, reserved matters approved under 16/00316/REM and subsequent reserved matters approved under 18/00087/REM to allow for the addition of weatherboarding to the front gable of plot 427 – Permitted: 18 April 2019.

19/00318/NMA: Change House type drawings in: Plots 41-46, 57, 59-61, from Type 20 End (drawing Ref: 2010/T20/C/01 & 02) to Type 50 End Plot 58, from Type 20 Mid (drawing Ref: 2010/T20/C/03 & 04) to Type 50 Mid Plots 55-56, from Type 24 End (drawing Ref: 2010/T24/C/01 & 02) to Type 24 End – Permitted: 21 August 2019.

20/00262/FUL: Amendments to original planning permissions 18/00087/REM and 18/00260/FUL. Re-plan of matters including amended house types and changes to layout. – Permitted: 16 October 2020.

20/00467/VAC: Amendments to original planning permission 18/00087/REM with amended house types, changes to layout and the provision of an additional 32 dwellings overall. – Application Returned: 21 October 2020.

20/00512/FUL: Amendments to original planning permission 18/00260/FUL. Re-plan of matters including amended house types and changes to layout. – Permitted: 18 May 2021.

## **Consultations**

Leicestershire County Council (Highways) – The Local Highway Authority's Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations

Leicestershire County Council (Archaeological Services) – Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER) and the results of the trial trench evaluation conducted 24/11/2014 – 17/12/2014, we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 194-195).

Leicestershire County Council (Contributions Team) – Request confirmation that Developer contributions have been sought and are to be secured via a S.106 Agreement.

Leicestershire County Council (Ecology) – The Ecology Appraisal Report (FPCR, January 2021) has identified badgers setts which will be disturbed by the works and a license from Natural England will be required. However, I note that the report states 'Given that licenced sett closure cannot commence before 1st July 2021 (as detailed below) a further survey check will be needed before licencing which, would be informed by this additional data'. Please confirm whether the setts have now been closed under a Natural England license.

Leicestershire County Council (LLFA) – No Objections subject to conditions regarding land drainage and management of surface water.

Leicestershire Constabulary (Architectural Liaison Officer) – No objections subject to a condition requiring Secure by Design measures be incorporated into the development.

Severn Trent Water Ltd – No Response.

Cadent Gas – No Response.

Western Power – No Response.

Coal Authority – No Objections.

Environment Agency – No Response.

Wigston Civic Society – The application refers to a long strip of land between Primrose Wray Road/Gravel Pen and the access road to Spring Farm Cottage. This land was designated as open land in the original application for the whole site. We are very concerned about the reduction of green space within the overall development which will result from this application if it is granted. There is no additional affordable provision as according to the D&A there is already over-provision on the existing approved plans. However, although we note that there was apparently no affordable housing specified in the developers' planning statement, all of the housing in phase 2a (off the roundabout entrance from Welford Rd) is affordable housing, which hadn't been stated previously. There will be a considerable impact on traffic movements with no additional changes to existing offsite work. This will add to the burden of traffic on surrounding major roads, especially at the A5199 junction with Moat Street/Newton Lane that is already overloaded. Although cycling facilities are proposed, it is unlikely that these will be extensively used. Because of the distance from facilities, cars will be used to access them. The Transport letter states that new north and south bound bus stops are to be provided near the new roundabout on Welford Road which currently are not accessible directly from the site of this application and will not be accessible until the whole site is developed which may not be for several years. It also says that the internal layout of the site will be designed to facilitate bus access. However, it refers only to the existing half-hourly bus service. It is difficult to see how this could serve the new estate and maintain service to the existing estates.

OWBC Environmental Health - No Response.

OWBC Planning Policy – The site on which the additional 38 units are situated was originally proposed as open space and forms part of Phase 1 of the Wigston Direction for Growth allocation. Therefore, the principle of residential development in this location is broadly acceptable, although the loss of open space must be justified.

OWBC Tree Officer – No Response.

Network Rail – No Observations.

## **Representations**

Neighbours have been informed and a notice placed with 1 letter of representation (from 1 property) being received at the time of writing this report.

The date for the receipt of comments expired on the 5 April 2022.

The reasons for objection can be summarised as follows: - Drainage concerns relating to pond to the rear of Turville Close, proposed development would reduce available land for drainage, ecological impacts of loss of open space, and additional units would represent an overdevelopment of the plot.

## **Relevant Planning Policies**

### National Planning Policy Framework

National Planning Policy Framework (2021)

### Oadby and Wigston Local Plan

Policy 1 – Presumption in Favour of Sustainable Development  
Policy 2 – Spatial Strategy for Development in the Borough  
Policy 3 – Regeneration Schemes and Large-Scale Change  
Policy 4 – Creating a Skilled Workforce  
Policy 5 – Improving Health and Wellbeing  
Policy 6 – High Quality Design and Materials  
Policy 7 – Community Facilities  
Policy 8 – Green Infrastructure  
Policy 9 – Open Space, Sport and Recreation Facilities  
Policy 10 – Public Realm  
Policy 11 – Housing Choices  
Policy 13 – Affordable Housing  
Policy 12 – Housing Density  
Policy 14 – Self-Build and Custom Build  
Policy 20 – Wigston Direction for Growth Allocation  
Policy 26 – Sustainable Transport and Initiatives  
Policy 34 – Car Parking  
Policy 37 – Biodiversity and Geodiversity  
Policy 38 – Climate Change, Flood Risk and Renewable Low Carbon Energy  
Policy 39 – Sustainable Drainage and Surface Water  
Policy 44 – Landscape and Character  
Policy 46 – Infrastructure and Developer Contributions

### Supplementary Planning Document/Other Guidance

- \* Public Realm Strategy Supplementary Planning Document (2021)
- \* Residential Development Supplementary Planning Document (2019)
- \* Developer Contributions Supplementary Planning Document (2019)
- \* Landscape Character Assessment (2018)
- \* Leicestershire Highways Design Guide (latest version)

## **Planning Considerations**

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

- \*The Principle of Development

- \*The Impact of the Proposal on the street scene
- \*The Impact of the Proposal on neighbouring residential properties
- \*The Impact of the Proposal on Highway Safety
- \*The Impact of the Proposal on Flood Risk and Drainage
- \*The Impact of the Proposal on Trees and Landscaping
- \* Developer Contributions

### The Principle of Development

The application site forms part of Phase 1 of the Wigston Direction for Growth, wherein the principle of residential development is considered to be established via previous planning permissions on the site and its policy designation as a Direction for Growth Area and it is considered that the proposal would accord with the provisions of Policies: 1 (Presumption in Favour of Sustainable Development), 2 (Spatial Strategy for Development within the Borough) and 3 (Regeneration Schemes and Large Scale Change), and would not conflict with Policy 20 (Wigston Direction for Growth Allocation) of the Oadby and Wigston Local Plan. While the application would result in the loss of an area of open space for Phase 1 development it is considered that sufficient open space would be provided across the wider site (at Phases 1 and 2) to serve the needs of the enlarged development and therefore the proposed development can be considered acceptable in principle subject to compliance with the other relevant Development Plan Policies and the completion of a S. 106 Agreement to secure the necessary Developer Contributions to offset the social and environmental impacts of the proposal. Notwithstanding the above, a financial contribution towards open space will also be sought.

It should be noted that this proposal, in pre-app status, was known about by the Case Officer deciding planning application reference 21/00028/OUT (Phase 2b), which was approved, subject to a S106 Agreement, at Development Control Committee in January 2022. As the Case Officers report for Phase 2b suggests;

*'Officers have worked with the applicant to ensure that the requisite amount and type of open space is provided as part of the proposed development and that it is located appropriately in relation to Phase 1 and other existing and potential future phases. An amended layout was submitted and reconsulted upon during the determination of the application (as conditioned) that confirmed the provision of the following:*

*Formal Outdoor space – 1.3 ha*

*Local and Neighbourhood Equipped Areas for Play (LEAPs and NEAPs) – 0.47ha*

*Parks and other open space 6.59ha*

*Allotments 0.16ha (as an extension to phase 1 provision)*

*Wildlife area (retained Local Wildlife Site) 4.35ha*

*Overall there is a provision of 15.37ha of open space against a much lower formal requirement of 3.5ha. Drainage infrastructure is not included in these calculations. Allotment provision is slightly under policy requirement but with a large provision at Phase 1, this is considered acceptable.*

*This over provision is in part achieved through the high levels of retention of existing landscape features including trees, hedgerows, and the Local Wildlife Sites (in part) in the south west of the site (see Ecology section). This will contribute to the overall quality of the proposed development continuing the network of green infrastructure as created as part of phase 1. This also complies with the principles of Local Plan Policy 8 Green Infrastructure in particular the creation of new multifunctional areas of green space and the creation of new green corridors.'*

Although, this proposal involves a loss of open space to Phase 1 development, the loss is more than mitigated for through the open space provided as part of Phase 2b development. In essence, if this application is approved, homes that could have been provided as part of Phase 2b development will be provided on the Phase 1 land in question, and further open space that is better located will be

provided as part of Phase 2b development. Across the wider Wigston Direction for Growth Area, there is an plentiful provision of open space against policy requirements.

#### The impact of the proposal on the character and appearance of the area

The application proposes the relocation of the approved pumping station located on an area of open land to the southern portion of the site slightly west to facilitate the access to the proposed development, it is not considered that the revised location for the pumping station would have any greater adverse impact on the character and appearance of the area than the currently approved location and therefore its relocation is considered acceptable in design terms. The application also proposes the erection of 38 additional units on open land adjacent to the eastern boundary of the site and the proposed scale and layout of the proposal can be considered acceptable in design terms and would not fail to integrate with the wider development. The applicant has submitted details of house types which would be a mix of 2, 3 and 4 bed dwellings and would be constructed from brick as detailed in the submitted schedule of materials. The proposed design and materials are considered acceptable, and the additional dwellings would not fail to integrate with the wider development. However, in order to ensure that the proposed development would not result in any harm to the character and appearance of the area it is considered reasonable and necessary to impose a condition requiring the submission and approval of details of the external appearance of the proposed dwellings and garages, including details of all materials to be used on the external surfaces of the proposed structures. Having regard to the above the proposed development is considered acceptable in design terms and therefore no objections are raised with regard to the design elements of Policies: 6 (High Quality Design and Materials) and 44 (Landscape and Character) of the Oadby and Wigston Local Plan or the Residential Development Supplementary Planning Document.

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

The proposed development would provide a satisfactory level of amenity for any future occupants of the proposed dwellings, as the proposed dwellings would comply with the National Minimum Space standards and would benefit from adequate private amenity space to serve the needs of their future occupants. While it is noted that an objection has been received from a neighbouring resident on the basis that the proposal would have an adverse impact on the amenity of neighbouring properties by way of overdevelopment and by reducing the available drainage on the plot; due to the relationship between the application site and the established residential area to the west of the site and to the approved dwellings within the wider Direction for Growth area it is not considered that the proposed dwellings would have any significant detrimental impacts on the amenity of any current or future neighbouring dwellings and therefore the residential elements of the proposal can be considered acceptable in amenity terms. While it is noted that the proposed pumping station has been repositioned, the revised location would not have any greater impact on the amenity of the adjacent dwellings than the currently approved location. Overall, with the proposed development forming an extension to the wider Direction for Growth Area it is considered acceptable in amenity terms and no objections are raised with regard to the amenity elements of Policies 6 (High Quality Design and Materials) and 44 (Landscape and Character) of the Oadby and Wigston Local Plan or the Residential Development Supplementary Planning Document.

#### The Impact of the Proposal on Trees, Landscaping and Ecology

The application site comprises a parcel of open land bordered by a native hedgerow, but the land itself has limited Ecological value, however, it is noted that a Badger sett was recorded as being present on the land during the determination of previous applications on the site and that a Licence from Natural England was required for the closure of the set. Leicestershire County Council's Ecologist was consulted on the application and questioned whether such a Licence had been issued.



However, the applicant has stated that during the most recent surveys conducted in support of obtaining the necessary licence that the Badger sett had been abandoned and had partially collapsed and does not therefore represent a constraint on development.

As mentioned above, while the application would result in the loss of an area of open space within the Phase 1 development it is considered that as sufficient open space would be provided within the development overall (Phases 1 and 2), that the loss of the open space (within Phase 1) can be considered acceptable on this occasion. However, further mitigation has been sought by way of offsite financial contributions towards improved open space elsewhere on site or off site to be secured by way of a S.106 Agreement. The offsite financial contribution sought will be pooled with other S106 monies that the Council holds (or will hold in the near future) to begin providing open space projects as agreed by Members through the 'Proposed Section 106 Concept Projects' list.

The proposal would not result in the loss of any significant trees or planting and the applicant has submitted indicative details of a proposed planting scheme. While indicative, the proposed planting scheme would be acceptable and therefore subject to a condition requiring submission and approval of a scheme detailing the proposed hard and soft landscaping the proposed development can be considered acceptable in landscape and ecology terms and no objections are raised with regard to the provisions of Policies: 8 (Green Infrastructure), 9 (Open Space, Sport and Recreation Facilities) and 44 (Landscape and Character) of the Oadby and Wigston Local Plan.

#### The Impact of the Proposal on Highway Safety

The application proposes the erection of an additional 38 units with associated access roads, parking and private garages. The development would be accessed via the current Phase 1 development off the roundabout on Newton Lane which was delivered as part of Phase 1 of the wider Direction for Growth Area. Once built out, the additional 38 units would also be accessible from the roundabout on Welford Road.

The Highways Authority were consulted on the application and while it is recognised that the application would result in the intensification of the use of the existing access(s), overall, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the Borough road network would not be severe. Therefore, having regard to the provisions of Paragraph 111 of the NPPF it is not considered that the increase to the use of the access way that 38 additional units would bring or the layout of the internal roadways would have a significant detrimental impact on highway safety or the wider Borough road network to justify the refusal of planning permission on this occasion and the Highways Authority is content that the proposal does not conflict with paragraph 111 of the NPPF and would not seek to resist the grant of planning permission subject to conditions.

However, it should be noted that the Highways Authority have stated that in its present format the new road layout of the additional residential units is not considered suitable for adoption and would remain private. Prior to a revised parking plan, the Highways Authority stated that whilst the parking provision for the proposed development was generally acceptable, the Highways Authority did make some comments about the size and location of some of the parking spaces. The applicant has amended the parking spaces on the updated Composite Layout drawing, and the Highways Authority now considers the parking provision across the site to be acceptable.

Although not part of this proposal, it should be noted that considerable Highways improvements are being sought / implemented as part of the wider Wigston Direction for Growth Area (Phases 1 and 2). These works include, but are not limited to – improvements to the Bull Head Street / Newton Lane / Welford Road / Moat Street signalised junction, improvements to the Bull Head Street / Oadby Road / Wakes Road roundabout, and improvements to the Long Street / Moat Street /

Bushloe End roundabout. It is considered that such improvements will provide sufficient capacity so as to offset the level of development associated with this application within the overall Wigston Direction for Growth Area.

It is noted that Public Footpath Z12 runs through the proposed development. Although Footpath Z12 is only affected in a minor way by this specific application, the applicant will need to be aware of the requirements for public path diversions under the provisions of Section 257 of the Town & Country Planning Act 1990, and the applicant will require a public path diversion in order to divert Public Footpath Z12, otherwise when the proposed development is complete it would result in the Public Right of Way being unlawfully obstructed. The Highway Authority has also requested Developer contributions towards travel packs and bus passes to be secured by way of a S.106 Agreement. Having regard to the above and subject to the conditions detailed below and the completion of a suitably worded S.106 Agreement the proposed development can be considered acceptable in Highways Terms and no objections are raised with regard to the provisions of Policy 26 (Sustainable Transport and Initiatives) of the Oadby and Wigston Local Plan or Paragraphs 109-111 of the NPPF.

### The Impact of the Proposal on Flood Risk and Drainage

The application site is Located within Flood Zone 1 the area at lowest risk of flooding and Leicestershire County Council as the Lead Local Flood Authority (LLFA) were consulted on the application and have stated that they have no objections to the proposals subject to conditions requiring the submission and approval of a surface water drainage scheme, along with a condition requiring the submission and approval of details in relation to the management of surface water on site during construction of the development, and a further condition requiring the submission and approval of details in relation to the long-term maintenance of the surface water drainage system within the development. Subject to the conditions detailed above the proposed development is considered acceptable with regard to drainage and flood risk, and no objections are raised with regard to policies: 38 (Climate Change, Flood Risk and Renewable Low Carbon Energy) and 39 (Sustainable Drainage and Surface Water) of the Oadby and Wigston Local Plan.

### Developer Contributions

The Councils Developer Contributions Supplementary Planning Document is a material consideration in the determination of this application and any permission granted would be subject to a S.106 Agreement securing, but not limited to the following contributions which are required in order to offset the impacts of the proposal and to ensure that the permitted scheme delivers wider public benefits over and above the provisions of additional dwelling units proposed.

Affordable Housing: The application does not propose the direct provision of affordable housing units on the proposal site as the affordable housing across the entire Direction for Growth site is provided according to Local Policy. The applicant states that affordable housing for this site will be off-set as part of Phase 2a and b. However, in order to ensure that the current scheme remains policy compliant and contributes towards the provision of affordable housing in the borough the S.106 Agreement will be drafted to include a commuted sum of equivalent to the 8 dwellings which would be provided by this development should the required affordable housing not be provided as part of the wider Direction for Growth site.

Open Space and Recreation: The application proposes the loss of an area of open space to Phase 1 development, however, the applicant has agreed a contribution to the Council of £147,757.34 for the provisions of offsite open space, which is considered sufficient to mitigate any harm from the loss of the open space. Suggested Trigger Point: Prior to occupation of the 19<sup>th</sup> dwelling.

Highways: The Highways Authority have requested contributions to offset the highways impacts of the proposal, they have stated that the following contributions shall be required.

1. Travel Packs to inform all new residents, one per dwelling, from first occupation what sustainable travel choices are in the surrounding area including incentives to encourage changes in travel behaviour towards the greater use of sustainable travel modes can be supplied through Leicestershire County Council at (average) £52.85 per pack. Justification: To inform new residents from first occupation what sustainable travel choices are available in the surrounding area. Suggested Trigger Point: Prior to the occupation of the first dwelling.
2. Six-month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. Justification: To encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation. Suggested Trigger Point: Payment of 25% of total obligated contribution paid prior to the occupation of the first dwelling. Remaining 75% of total obligated contribution paid prior to occupation of 25% of total dwellings, except payment may be deferred by agreement with Leicestershire County Council.

## Conclusion

The proposed development can be considered acceptable in principle and subject to conditions and a S.106 Agreement to secure the appropriate developer contributions it is considered that the proposed development would not have any significant detrimental impacts on the character and appearance of the site or the wider area, or on the amenity of neighbouring properties, or highway safety. Nor would it have any significant impacts on Heritage, Ecology or on Trees and Landscaping and therefore the proposed development can be considered to accord with the provisions of the relevant Development Plan Policies (Local Plan) and is considered to represent sustainable development. Therefore, in accordance with the provisions of the National Planning Policy Framework it is recommended that planning permission be granted on this occasion subject to the completion of a S.106 Agreement.

## 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 and subject to the completion of a suitable Section 106 Agreement by the 5 August 2022, **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 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 Application Forms submitted to the Local Planning Authority on the 10 November 2020 and the approved plans and particulars listed in the schedule below.

Location Plan H5413/013/03 Rev A 10.02.2022  
Planning Statement - DWH August 2021 10.08.2021  
Design and Access Statement - DWH August 2021 10.08.2021  
Summary Ecological Appraisal - FPCR 4848/AWB/KDG January 2021 10.08.2021  
Flood Risk Assessment - Additional 38 Units - Steve Daykin Consulting Ltd Revision A, 08 February 2021 10.08.2021  
Transport Letter - Tetra Tech B026867/ES/001 - 03 February 2021 10.08.2021  
Site Planning Layout Sheet 3 H5413/001/05 Rev C 10.03.2022  
Composite Layout H5413/001/04 Rev S 10.03.2022  
Materials  
DWH External Materials Layout Sheet 2 H5413/002/03 Rev B 10.03.2022  
Eaves Treatment  
DWH Eaves Disposition Layout Sheet 2 H5413/005/03 Rev B 10.03.2022  
Surface Treatment  
DWH Surface Treatment Layout Sheet 2 H5413/004/03 Rev B 10.03.2022  
Tarmacadam Drives General Arrangement RD-SD13-123 10.08.2021  
Boundary Treatments  
DWH Boundary Treatments Layout Sheet 2 H5413/003/03 Rev B 10.03.2022  
Boundary Treatment Details 1.8m High Screen Wall SD14\_014 10.08.2021  
Boundary Treatment Details 1.8m High Close Board Fence SD14\_015 10.08.2021  
Boundary Treatment Standard Details Knee Rail Detail SD14\_018 10.08.2021  
Open Space Provision  
Open Space Provision Plan H5413/OS Rev A 10.03.2022  
Landscaping Layouts  
Soft Landscape Proposals GL1490 01C 10.03.2022  
Engineering Layouts  
Engineering Layout Phase 4 E624-14 Rev ZO 10.03.2022  
DWH House Type Planning Drawings  
H403--G7 H403—G7.02 10.08.2021  
H417--H7 H417—H7.13 10.08.2021  
H421--H7 H421—H7.13 10.08.2021  
H431--H7 H431—H7.13 10.08.2021  
H436--X7 H436—X7.13 10.08.2021  
H469--X7 H469—X7.16 10.08.2021  
H538---7 H538—7.15 10.08.2021  
P204-EG7 P204-EG7.02 10.08.2021  
P331-EG7 P331-EG7.13 10.08.2021  
P341-D7 P341 -D7.13 10.08.2021  
P341-E-7 P341 -E-7.13 10.08.2021  
P382-EH7 P382-EH7.13 10.08.2021  
T310-E-7 T310-E-7.16 10.08.2021  
T310-I-7 T310-I-7.15 10.08.2021

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

- 3 Prior to the commencement of development above slab Level details of the external appearance of the proposed development to include elevation drawings of the proposed dwellings and outbuildings and 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 in accordance with the agreed details and 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, Policies 6 and 44 of the Oadby and Wigston Local Plan

- 4 Prior to the commencement of development above slab level a detailed scheme of landscaping to include details of all hard and soft landscaping, to include details of replacement planting 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 and Policy 44 of the Oadby and Wigston Local Plan.

- 5 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 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.

- 6 Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG20 of the Leicestershire Highway Design Guide. The private access drives should be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

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

- 7 Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary.

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

- 8 No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the private access drives with nothing within those splays higher than 0.6

metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

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

- 9 Notwithstanding the submitted drawings, unless the minimum internal dimensions for a garage are width 3.0 m and length 6.0 m for a single garage and 6.0 m x 6.0 m for a double garage at least 2 other on site car parking spaces for a dwelling with up to 3 bedrooms and 3 other spaces for dwellings of 4 or more bedrooms shall be provided within the residential curtilage.  
**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
- 10 Prior to the first occupation of the development hereby approved details of how Secure by Design measures have been incorporated into the development shall be submitted to and approved by the Local Planning Authority.  
**Reason:** To ensure the safety and security of any future occupants of the proposed development, to comply with the provisions of S.17 of the Crime and Disorder Act 1998 and the NPPF.
- 11 No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall thereafter be so maintained.  
**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.
- 12 No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that order in whole or in part, no enlargements shall be made to roofs of the dwellings hereby permitted without the prior written consent of the Local Planning Authority.  
**Reason:** To protect the character and appearance of the area and to ensure the amenity of neighbouring properties. To comply with the provisions of Policy: 6 of the Oadby and Wigston Local Plan and the provisions of the Residential Development SPD.
- 14 No development above slab level shall take place until a scheme and timetable for delivery for the treatment of Public Rights of Way Z12 has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their management during construction (including any arrangements for a temporary diversion) fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the approved scheme and timetable.  
**Reason:** To protect and enhance Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework.
- 15 No development above slab level shall commence on site (including any site clearance/preparation works), until a Construction Method Statement has been submitted to

the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the construction period.

- a) site access arrangements and the parking of vehicles of site operatives and visitors;
- b) loading/unloading and storage of plant, materials, oils, fuels, and chemicals;
- c) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- d) wheel washing facilities and road cleaning arrangements;
- e) measures to control the emission of dust during construction;
- f) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
- g) measures for the protection of the natural environment;
- h) hours of construction work, including deliveries and removal of materials;
- i) full details of any piling technique to be employed, if relevant;
- j) location of temporary buildings and associated generators, compounds, structures and enclosures;
- k) routing of construction traffic;
- l) full details of any floodlighting to be installed associated with the construction of the development;
- m) all works to be carried out in such a manner so as to comply with the general recommendation of British Standard BS5228 'Code of Practice for Noise Control on Construction and Demolition Site' in particular Section 5 of Part 1 of the code entitled 'Control of Noise';
- n) all equipment is to be operated, sited and maintained so that the disturbance to people living or working in the vicinity is minimised. In particular, all items of machinery powered by internal combustion engines must be properly silenced and / or fitted with effective and well-maintained mufflers in accordance with manufacturer's instructions;
- o) no bonfires to be lit on the site; and
- p) treatment of Public Rights of Way.

**Reason:** To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase

16 No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on the approved plans have been implemented in full.

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

17 No residential unit shall be occupied until the parking and turning facilities associated with that unit have been implemented in accordance with the approved plans. 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.

Note(s) to Applicant :

- 1 You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been

obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.

- 2 If the proposal involves the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Etc. Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.
- 3 For the avoidance of doubt this permission does not authorise any development outside the application site including any foundation, footings, fascias, eaves, soffits, verges or guttering.
- 4 You are advised that any amendments to the approved plans will require either a Non-Material amendment application, a Minor Material Amendment application or a new planning application. If this is the case then you should allow at least 8 weeks before the intended start date to gain approval for such amendments. Further advice can be obtained by contacting the Planning Section of the Council on any amendments (internal or external).
- 5 This decision is also conditional upon the terms of the planning agreement which has been entered into by the developer and the Council under Section 106 of the Town and Country Planning Act 1990 (as amended). The Agreement runs with the land and not to any particular person having an interest therein.
- 6 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.
- 7 Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved; the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg> If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk) in the first instance. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For



further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg> The applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk)

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

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

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

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but 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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

## **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>22/00112/FUL</b>	52 Thirlmere Road Wigston Leicestershire LE18 3RR
	<b>18 March 2022</b>	Proposed Single Storey Front And Rear Extension, Two Storey Side Extension, Garage To Room Conversion and Alteration
	<b>Case Officer</b>	Mrs Tracey Carey



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## **Site and Location**

The site is located within a predominantly residential area comprising a mixture of two storey and single storey detached and semi-detached dwellings of various designs and roof styles, constructed mainly of brick and tiles with some added render detail. The application site comprises a two storey detached gable fronted dwelling with a single flat roofed garage connected to the side/rear of the dwelling.

## **Description of proposal**

The application is for a two storey side extension and a single storey front and rear extension.

The front extension projects 2m forward of the main wall x 8.5m wide. 3.73m of the front extension is open with a canopy across and a supporting pillar.

The two storey side extension measures 2.3m wide x 7.4m deep x 7.3m high and is set back at first floor by one metre.

The single storey rear extension is 'L' shaped and measures 6m along the boundary of No.52A Thirlmere Road for a width of 4.7m, reducing to 4m along the boundary of No.50 Thirlmere Road for a width of 3.7m.

The extension will provide a bedroom, wc and shower room, utility room, lounge, study, and dining room at ground floor and an en-suite bedroom at first floor.

The statutory determination period for this application expires on the 3 August and it is intended to issue a decision as soon as practicably possible after the Committee meeting.

## **Relevant Planning History**

None

## **Consultations**

n/a

## **Representations**

Neighbours have been informed with one letter of representation being received at the time of writing this report. The date for the receipt of comments expired on the 18 June 2022.

The reasons for objection can be summarised as follows: -

- \* Extension out of context with houses in surrounding area
- \* Will significantly reduce my privacy and make me feel oppressively hemmed in
- \* Light will be severely restricted
- \* Paving over front garden and possible flooding due to inadequate rain absorption
- \* Falling debris from two storey extension will directly fall onto my property

This application has been called to Committee by Councillor Mr Broadley.

## **Relevant Planning Policies**

National Planning Policy Framework

Oadby and Wigston Local Plan

Policy 6 – High Quality Design and Materials

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

The adopted Residential Development Supplementary Planning Document (2019) states that :

*'It is very often the case that the only satisfactory means by which detached or semi-detached properties can be extended is at the side and, because of the restricted nature of some plots, flush with the side boundary. Whilst such extensions can provide much needed additional living accommodation they often have a negative impact upon the house, street and locally distinctive character.*

*Such developments often give rise to unsatisfactory design since two adjacent properties may create a terrace effect by extending at two storey level up their common boundary. The Council will normally insist that such extensions are either set in by one metre from the boundary, or where this is impractical, recessed by at least one metre at first floor level behind the front wall of the dwelling so that visual separation is created in order to avoid any detrimental impact on the visual characteristics of the street scene.*

*A terracing effect will occur where buildings follow a common building line.'*

The application site is one in a row of 6 identical properties which follow a common building line along this stretch of Thirlmere Road. The proposal is set back 1m from the main front wall at first floor, which in turns reduces the roof height to below the main ridge. As such the proposal complies with the adopted Supplementary Planning Document.

It should also be noted that there are a number of properties along Thirlmere Road that have similar side extensions, some with a setback, some flush with the front wall.

The front extension projects in line with the front extension next door at No.52A Thirlmere Road and sits behind the building line created by the properties to east which are sited around 5m forward of the application site.

In view of the above, given the set back and similar side extensions in the immediate area, together with the building lines created by existing developments, it is not considered that the proposal will significantly impact on the character and appearance of the street scene.

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

To lessen the impact of extensions and to protect the neighbouring properties most likely to be affected by an extension, the Council will assess the natural light implications of any new development. All residential development will need to conform to the 45 degree code of practice. This code is intended to make sure that extensions do not dominate neighbouring properties and detract from the enjoyment that neighbours have in their property.

The adopted Supplementary Planning Document is clear in stating that *'the code will be applied to all habitable room windows to the front and rear elevation of the affected property ... the code does not apply to windows in side elevations'*.

The rear extension is set in 1m from the boundary of No.50 Thirlmere Road and projects 4m, running parallel to the neighbour's conservatory, as such the rear extension complies with the 45 degree code from this property.

The proposed rear extension projects 6m along the boundary of No.52A Thirlmere Road and replaces the existing garage. Whilst there is an increase in height of around 0.6m this slopes away from the neighbour and is screened by existing development at No.52A along with the garage which runs parallel along the boundary to the garage at the application site. Due to existing development at the neighbouring property the proposed rear extension complies with the 45 degree code from No.52A.

Whilst it is noted that No.52A has windows in the side elevation facing the proposed side extension which relate to a kitchen at ground floor and a landing area at first floor, as mentioned above, side windows are not protected under the current policies. However, in order to reduce the impact on the kitchen window the applicant/agent has been asked to consider hipping the roof of the side extension. Although the main roof is gabled, the majority of properties in the vicinity have hipped roofs and therefore it is not considered that this would significantly impact on the character and appearance of the existing dwelling or the street scene.

Revised plans showing the revised hipped roof design have been submitted and are considered acceptable.

## **Highway/Access**

The proposal increases the number of bedrooms from 3 to 5, increasing the number of parking spaces required from 2 to 3. A plan showing the provision of 4 spaces across the front of the site has been provided and as such sufficient parking can be provided on site. It should be noted that an increase in the dropped kerb would be required however the creation of a new access in this location does not require planning permission and as such is not therefore a consideration for this application.

## **Other Matters**

With regards to the paving over of the front garden, this does not require planning permission if the hard surface is made of a porous material or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling. The applicant has confirmed the driveway will be made of a permeable hard surface as well as having a drainage channel in the case of run off. This is shown on the plans submitted.

The concerns raised over falling debris is not a material consideration.

## 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.  
**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, Policies 6 and 44 of the Oadby and Wigston Local Plan.
- 3 The proposed extension shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 52 Thirlmere Road, Wigston.  
**Reason:** To ensure that the proposed development is compatible with existing development in the locality and in accordance with Policies 6 and 44 of the Oadby and Wigston Local Plan.
- 4 Prior to the first occupation of the extension hereby permitted, the parking spaces shown on the approved plans shall be provided and thereafter shall be made available at all times for their designated purpose.  
**Reason:** In the interest 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.
- 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:

Proposed Ground Floor Plan, Page 2 of 10 received by the Local Planning Authority on 22 June 2022

First Floor Proposed Plan, Page 4 of 10 received by the Local Planning Authority on 22 June 2022

Proposed Roof Plan, Page 5 of 10 received by the Local Planning Authority on 22 June 2022

Proposed Front and Rear Elevations, Page 6 of 10 received by the Local Planning Authority on 22 June 2022

Proposed Side Elevations, Page 7 of 10 received by the Local Planning Authority on 22 June 2022

Location and Block Plan, Page 8 of 10 received by the Local Planning Authority on 22 June 2022

**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 (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 to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision to refuse planning permission for a householder application, 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 can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but 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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

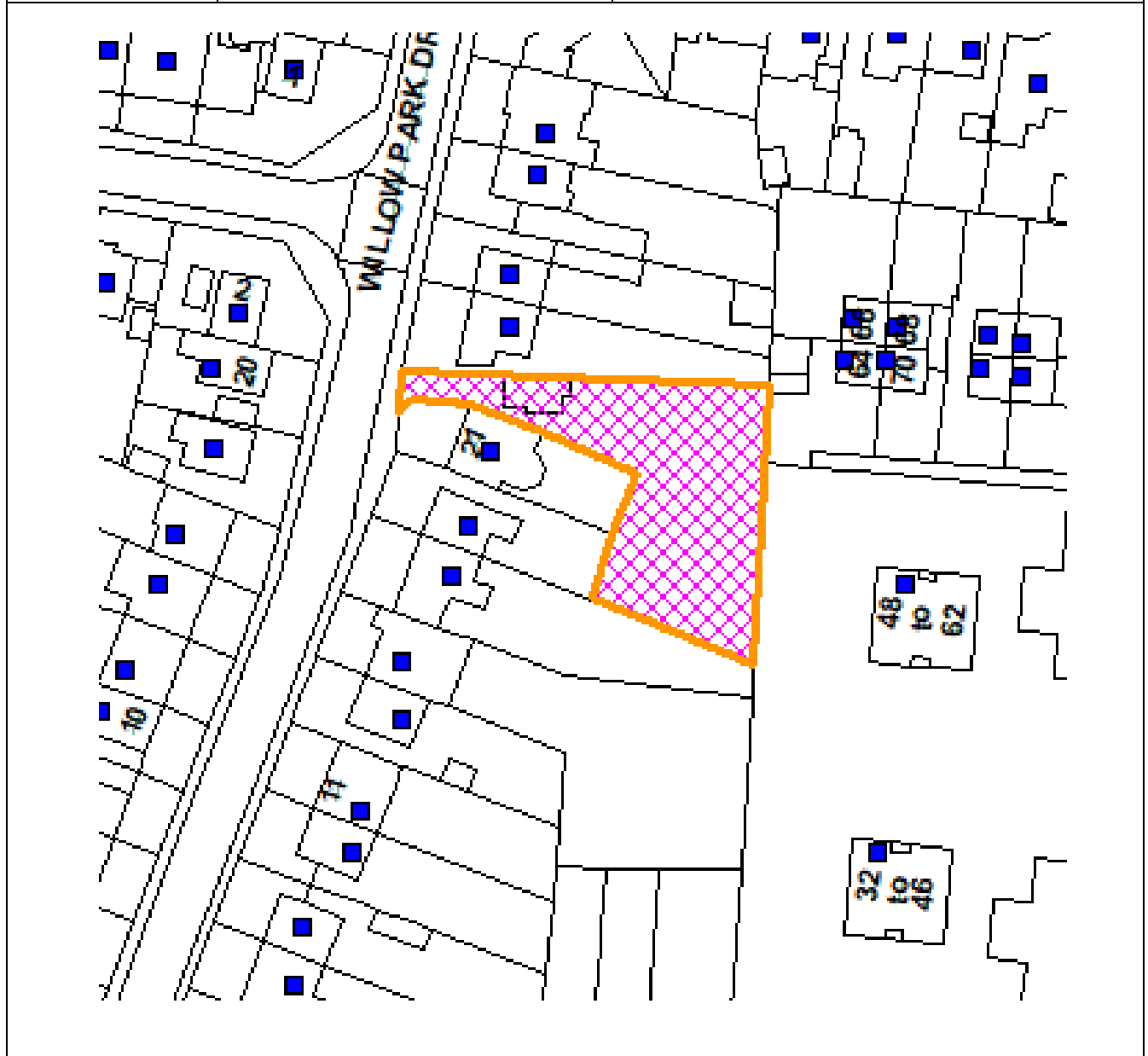
### **Purchase Notices**

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.	<b>22/00147/REM</b>	21 Willow Park Drive Wigston Leicestershire LE18 1EB
	<b>13 April 2022</b>	Reserved matters submission relating to planning permission 21/00301/OUT for Erection of 1 Detached Dwelling and Detached Double Garage
	<b>Case Officer</b>	Jonathan Cosgrove



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## Site and Location

The application site is located on the east side of Willow Park Drive and contains a two-storey detached dwelling situated on an L shaped plot. The area is characterised by a mix of detached and semi-detached dwellings constructed from brick in a range of architectural styles. The application site benefits from a significantly larger than average plot and access to the highway would be via an existing drive to the side of the plot. There are a number of protected trees protected under TPO/0209/GROUP (Wigston (Penney Close) (No.1) Tree Preservation Order 1982) located on land to the rear of, but not within the site. The site is not within a Conservation Area and does not contain or impact on the setting of any Listed Buildings. There are no other relevant planning constraints.

## Description of proposal

The application seeks approval of reserved matters relating to details of the design, layout, scale, landscaping and appearance of a detached single storey dwelling situated to the rear of the plot for which Outline Planning Permission was granted under Planning Ref: 21/00301/OUT with all matters other than access reserved.

The statutory determination period for this application expires on the 3 August 2022, and it is intended to issue a decision as soon as practicably possible after the Committee meeting.

## Relevant Planning History

21/00301/OUT: Outline Application for the erection of one dwelling on land at the rear of 21 Willow Park Drive – Permitted: 27.09.2021.

## Consultations

Leicestershire County Council (Highways) – No Objections, refer the Local Planning Authority (LPA) to standing advice dated: September 2011 and advises the LPA to consider access width, access surfacing and parking quantum and dimensions.

Wigston Civic Society – No Response.

OWBC Environmental Health – Given the proximity of the neighbouring houses, construction controls will be required. Please make the applicant aware of the Councils emerging waste storage and collection guidance.

OWBC Tree Warden – The proposal seems rather close to the eastern boundary of the property. There is a TPO that covers many trees within the Penney Close estate, TPO 209, 4 Lombardy Poplars were removed as part of app 21/00508/TPO and are due to be replaced this coming planting season, a high soil plasticity 40% + typical in the Borough, recent tree removal (high water demand trees) and conditioned tree planting, this will have an effect on foundation design. If permitted, Building Control would need to be made aware of these trees to be planted. If not taken into consideration the safe useful lifespan would be significantly shortened with considerable risk of subsidence and heave to the property. I would therefore suggest a condition requiring submission and approval of foundation design prior to commencement. I would also suggest a condition for hard and soft landscaping with inclusion of tree planting in accordance with s.197.

## **Representations**

Neighbours have been informed and a site notice placed with no letters of representation being received at the time of writing this report. The date for the receipt of comments expired on the 18 June 2022.

## **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 15 – Urban Infill Development

Policy 34 – Car Parking

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 Highway Safety

### The impact of the proposal on the street scene

The application proposes the demolition of the existing detached garage to the flank of the host dwelling and the sheds positioned adjacent to the rear boundary and the erection of a detached single storey dwelling which benefits from outline planning permission. The proposed dwelling would be constructed from brick with a tile roof and grey fenestration, the site is a back land plot and due to the positioning of the dwelling within the plot and its modest scale it is not considered that either the loss of the existing garage or the erection of the proposed dwelling would have any significant detrimental impacts on the Character and Appearance of the site or the wider area. Overall subject to a condition requiring the approval of details of the materials used on the external surfaces of the proposed dwelling the development can be considered acceptable in design terms and no objections are raised with regard to the design elements of Policies: 6 and 44 of the Oadby and Wigston Local Plan or the Provisions of the Residential Development SPD.

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

The proposed development would provide a good standard of amenity for any future occupants of the proposed dwelling, and sufficient private amenity space would be retained to serve the needs of both the existing and proposed dwellings. Due to the proposed dwellings single storey design, relatively modest scale and positioning in relation to neighbouring properties it is not considered that the proposal would have any significant detrimental impacts on the amenity of neighbouring dwellings by way of overlooking or overshadowing and while the proposal would represent a significant intensification of the use of the land over the existing use as a private garden it is not

considered that the adverse amenity impacts of the intensified use would be sufficiently severe to justify the refusal of planning permission on amenity grounds, however, in order to ensure the protection of the amenity of neighbouring residents and any future occupants of the proposed dwelling it is considered reasonable and necessary to impose a condition removing permitted development rights from the proposed dwelling. Subject to the condition detailed above no objections are raised with regard to the amenity elements of Policies: 6 and 44 of the Oadby and Wigston Local Plan or the Provisions of the Residential Development SPD.

#### Impact on Highway Safety

The proposed development would share an access to the highway with the host dwelling no. 21 Willow Park Drive, consent for the access arrangements was granted under Planning Permission Ref: 21/00301/OUT and, therefore, the highway matters that remain to be considered being limited to matters relating to layout, scale and appearance.

The Highways Authority were consulted on the application and have stated that the shared drive should be a minimum of 4.25 metres wide, and hardbound for at least 5 metres behind the access. While the drive would not meet the required standard having a minimum width of c. 3 metres, due to the relationship between the existing dwelling and the boundary, the drive does widen once clear of the flank of the existing dwelling, and any significant conflict between the users of the access is considered unlikely as the host dwelling retains its parking to the front of the plot. The drive would be hardbound.

Having regard to the relationship between the existing and proposed dwellings it is not considered likely that the shortfall in drive width at the pinch point would have a significant detrimental impact on highway safety and having regard to Paragraph 111 of the NPPF it is not considered that the adverse highways impacts of the proposal would be sufficiently severe to justify the refusal of planning permission on this occasion.

However, it is considered reasonable and necessary to impose conditions requiring submission and approval of details of hard and soft landscaping in order to ensure that the driveway and turning areas are constructed to a suitable standard and not obstructed by any fencing or landscaping features, and requiring the retention of the proposed garages for use for the storage of motor vehicles, subject to the conditions detailed above no objections are raised with regard to parking or highway safety.

#### Impact on Trees and Landscaping

There are a number of protected trees covered by TPO 209 located to the rear of the site, permission has been granted for the removal and replacement of a number of these trees, which have been removed but not yet replaced. While the proposed development would not directly impact on the protected trees and would not alter the existing boundary fence separating the site from the land containing the trees, the proposed development would be in close proximity to the boundary and the Council's Tree Officer has stated that there are a number of protected trees adjacent to the boundary of the site and a number of previously removed trees are due to be replanted in the near future, and that due to the ground conditions and proposed species of trees to be replanted the foundations of the proposed dwelling would need to be suitably robust to prevent future conflict with these trees and that the planting of a replacement tree on the site should be a requirement of any permission granted. Therefore, in line with the Tree Officers advice it is considered reasonable and necessary to impose conditions requiring the submission and approval of the design of the foundations and requiring the planting of a replacement tree of an approved species. Subject to the above conditions the proposed development is considered acceptable in

arboricultural and landscape terms and no objections are raised with regard to the provisions of Policy: 44 of the Oadby and Wigston Local Plan.

### Other Matters

The Council's Environmental Health Officers were consulted on the application and have raised no objections to the proposal. However, they have requested that a condition requiring the submission and approval of a construction management plan be added to any permission granted and that the applicant is made aware of the Council's emerging Waste Strategy. Therefore, it is considered reasonable and necessary to impose a condition requiring the submission and approval of a Construction Traffic Management Plan and an informative relating to waste storage and collection will be placed on any permission granted.

### **Conclusion**

Subject to the conditions detailed below it is considered that the proposed development would accord with the provisions of the NPPF and the relevant Development Plan Policies and Supplementary Guidance and therefore the proposal can be considered to represent sustainable development and thus it is recommended that planning permission be granted on this occasion.

### **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 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, Policies 6 and 44 of the Oadby and Wigston Local Plan.
- 3 Prior to the first occupation of the extension hereby granted permission the access and parking areas shown on the approved plan shall be provided in a bound material and thereafter 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 Notwithstanding the provisions of Classes A and E of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by Statutory Instrument 2008 No.2362), or any Order revoking and re-enacting that Order, the garage accommodation/parking space provided in connection with the development hereby approved shall be made available at all times for the parking of vehicles in relation to the residential use of the premises unless planning permission has first been granted by the Local Planning Authority.

**Reason:** As recommended by Leicestershire County Council (Highways) in the interests of highway safety and to ensure that adequate off street parking space is provided and in accordance with the aims and objectives of the National Planning Policy Framework and Policy 34 of the Oadby and Wigston Local Plan.

- 5 Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended (including any alterations to its roof), no new windows shall be inserted, no hard surfacing be installed, no chimneys, flue or vent pipes shall be installed and no buildings or structures shall be erected within the curtilage of the dwelling unless planning permission has first been granted by the Local Planning Authority.

**Reason:** In order to prevent the overdevelopment of the plot and to ensure the amenity of any future occupants of the dwelling and of neighbouring properties and to preserve the character and appearance of the area. TO comply with the provisions of Policies: 6 and 44 of the Oadby and Wigston Local Plan and the NPPF.

- 6 Prior to the commencement of works other than demolition a construction management plan shall be submitted to and approved in writing by the Local Planning Authority, the submitted plan shall include details of Hours of Works and details of how construction traffic shall be managed and of how materials shall be delivered to and stored within the site in a manner that does not cause undue nuisance to neighbouring residents or obstruct pedestrian or vehicular traffic.

**Reason:** To ensure the amenity of neighbouring residents and in the interests of Highway Safety. To comply with the provisions of Policies: 6 and 44 of the Oadby and Wigston Local Plan and the NPPF.

- 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:

Drawing No: 3539-04, Entitled: Existing Site Plans Dated: January 2022 and Received by the Local Planning Authority on the 14/04/2022.

Drawing No: 3539-05 Rev: C, Entitled: Proposed Plans and Elevations, Dated: January 2022 and Received by the Local Planning Authority on the 14/04/2022.

Drawing No: 3539 - 06 Rev: B, Entitled: Proposed Site Plan, Dated: January 2022 and Received by the Local Planning Authority on the 14/04/2022.

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

8 Prior to commencement of the development tother than demolition; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a) a scaled plan showing vegetation to be retained and trees and plants to be planted:
- b) proposed hardstanding treatment:
- c) a schedule detailing sizes and numbers of all proposed trees/plants
- d) Sufficient specification to ensure successful establishment and survival of new planting.

Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Recommend: Prunus x schmittii, Sorbus Joseph rock and/or Golden rain tree (Koelreuteria paniculate).

**Reason:** Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Objective 23 of the OWBC Tree Strategy, Policy 37 and policy 44 of the Local Plan.

9 Prior to completion of the development hereby approved; full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, confirmation of location, species and sizes. All tree planting shall be carried out in accordance with those details and at those times. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

**Reason:** To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality future treescape of the development, and to enhance its setting within the immediate locality in accordance with Objective 23 of the OWBC Tree Strategy, and policy 44 of the Local Plan.

10 Prior to the commencement of works other then demolition detailed plans and drawings of the proposed foundation design shall be submitted to and approved in writing by the Local Planning Authority. The submitted plans shall demonstrate how the foundations have been designed to be sufficiently robust to accommodate the existing and proposed tree planting adjacent to the boundary.

**Reason:** To ensure the protection of the adjacent protected trees and the amenity of the current and any future occupants of the site and the adjoining properties. To ensure the amenity of any future occupants of the proposed dwelling is not adversely affected by subsidence or other damage resulting from adjacent tree growth. To comply with the provisions of Policies: 6 and 44 of the Oadby and Wigston Local Plan and the NPPF.

Note(s) to Applicant :

1 You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been

obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.

- 2 If the proposal involves the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Etc. Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.
- 3 For the avoidance of doubt this permission does not authorise any development outside the application site including any foundation, footings, fascias, eaves, soffits, verges or guttering.
- 4 You are advised that any amendments to the approved plans will require either a Non-Material amendment application, a Minor Material Amendment application or a new planning application. If this is the case then you should allow at least 8 weeks before the intended start date to gain approval for such amendments. Further advice can be obtained by contacting the Planning Section of the Council on any amendments (internal or external).
- 5 The Application as submitted was considered to be acceptable and therefore discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 6 The applicant is advised that the Council is in the process of adopting a Waste and Recycling strategy and all developments are expected to incorporate measures for the storage and collection of waste.

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

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

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

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but 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.



If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

### **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. 21/00485/FUL**

**b. 22/00112/FUL**

**c. 22/00147/REM**

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