



# Oadby and Wigston Borough Council

## TO COUNCILLOR:

G S Atwal  
L A Bentley (Chair)  
G A Boulter  
Mrs L M Broadley (Vice-Chair)  
F S Broadley

D M Carter  
B Dave  
R E Fahey  
D A Gamble  
Mrs S Z Haq

J Kaufman  
Dr T K Khong  
Mrs H E Loydall  
R E R Morris

Dear Councillor et al

I hereby summon you to attend a meeting of the **DEVELOPMENT CONTROL COMMITTEE** to be held at the **COUNCIL OFFICES, STATION ROAD, WIGSTON** on **THURSDAY, 22 SEPTEMBER 2016** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices  
Wigston  
16 September 2016

Mark Hall  
Chief Executive

## AGENDA UPDATE

## PAGE NO'S

- |   |               |
|---|---------------|
| <b>4. Minutes of the Previous Meeting held on 25 August 2016</b>  | <b>1 - 5</b>  |
| To read, confirm and sign the minutes of the previous meeting in accordance with Rule 17 of Part 4 of the Constitution. |               |
| <b>6. Report of the Planning Control Manager</b>  | <b>6 - 13</b> |

**MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE  
COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 25 AUGUST 2016  
COMMENCING AT 7.00 PM**

<b><u>IN ATTENDANCE:</u></b>		
Chair - Councillor L A Bentley Vice-Chair - Councillor Mrs L M Broadley		
<b>COUNCILLORS (11):</b>		
G S Atwal G A Boulter F S Broadley D M Carter	B Dave R E Fahey D A Gamble J Kaufman	Dr T K Khong Mrs H E Loydall R E R Morris
<b>OFFICERS IN ATTENDANCE (4):</b>		
S J Ball T Boswell	D Gill P McEvoy	
<b>OTHERS IN ATTENDANCE (1):</b>		
Dr J Mercer		

Min Ref.	Narrative	Officer Resp.
10.	<p><b><u>APOLOGIES FOR ABSENCE</u></b></p> <p>An apology for absence was received from Councillor Mrs S Z Haq.</p>	
11.	<p><b><u>APPOINTMENT OF SUBSTITUTES</u></b></p> <p>None.</p>	
12.	<p><b><u>DECLARATIONS OF INTEREST</u></b></p> <p>In respect of planning application number 16/00175/FUL:</p> <p>(i) Councillor R E Fahey declared a non-pecuniary interest insofar as he had previously presented a petition to the Leicestershire County Council Highway Forum for Oadby and Wigston on 15 October 2015 regarding car parking abuse by parents on, amongst other streets in the area, New Street, Oadby;</p> <p>(ii) Councillors J Kaufman and D A Gamble declared a non-pecuniary interest insofar as they had previously supported community campaigns lead by the Save Our Schools (Oadby) campaign group.</p> <p>All Members confirmed that they attended the meeting without prejudice and with an open mind.</p>	
13.	<p><b><u>MINUTES OF THE PREVIOUS MEETING HELD ON 28 JULY 2016</u></b></p> <p><b>RESOLVED THAT:</b></p> <p>The minutes of the previous meeting of the Committee held on 28 July 2016 be taken as read, confirmed and signed.</p>	

14.	<p><b><u>PETITIONS AND DEPUTATIONS</u></b></p> <p>None.</p>	
15.	<p><b><u>DELEGATION TO OFFICERS OF CLUED'S AND SIMILAR QUASI-JUDICIAL DECISIONS</u></b></p> <p>The Committee gave consideration to the report (at pages 8 - 9) as delivered and summarised by the Interim Planning Control Manager which should be read together with these minutes as a composite document.</p> <p>Councillor Mrs H E Loydall moved the recommendations <i>en bloc</i> as set out at paragraphs 2.1 and 2.2 of the report (at page 8).</p> <p>The Vice-Chair seconded the recommendations.</p> <p><b>UNANIMOUSLY RESOLVED THAT:</b></p> <p>(i) In future, all applications for a Certificate of Lawful Use (CLUED), should ordinarily be delegated to the Planning Control and Regeneration Manager acting in consultation with legal advice, where any question of relevant law arises; and</p> <p>(ii) Such applications for any Certificate of Lawful Use (CLUED) should not ordinarily give rise to public consultations as would any "ordinary" planning application, other than any specific enquiries to establish or confirm the facts of the case, sufficient to confirm those facts beyond a balance of probabilities.</p>	
16.	<p><b><u>REPORT OF THE PLANNING CONTROL MANAGER</u></b></p> <p><b>1. Application No. 6/00175/FUL - Launde Primary School, New Street, Oadby, Leicester, Leicestershire, LE2 4LJ</b></p> <p>Dr Justine Mercer spoke upon the application on behalf the Save Our Schools (Oadby) campaign group as an objector. She stated that the application, if granted, would exacerbate the traffic congestion on New Street, Oadby due to a proposed increased pupil capacity from 540 to 640 students. She opined that due process had been subverted as a Travel Plan had not been submitted before, or at the time, of the making of the application. It was said that the recommendation (at page 19) was not based upon the proper scrutiny of the recently published Travel Plan which, in her opinion, offered little to mitigate traffic congestion and requested the Plan be remitted for improvement and review before the application was to be considered.</p> <p>Councillor Mrs H E Loydall sought clarification from the speaker as to the cited increase in pupil capacity.</p> <p>Dr Mercer stated that, to her understanding, an increase of 100 pupils was anticipated by the application's proposal.</p> <p>The Committee gave consideration to the report (at pages 11 - 18) as delivered and summarised by the Interim Planning Control Manager which should be read together with these minutes as a composite document.</p> <p>The Interim Planning Control Manager added that the existing Travel Plan, as proposed at condition 3 (at page 17), was a starting point to achieve an</p>	

attenuation in traffic congestion and that there were numerous initiatives for potential inclusion within the Plan that could consistently lower car generation. He stated that the Travel Plan was to be reviewed annual by the school's governing body to achieve this.

The Chair moved for the application to be debated by the Committee.

Councillor Mrs H E Loydall seconded the Chair's motion.

Councillor J Kaufman enquired as to how any measurement of the success of the proposed Travel Plan to mitigate traffic congestion was to be ascertained.

The Interim Planning Control Manager advised that the school, as part of its annual review process, was to monitor and compare the levels of car generation from the start to the end of the next academic year and to make adjustments (viz. a walking-bus arrangement, parental contracts) to the Plan, accordingly.

With reference to the 'Summary' (at page 16), Councillor B Dave sought clarification as to 'providing the applicant can *demonstrate at a minimum...*' (emphasis added). He was critical of the short commentary provided by the Highways Authority at Leicestershire County Council (at page 12) and stated that content of the report in respect of the traffic congestion did not reconcile with the situation on the ground.

The Legal Advisor advised that the expert commentary provided by the Highways Authority, albeit short, was to be read as no objection(s) having been raised. He stated that Members' objections must be robustly formulated to withstand scrutiny.

Councillor K J Loydall asked whether the anticipated highway works by the Highways Authority had been taken into consideration in respect of the application.

The Legal Advisor advised than any proposed works by the Highways Authority was an enforcement matter and was not tantamount to an objection of highways grounds.

Councillor G S Atwal enquired as to the feasibility to condition the installation of CCTV as an enforcement measure and to adjust the catchment area for the school in question to alleviate the traffic congestion.

The Interim Planning Control Manager and Legal Advisor jointly-advised that the questionable legal basis for the installation of CCTV, particularly in respect of data protection, rendered any condition potentially unlawful. Members were further advised that it was not the proper remit for a school to act as an enforcement agent.

The Chair advised that this Council had no jurisdiction over catchment areas.

The Vice-Chair noted the potential implications as to increased traffic congestion and stated that due weight and consideration ought to be give to the existing Travel Plan.

The Chair moved to substantively amend condition 3 (at page 17) from '...a

School Travel Plan shall be undertaken...’ to ‘shall be *approved by Officers*’ (emphasis added).

Councillor D M Carter seconded the substantive amendment.

**UNANIMOUSLY RESOLVED THAT:**

Condition 3 (as set out in the report at page 17) be amended, accordingly.

With reference to the ‘Description of proposal’ (at page 12), Councillor Mrs H E Loydall enquired as how the existing playground was to be compensated. She said that no reference was made in the report to neither confirm nor deny the suggested increase in pupil capacity. She further warned that, if Members were minded to refuse planning permission on highways grounds, the prospect of a successful appeal was probable given the Highway Authority’s expert determination.

The Legal Advisor advised that refusal on the aforesaid grounds may be considered as unreasonable and, therefore, would warrant substantial costs borne to this Council upon an appeal.

The Interim Planning Control Manager reported that the application sought to erect two new teaching blocks/classrooms and that no exact figure as to the additional number of pupils was known. He stated that a re-configuration of the external playground area between the existing buildings and wider premises would provide for such adequate compensation of loss of space.

Councillor Mrs H E Loydall requested the Chair to investigate the adequate and sufficient provision of playground area(s) in view of the increased capacity.

With reference to the ‘Description of proposal’ (at page 12), Councillor G A Boulter sought assurances as to whether a replacement on-site tree provision was in place.

With reference to the application plan, the Interim Planning Control Manager reported that a tree survey accompanied the application and that: a number of significant trees surrounding the proposed buildings were to be retained; some trees to be removed were to be replaced; and some trees to be permanently removed to accommodate the proposal were considered either minor or insignificant.

Councillor R E R Morris suggested a staggering of the start and end times between the different key stage groups at the school in order to alleviate traffic congestion.

The Legal Advisor noted that, if Members were minded to permit planning permission subject to the aforesaid amendment, the Council was in a position of strength to insist on a robust Travel Plan to address a long-standing issue which would otherwise be impossible to control and, or, influence if permission was refused.

Councillor R E Fahey enquired as to the appropriate level on Member involvement in the formation of the Travel Plan.

The Chair and Legal Advisor jointly-advised that the delegation to Officers with the professional expertise was required to properly manage the issue

<p>and that Members were not restricted from indirectly contributing to the consultation process.</p> <p>Councillor J Kaufman expressed his concern regarding the omission of a number of salient facts from the report upon which to make a less than fully-informed decision.</p> <p>Councillor G A Boulter enquired as to the omission of the permitted hours of construction from the application's conditions.</p> <p>The Legal Advisor advised that other, more effective legal and regulatory mechanisms (viz. statutory noise nuisances, abatement notices, temporary stop notices) were available to regulate and enforce upon this area of concern.</p> <p>Councillor G A Boulter moved to substantively add a condition so that any replacement planting of trees would be situated on-site.</p> <p>Councillor Mrs H E Loydall seconded the substantive addition.</p> <p><b>UNANIMOUSLY RESOLVED THAT:</b></p> <p>That a condition requiring the replacement planting of trees to be situated on-site be added, accordingly.</p> <p><b>UNANIMOUSLY RESOLVED THAT:</b></p> <p>The application be <b>PERMITTED</b> planning permission subject to the condition(s) (as amended).</p>	
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**THE MEETING CLOSED AT 8.09 PM**



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**CHAIR**  
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**THURSDAY, 22 SEPTEMBER 2016**  
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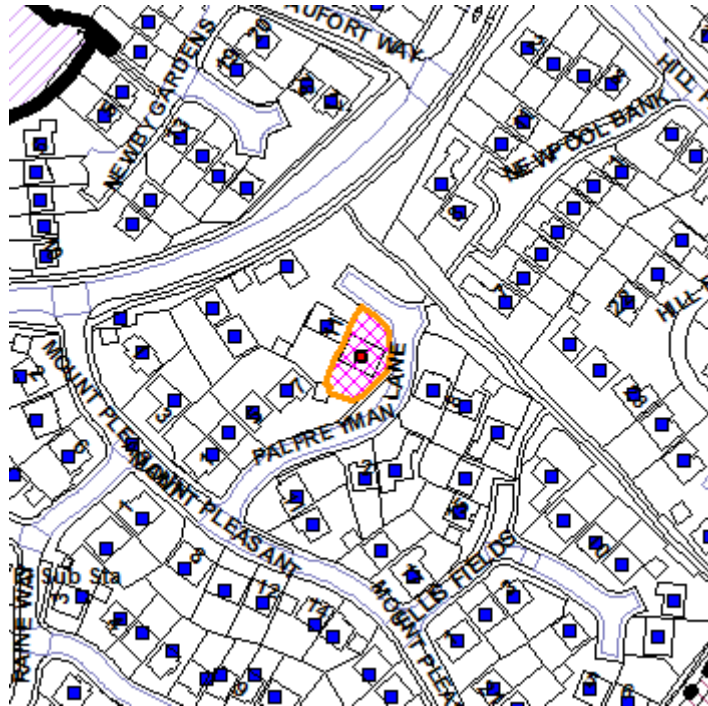
# Agenda Item 6

<b>Application Number</b>	<b>Address</b>
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## **Report Items**

- |                 |   |
|-----------------|---|
| 1. 16/00313/FUL | 9 Palfreyman Lane<br>Oadby<br>Leicestershire<br>LE2 4UR |
|-----------------|---|

1.	16/00313/FUL	9 Palfreyman Lane Oadby Leicestershire LE2 4UR
	4 July 2016	Conversion of garage to habitable room including internal alterations, new boundary wall to east side and enclosure of front porch with glazing.
	CASE OFFICER	Mike Carr



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## **Site and Location**

The site that is the subject of this planning application is a large detached dwelling that is positioned to North West corner of Palfreyman Lane, Oadby. In terms of its setting within the locality, Palfreyman Lane provides the site boundaries to the north and west, whilst the residential curtilages associated with numbers 7 and 11 Palfreyman Lane are set to the south and east respectively. An area of public open space is also positioned to north of the application site, on the opposite side of Palfreyman Lane.

In terms of the general design of the dwelling, it offers a built form that is predominantly two-storey in nature, which incorporates a double integral garage, kitchen and living areas at ground floor, along with four bedrooms and a bathroom at first floor. The roof arrangement is a dual pitched design, with the left hand gable elevation (when viewed from the front) being a prominent feature of the site towards western boundary with Palfreyman Lane. The opposite side, nearest to 11 Palfreyman Lane, is made up of a hipped roof to the first floor and a single storey ridged roof over the 2nd integral garage that is closest to the common boundary.

Vehicular and pedestrian access is taken directly from Palfreyman Lane to the dwelling that is set back an average distance of 8.5 metres from the footway. Curtilage parking is available on the existing driveway frontage for 2 vehicles, although it should be noted that there is ample space along the frontage for additional parking.

Overall, this area of Oadby can be best described as being predominantly residential in nature, with dwellings of a similar scale and being a predominant feature within this residential estate. However, it is also important to highlight that many of the dwellings throughout the estate offer individual residential design characteristics.

For purposes attached to the consideration of this application, there is an existing brick pillar/wall and in-fill panel boundary treatment, which separates the rear garden area from the highway. This frontage reflects an almost identical arrangement to that at 6 Palfreyman Lane, which is directly opposite the application site. Additionally, and in terms of the existing frontage arrangements, the ground floor front elevation is made up of a bay window to the left hand side, a centrally located front porch with ridged roof above, along with 2 garage doors to serve the integral parking arrangements.

## **Description of proposal**

This proposal is for the conversion of the double garage to habitable a room including internal alterations, the erection of a new boundary wall to the eastern boundary with Palfreyman Lane, along with the enclosure of front porch with glazing.

It is also highlighted that the original plan submission showed the provision of a poly-carbonate roof structure, to cover the side access between the application site and number 11, although this was not included in the application description. However, this element of the proposals has now been removed from the application, via an amended plan dated 03.08.2016 (See amended plan section of this report).

The proposed details are set out on the submitted plans and show:-

- The removal of the existing garage doors and their replacement with a two identical masonry panels with glazing above, along with the enclosure of the existing front porch to provide a

glazed single door and window frontage. Plan number 3 shows the proposed arrangements, and includes identical construction lines in terms of sill, window and eave heights;

- The new boundary treatment will involve the erection of a 7 metre section of wall/fencing along the Palfreyman Lane (western frontage), which would mirror the existing boundary treatment to a pillar height of 2.325 metres and a wooden panel section to a height of 2.1 metres carry on the existing brick pillar/wall and in-fill wooden panel arrangements, which front directly onto Palfreyman Lane, following the curve in the highway up to a point that is 300mm back from front building line of the dwelling. In addition, a gated arrangement will then join the new boundary treatment to the gable of the dwelling, allowing residential access to the rear. Details of the proposed boundary treatment are set out on plan numbers 2 and 4.
- The re-configuration of the existing driveway to provide 4 x on-street car parking spaces, which are laid out to current adoptable standards. Details of the proposed boundary treatment are set out on plan number 2.

The application has been called to Committee in a request by Councillor Dave.

### **Relevant Planning History**

None Relevant

### **Consultations**

Neighbours have been by way of letter and the placement of a site notice.

Leicestershire County Council (Highways):-

County Council Highway representations were received on 28 July 2016 and advised that there had been no recorded accidents within the vicinity of the site. Further to this, it was advised that the erection of the new section of boundary wall along Palfreyman Lane would reduce forward visibility for vehicles exiting the application site. However, visibility would not be reduced to a level whereby highway and pedestrian safety would be compromised.

Further to this, given the relatively low speed of vehicles that manoeuvre along Palfreyman Lane, no objections are raised in relation to the proposed development works.

No requests have been made by the County Council for car parking spaces within the curtilage of the site, although the amended plans (Revisions that have been received show the provision of 3 off-street car parking spaces.

### **Representations**

Following this, seven representations, making objections to the proposals have been received from local residents at the time of writing this report. The date for the receipt of comments has now expired.

The reasons for objection can be summarised as follows: -

- Work has already started on site without the benefit of planning permission;
- The proposed works will adversely affect the character, appearance, design of the dwelling, whilst the proposed wall will result in a loss of outlook;
- The poly-carbonate roof structure that is proposed to cover the side access between the application site and 11 Palfreyman Lane is unsightly and encroaches on neighbours land;

- Highway visibility splays will be compromised by the erection of the boundary wall;
- Car parking will be affected, leading to traffic problems in the local area;
- The potential to change the use of the converted garage to a hair dressers/massage parlour;
- As a result of the use of the converted garage, there will be smells and fumes associated with the use;
- Vehicle parking associated with the none residential use and loss of car parking spaces;

### **Amended Plans**

Following the submission of this planning application, a number of representations were received from local residents, details of which have been highlighted earlier in this report. Following pro-active discussions between the case officer and the applicant's agent, two sets of amended plans were received.

The amended plans (Revision D) dated 30.08.2016, provide the up to date details for the consideration of this planning application, although it should be highlighted that these amendments have not resulted in any changes to the original description of the planning application.

### **Relevant Planning Policies**

#### National Planning Policy Framework and PPG

In particular but not exclusively Paragraph 14 and the presumption in favour of sustainable development.

#### Oadby & Wigston Core Strategy

Core Strategy Policy 14: Design and Construction

#### Oadby and Wigston Local Plan

Housing Proposal 17: Criteria for assessing the suitability of domestic extensions.  
Supplementary Planning Document/Other Guidance

#### Residential Development Supplementary Planning Document

### **Material Planning Considerations**

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

- Impact of the proposal on the street scene
- Impact of the proposal on neighbouring residential properties and;
- Highways & pedestrian safety.

#### Residential Amenity

There are no developments proposed within this planning application that involve any extensions to the existing dwelling house. As such, there are no adverse impacts on current residential amenity associated with this planning application.

#### The Impact of the Proposal on the Street Scene – Frontage Alterations

This proposal includes the removal of the existing garage doors and their replacement with a two identical masonry panels with glazing above, along with the enclosure of the existing front porch to provide a glazed single door and window frontage. In addition, the materials, as shown on the submitted plans, are in keeping with the existing dwelling and the surrounding area. Overall, it is considered that the proposals to the frontage of the dwelling are of an acceptable design and are sympathetic to the built form of the original dwelling.

As such, the characteristics of the dwelling will not be harmed, and would not have a detrimental impact on the character of the area or the appearance of the street scene in this part of Palfreyman Lane.

However, it is recommended that a planning condition be included any decision, so as to require that the materials to be used must closely harmonise with the dwelling and the surrounding area.

#### The Impact of the Proposal on the Street Scene – The Boundary Treatment

The new boundary treatment will carry on the existing brick pillar/wall and in-fill wooden panel arrangements, which front directly onto Palfreyman Lane. In addition, a gated arrangement will then join the new boundary treatment to the gable of the dwelling, allowing residential access to the rear. Details of the proposed boundary treatment are set out on plan numbers 2 and 4.

A number of residents have expressed concern that the scale and position of this new section of boundary treatment will have an adverse effect on highway safety, be out of character and adversely affect the outlook of neighbours.

Following consideration of neighbour's representations, it is advised that the County Council Highways

Officer has not objected to the position of the boundary treatment, stating that visibility would not be reduced to a level whereby highway and pedestrian safety would be compromised.

Further to this, the proposed boundary treatment is an almost identical arrangement to that already in place along the boundary of 8 Palfreyman Lane, which is directly opposite the application site, whilst the proposal will closely harmonise with the existing boundary arrangements at the site. In addition, the position of the boundary treatment is also considered to be sympathetic to the front and gable elevation building lines of the existing dwelling and neighbouring residential accommodation.

As such, it is considered that additional boundary treatment is acceptable and does not adversely affect the street scene or matters of pedestrian and vehicular safety.

#### Highway & Pedestrian Safety – Car Parking

This proposal will result in the loss of the two integral garage spaces that were provided when the dwelling was constructed. Whilst the County Council Highways Adviser was satisfied that the 2 off-street car parking spaces were sufficient for the site, this Council's Planning Case Officer requested that 3 off-street parking spaces were retained within the curtilage of the site.

An amended site plan (number 2) was submitted on 22.08.2016, showing the amended site arrangements and a planning condition might be included to require the setting out of the car parking arrangements within 3 months the completion of the internal and external alterations. However, such a condition is not essential to render the proposal supportable.

#### Other matters

A number of neighbours have expressed concerns in relation to the potential use of the converted integral garages as a hair dressing salon or massage parlour, which would increase traffic to an unacceptable level and result in the creation on noxious fumes, thereby having a significant impact on local residential amenity. In discussion the applicant denies any such intention. However, the Committee should note the "informative" added to the recommended decision on a precautionary basis.

In this context, it is highlighted that the submitted plans (number 2) show that the converted garage space will provide ground floor bedroom and bathroom accommodation, solely for the use of the

owner/occupiers of the application site. There is no indication whatsoever, within the parameters of this planning application, that would result in any change of use of the dwelling house.

In addition, it should be noted that if there are any unauthorised developments or reported changes of use at the application site, the Council have a variety of environmentally based enforcement powers to swiftly in order to control any tangible or material non-residential use of the site and protect local residential amenity or other relevant matters.

**Summary**

In summary, the proposed development is considered to be acceptable in terms of its impact on the character and appearance of the street scene and the impact on the amenity of neighbouring residential properties. Further to this, the County Council’s Highway advice is that the development will not have a detrimental impact on highway or pedestrian safety. The area of privately owned greensward that would be enclosed by the proposed boundary wall does not form any part of the original highway design. In its current role as greensward located behind the adjacent footway it arguably enables slightly higher vehicle speeds by drivers attending the very limited number of homes beyond number 9 Palfreyman Lane.

As such, and taking all relevant material planning considerations into account, it is considered that this proposal complies with Policy 17 (Criteria for assessing the suitability of domestic extensions) of the Oadby & Wigston Local Plan, Policy 14 (Design and Construction) of the Oadby & Wigston Core Strategy.

**Implications Statement:**

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

**RECOMMENDATION: GRANTS**

Subject to the following condition(s)

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

- 2 All external materials used in the development shall match those of the existing building in colour, size, coursing and texture unless otherwise first agreed in writing with the Local Planning Authority.  
**Reason:** To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 3 Unless otherwise first approved in writing (by means of a Non-material Amendment/Minor Material Amendment or a new Planning Permission) by the Local Planning Authority the development hereby permitted shall be carried out in accordance with the approved plans and particulars listed in the schedule below.  
**Reason:** For the avoidance of doubt as to what is permitted by this permission and in the interests of proper planning.

## BACKGROUND PAPERS

16/00313/FUL