

**Application Number**

**Address**

**Report Items**

a. **22/00072/FUL**

Land Adjacent To 23 Highcroft Road  
Oadby  
Leicester  
Leicestershire  
LE2 4RS

<b>a.</b>	<b>22/00072/FUL</b>	Land Adjacent to 23 Highcroft Road Oadby Leicester Leicestershire LE2 4RS
	<b>22 February 2022</b>	Redevelopment Of Former Vacant Garden Land With 1 no. Detached Dwelling Houses with Off Road Parking And Garden (Re-submission 21/00125/FUL)
	<b>Case Officer</b>	Jonathan Cosgrove



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## Site and Location

The application site is located on the north-west corner of Highcroft Road. It contains a parcel of land that was formally in private amenity use and planted with fruit trees and a now demolished asbestos cement outbuilding. The majority of the site has been cleared of vegetation, however, there remains a parcel of rough woodland to the rear of the site which contains a known Badger Sett. The area is residential in character with the street scene being characterised by single storey dwellings constructed from brick. A modern housing estate of mainly two storey brick dwellings is situated immediately to the north of the plot. 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 as originally submitted proposed the erection of 2 no. two-storey dwellings to the front of the plot with associated amenity land to the rear. Following discussions with the applicant the proposal was reduced in scale to propose the erection of a single two-storey dwelling to be constructed from brick and featuring an integral garage. The proposed dwelling would measure c. 17.17 metres deep at its deepest point, 14.3 metres wide and would have a ridge height of c. 7.34 metres at its southern flank and c. 8.01 metres at its northern flank. The dwelling would be finished in a mix of brick and render with a concrete tile roof and uPVC fenestration.

The statutory determination period for this application expires on the 24 October 2022 and it is intended to issue a decision as soon as practicably possible after the Committee meeting.

## Relevant Planning History

21/00125/FUL: Redevelopment of former vacant garden land with 2 no. detached dwelling houses with off road parking and garden amenity. – Withdrawn: 12 April 2021.

## Consultations

Leicestershire County Council (Highways) – No objections subject to conditions requiring the closure of any existing vehicular access, the provision of pedestrian and vehicular visibility splays, and requiring the implementation of the proposed access and parking prior to occupation.

Leicestershire County Council (Ecology) – No Objections Subject to Conditions requiring a suitable landscaping scheme and securing the mitigation measures detailed in the revised Preliminary Ecological Appraisal.

The Leicestershire and Rutland Badger Group - have made observations objecting to the proposal on the basis of the impact of the proposal on the badger sett.

Severn Trent Water Ltd– No Response.

National Grid - No Response.

Western Power Distribution – No Response.

OWBC Forward Plans – The proposal must conform to all of the relevant National and Local Planning Policy and Guidance considerations. If the Case Officer considers that the proposal does conform to all relevant policy and guidance, Planning Policy would have no further comments.

OWBC Tree Officer – No significant arboricultural objection to the application subject to a condition requiring a hard and soft landscaping plan being provided and agreed upon.

## **Representations**

Neighbours have been informed and a notice placed with 8 letters of representation (from 8 properties) objecting to the proposal being received at the time of writing this report.

The date for the receipt of comments expired on the 30 May 2022.

The reasons for objection can be summarised as follows: -

- \* Loss of Amenity by way of overlooking and loss of privacy.
- \* Loss of trees previously removed.
- \* Loss of Amenity by way of noise.
- \* Overdevelopment of the plot.
- \* Established Hedge removed/incorrect northern boundary line.
- \* Out of Character with surroundings.
- \* Impact on Highway Safety.
- \* Impact on Badgers.
- \* Inappropriate removal of Asbestos from demolished garage.

Councillor Gamble has also made representations on the application. The Councillor's comments can be summarised as follows: - Highcroft Road consists entirely of bungalows and an application to build two two-storey properties would be totally out of character for the street scene. Councillor Gamble has requested that the application be heard by the Development Control Committee should the Officer's recommendation be for approval.

## **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 11 – Housing Choices  
Policy 15 – Urban Infill Development  
Policy 34 – Car Parking  
Policy 37 – Biodiversity and Geodiversity  
Policy 44 – Landscape and Character

### Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document (2019)  
Leicestershire Highways Design Guide  
Landscape Character Assessment (2018)

## **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 Trees and Ecology.  
The Impact of the proposal on Highway Safety.

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

The application proposes the erection of an infill dwelling on former private amenity / garden land within the built-up area of Oadby wherein Policy: 15 of the Local Plan applies. Policy 15 states that 'Any proposal for development on residential garden land or any other open amenity space around buildings will not be permitted unless it conforms to the guidance set out within the Council's Landscape Character Assessment.' The application site is located within the Oadby Later Estates North and South Urban Character Area as defined by the Landscape Character Assessment where the Urban Character Objective is to maintain and enhance the maturing suburban estate character of the area.

While it is recognised that the proposed development would have a significant impact on the street scene, by way of introducing a dwelling of a size and scale that would not follow the existing form of development. It is noted that the street scene is characterised by a range of architectural styles and that a modern two storey dwelling abuts the northern boundary of the street adjacent to the site, and that the immediately adjacent dwelling no. 23 Highcroft Road, while single storey has an unusual roof form with a ridge height of c. 6.6 metres.

Due to the stepped design of the roof form of the proposed dwelling and its relationship with the adjacent dwelling no. 23 Highcroft Road, it is not considered that the erection of the proposed dwelling would have sufficiently severe detrimental impact on the character and appearance of the site or the wider area to justify the refusal of planning permission on design grounds, nor would it result in significant harm to the suburban character of the area. Overall, it is considered that subject to conditions requiring the approval of details of the materials used on the external surfaces of the proposed dwelling, and removing permitted development rights for enlargements to the dwelling, the development can be considered acceptable in design terms and, therefore, 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 provided to serve the needs of their dwelling. While the proposed dwelling would be two-storey, it would respect the established building line on Highcroft Road and while the proposed dwelling would be relatively large it would not appear as an overbearing or overly dominant addition to the plot when viewed from neighbouring properties.

While it is noted that an objection has been received from a neighbouring property citing loss of amenity by way of overlooking it is noted that a separation distance of in excess of 27 metres would be maintained between the front elevations of the dwellings and it is noted that the development would not feature any windows at first floor level in its south facing flank elevation. Overall, it is considered that the adverse amenity impacts of the proposed dwelling would not 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.

#### The impact of the Proposal on Trees and Ecology

While it is noted that a number of trees have been removed from within the plot and a historic hedgerow forming the northern boundary of the site has also been removed and the loss of this hedgerow is regrettable, it is recognised that the trees were located on private land and were not subject to any statutory protection. Subject to a condition requiring the submission of a hard and soft landscaping scheme to include the replanting of a hedge along the northern boundary of the plot, the arboricultural impacts of the proposal can be considered acceptable. While it is noted that a Badger Sett is present to the rear of the site and that an objection has been received from the Leicestershire and Rutland Badger Group raising concerns regarding the impact of the proposal on the Badgers, the applicant has submitted a Preliminary Ecological Appraisal in support of the proposal. The County Ecologist has stated that the land is not suitable to support the Badger Sett in the long term and that they have no objections to the proposal subject to the imposition of conditions requiring a suitable landscaping scheme and the implementation of the mitigation measures as detailed in the revised Preliminary Ecological Appraisal. Having regard to the above it is not considered that the proposed development would have any unacceptable impacts on the habitat of any protected species and overall, the proposal can be considered acceptable in ecological and arboricultural terms and, therefore, no objections are raised with regard to the provisions of Policies: 37 and 44 of the Oadby and Wigston Local Plan.

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

The application proposes the erection of a 5 no. bedroom dwelling and the creation of a new crossover onto the highway and 4 no. off street parking spaces, two within the integral garage and two on the hardstanding to the front of the dwelling. The Highways Authority were consulted on the application and have stated that the proposed quantum of parking would be acceptable and having regard to the provisions of Paragraph 111 of the NPPF, 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 and, therefore, the proposal would accord with the provisions of the NPPF. However, the Highways Authority have requested the imposition of conditions requiring the closure of any existing vehicular access, the provision of pedestrian and vehicular visibility splays, and requiring the implementation of the proposed access and parking prior to occupation the proposed development. Should these conditions be applied it can be considered acceptable in highways terms and no objections are raised with regard to the provisions of Policy: 34 of the Oadby and Wigston Local Plan or the provisions of the Leicestershire Highways Design Guide.

#### **Conclusion**

The proposed development would not have a sufficiently severe detrimental impact on the amenity of neighbouring residents, the character and appearance of the area, the habitat of a protected species or on highway safety to justify the refusal of planning permission on this occasion and the proposal would not fail to accord with the provisions of the relevant Development Plan policies and, therefore, subject to the conditions detailed below 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
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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 above slab level 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 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, 37 and 44 of the Oadby and Wigston Local Plan and the National Planning Policy Framework.
- 4 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: 9685 L.10, Rev: B Entitled: Proposed Location, Block Plan and Site Plan with Boundary Treatment Dated: June 2022 and received by the Local Planning Authority on the 27/06/2022.

Drawing No: 9685 L.11, Rev: B Entitled: Proposed Floor Plans and Elevations, Dated: Feb 2022 and Received by the Local Planning Authority on the 27/06/2022.

Drawing No:20330-21-01, Entitled: Topographic Site Survey, Dated: 08/01/2021 and received by the Local Planning Authority on the 23/02/2022.

Preliminary Ecological Appraisal by Wildlife and Ecology Services Dated: 01 June 2022 and received by the Local Planning Authority on the 28/06/2022.

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

- 5 The new vehicular accesses hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular accesses on Highcroft Road that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.  
**Reason:** In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework.
- 6 No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access for Plot 1. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.  
**Reason:** To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework.
- 7 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 access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.  
**Reason** In the interests of pedestrian safety and in accordance with the National Planning Policy Framework.
- 8 No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on leaf architecture drawing number L.10 Rev.B 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.
- 9 The development hereby permitted shall not be occupied until such time as the parking facilities have been implemented in accordance with leaf architecture drawing number L.10 Rev.B. 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 in the interests of highway safety and in accordance with the National Planning Policy Framework.
- 10 Prior to commencement of the development other 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) details of replacement hedges to be planted.
  - e) details of the mitigation measures in strict accordance with the submitted Preliminary Ecological Appraisal by Wildlife and Ecology Services Dated: 01 June 2022 and received by



the Local Planning Authority on the 28/06/2022. The submitted details shall include a timetable for implementation of the measures. For the avoidance of doubt no Badger proof fencing shall be installed or retained on any part of the site.

**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.

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.
- 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**

**22/00072/FUL**

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