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Planning Environment Design

Our Ref: VAL-001-C

Date: 25th March 2024

Development Management

Oadby and Wigston Borough Council

By The Planning Portal Only

Dear Sir or Madam,

RE: Non-material amendment application in relation to planning permission 20/00078/FUL for a single storey extension and external lift shaft and internal alterations to care home at Apple House, 15-22 Bushlow End, Wigston, LE18 2BA

Heatons has been instructed by our client Mr M Vali to submit a Non-Material Amendment application under Section 96A of the Town and Country Planning Act 1990 (as amended) in relation to changes to the approved Block Plan and Landscaping Plan of permission 20/00078/FUL, as listed in Condition 4. A copy of the decision notice is listed in Appendix 1 and copies of the 2 affected approved plans are provided in Appendix 2.

The revised plans are submitted separately and also provided as copies in Appendix 3. They are:

- Block Plan - ME10223-02B
- Landscaping Plan – ME0424-09

The changes made relate to the hard and soft landscaping, the parking layout for cars, the location of cycle storage provision and an area for the parking of motor bikes.

The aim of the application is to establish that the changes within the red line site of the original planning permission are non-material relative to the approved scheme and, therefore, 2 approved plans can be substituted with the submitted revised plans within the scope of permission 20/00078/FUL. The wording of Condition 3 may also need to be amended slightly to secure the provision of certain revised landscaping within an acceptable timeframe. This would be part of the overall non-material amendment of the original permission.

Amongst other things the revised landscaping scheme includes an area of concrete hardsanding where only gravel was previously approved. This hardstanding facilitates a revised parking scheme

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(see below) and the provision of an additional safe, bound useable area for residents. The latter is most important as the home caters for people who are over the age of 65 where the avoidance of falls is paramount. Gravel does not provide a stable surface under foot and is difficult to navigate using certain mobility aids (including wheelchairs). The concrete area can be accessed using a concrete path and hardstanding area to the south of the disabled parking bay.

The scheme shows the provision of an undeveloped and gravel area around an existing tree to allow water penetration to its roots.

An area close to the extension is now shown as artificial grass placed over an existing patio (hardstanding), to provide a safe, attractive, practical and usable area for residents. No details were previously approved for this area other than the provision of an apple tree. The latter is now shown as being provided to the rear within the required natural grass area. The existing front wall screens the patio/artificial grass area from the road such that it causes no harm to the visual amenities of the area or the character and appearance of the Lane Conservation Area (see Appendix 4). The artificial grass also has no material effect on surface water drainage given that the surface below was bound and, in any event, the overall scheme includes areas of grass and a soakaway.

The submitted planting scheme includes some other minor and acceptable revisions to the approved planting, including the provision of a red maple tree rather than 3 small olive trees. The type and amount of landscaping is not insignificant in relation to the limited nature of the approved extension development, which is well designed, partly screened the existing front wall and does not need to be screened by planting.

Overall, the proposed changes to the hard and soft landscaping are acceptable non-material amendments to the approved scheme.

The approved Block and Landscaping plans actually show different parking schemes (i.e. a discrepancy within the existing permission). The revised parking layout provides 4 parking bays including 1 disabled bay as per the approved Landscaping Plan. Their location is as per 4 bays on the approved Block Plan. The submitted parking scheme is shown the same on the Block and Landscaping Plans. The arrangement includes suitable turning space to allow all vehicles to enter and leave the site safely in a forward gear. The revised scheme is an acceptable non-material amendment to the approved scheme/s both visually and in terms of highway safety.

The changed location for the storage of cycles and the provision of the new motor cycle storage area

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practical changes to better meet the needs of the business. Such storage will be to the rear of the building as per the approved scheme and hence have no greater impact on the streetscene or the character and appearance of the Lane Conservation Area than the approved scheme. The change cycle and motorcycle storage are acceptable non-material amendments to the approved scheme

Overall, the revised plans provide an acceptable non-material amendment to the approved scheme in various respects as outlined above.

It should be noted that the application does NOT, and indeed cannot, include an additional area of land to the north of the application site of 20/00078/FUL, which is already being used as additional garden land for the care home and houses an open sided gazebo (plan and extract of this separate area at the rear of 72 Central Avenue is shown in Appendix 5). This area **cannot** be considered as part of this NMA application because it falls outside of the red lined application site of 20/00078/FUL, which cannot be amended by a NMA. This area must not, therefore, be considered as part of the determination of the submitted NMA application and it is instead a completely separate matter in planning terms. Heatons is happy to proceed on this basis. In this regard, I will contact the LPA separately in the next few weeks to discuss this additional area and whether any separate planning application/s are considered necessary.

If the LPA requires any additional information or clarification of any of the information submitted for the LPA, please contact me directly.

Yours faithfully



Chrissy Farrer - BA(Hons) DipTP MRTPI

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Appendix 1 - Decision Notice of 20/00078/FUL



Oadby & Wigston BOROUGH COUNCIL

Mrs Shahina Vali
C/O Mr M.T Malik
Malik Enterprises
30 Carlton Drive
Wigston
Leicester
LE18 1DF

E-mail: planning@oadby-wigston.gov.uk
Web Site: www.oadby-wigston.gov.uk

Case Officer: Mrs Tracey Carey
Telephone: (0116) 2888961
Application No: **20/00078/FUL**

Decision Date 9 April 2020
Date Received 20 February 2020

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Oadby & Wigston Borough Council hereby **GRANTS** planning permission for the

Single storey side extension and external lift shaft on the side and internal alteration to care home (re-submission of planning application no. 19/00277/FUL)

Apple House, 16 - 22 Bushloe End, Wigston, Leicestershire LE18 2BA

in accordance with the submitted documents and plans and subject to the conditions specified hereunder:

Subject to the following conditions(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 The Lanes Conservation Area and the building in general and in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6, 40, 41 and 44 of the Oadby and Wigston Local Plan and the Conservation Areas Supplementary Planning Document.
- 3 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the



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20/00078/FUL

building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and the occupiers of adjacent buildings and in accordance with the aims and objectives of the National Planning Policy Framework and Policy 44 of the Oadby and Wigston Local Plan.

- 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:
 - o Application Form received by the Local Planning Authority on 20 February 2020
 - o Location Plan, Drg No. M12606/19-01 received by the Local Planning Authority on 20 February 2020
 - o Block Plan, Drg No. M12606/19-02A received by the Local Planning Authority on 20 February 2020
 - o Proposed Plan, Drg No. M12606/19-05A received by the Local Planning Authority on 19 March 2020
 - o Proposed Elevations, Drg No. M12606/19-06A received by the Local Planning Authority on 23 March 2020
 - o Landscaping Plan, Drg No. M12606/19-09B received by the Local Planning Authority on 9 April 2020

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 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).
- 3 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 proactively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



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4 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) 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.



Richard Redford, BSc (Hons), MRTPI
Planning Control Team Leader

Date: 9 April 2020



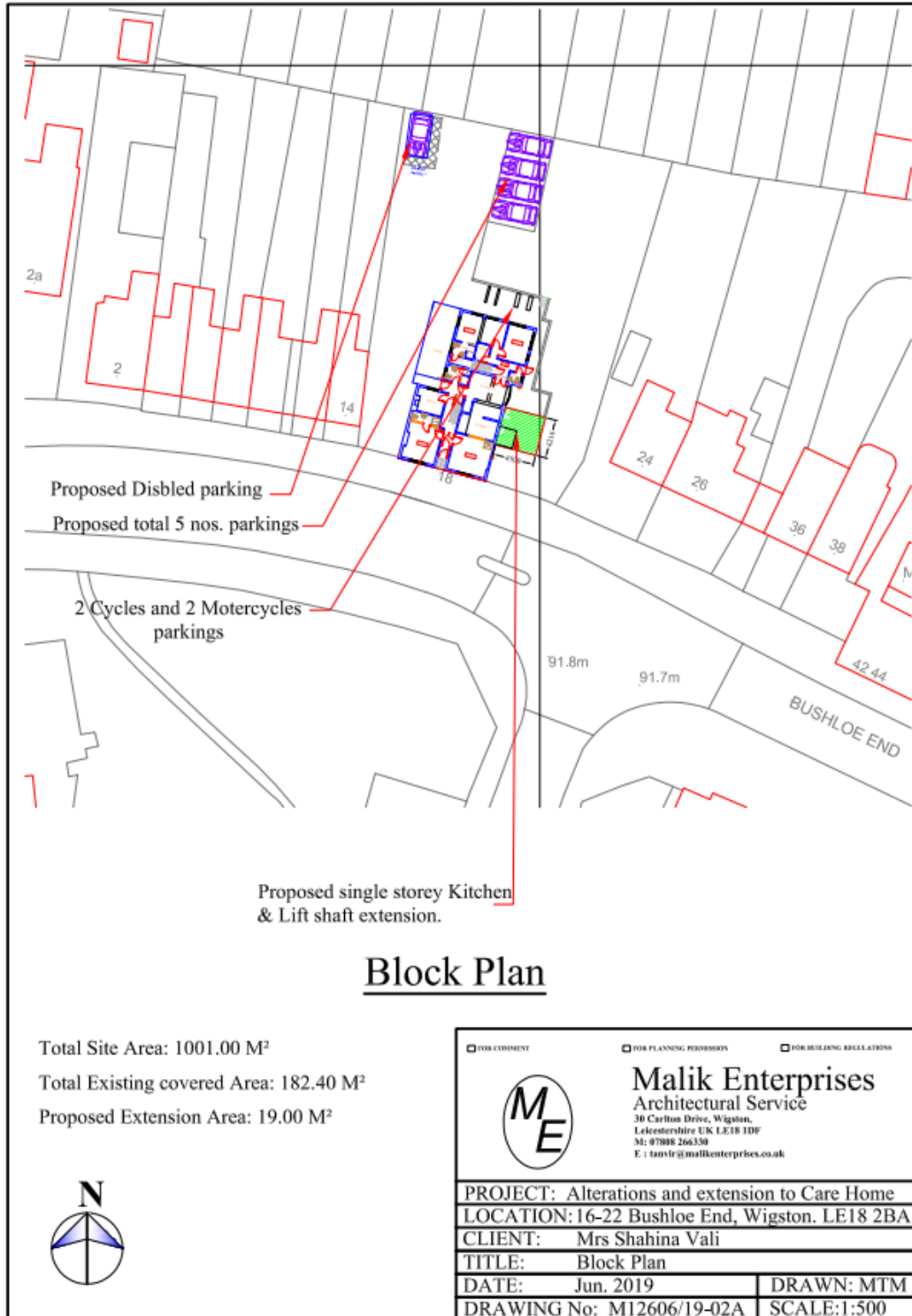
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Appendix 2 – Approved Block Plan and Landscape Plan

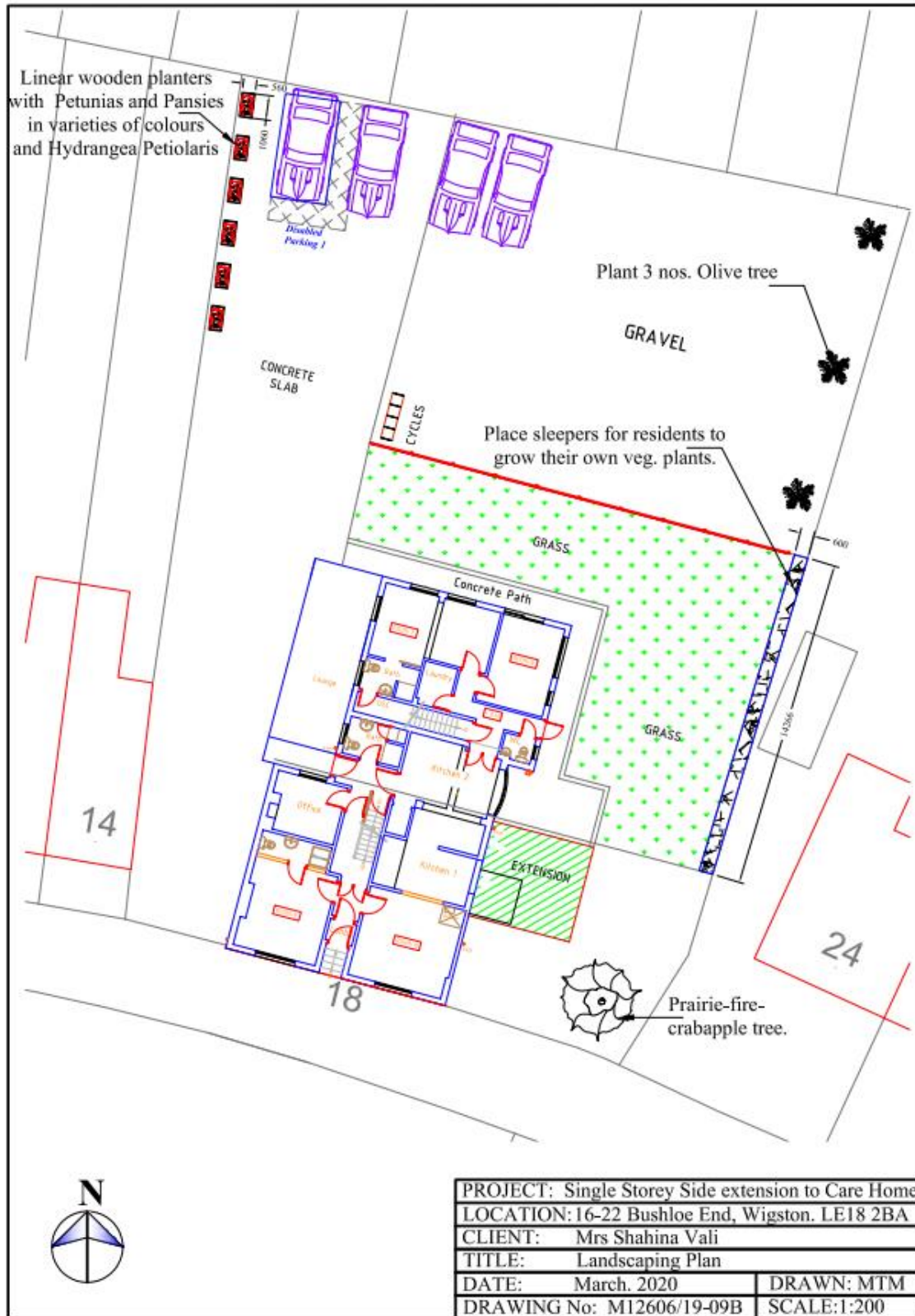
Approved Block Plan – M12606/19-02A



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Approved Landscape Plan - M12606/19-09B

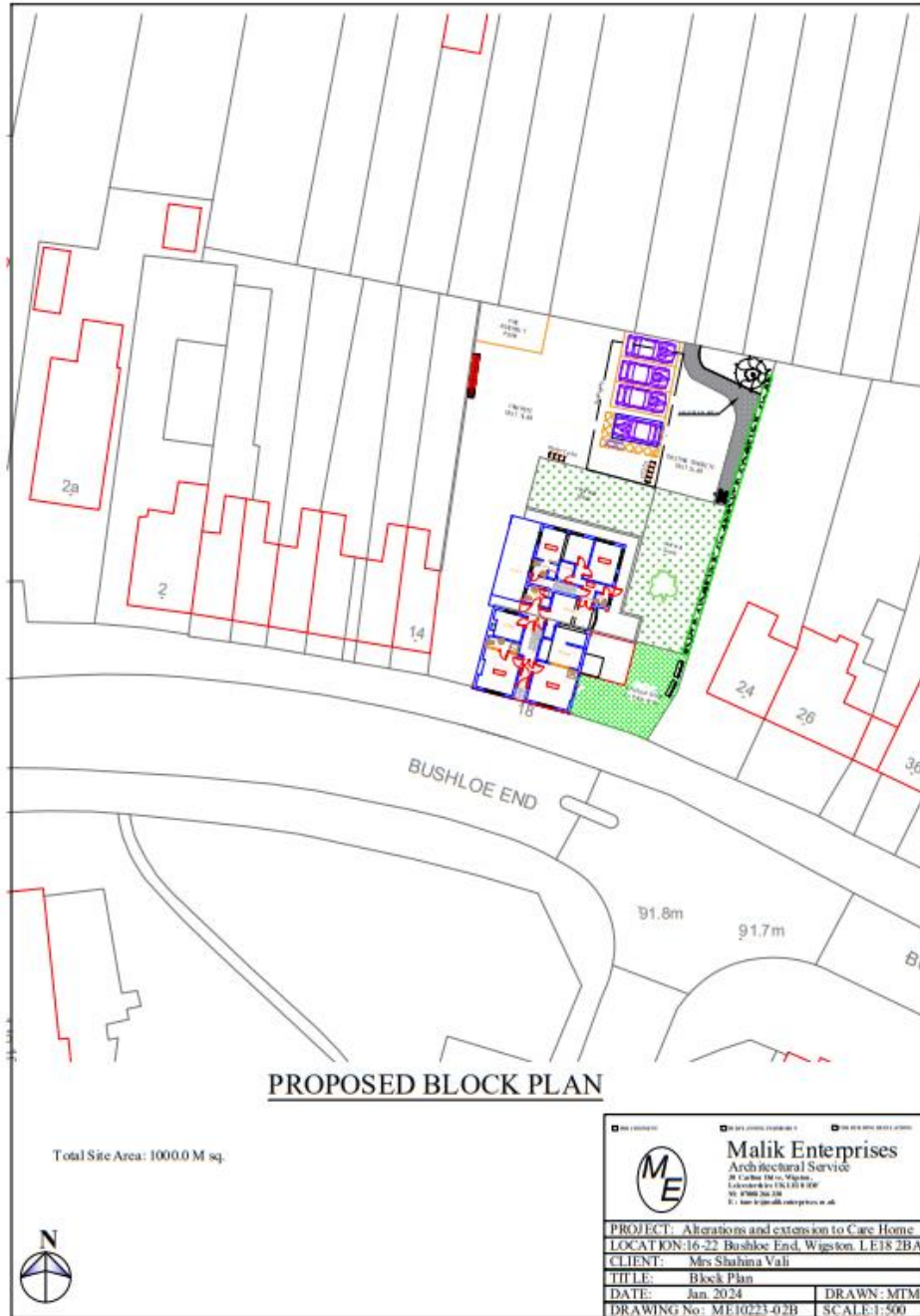


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Appendix 3 – Revised Block Plan and Landscape Plan

Revised Block Plan - ME10223-02B



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Revised Landscape Plan ME0424-09



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Appendix 4 – Streetscene showing approved extension and front wall



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Appendix 5 – Additional area to the rear that does not and cannot form part of this Non-Material Amendment application (because it lies outside of the red line site of 20/00078/FUL)



Note: For procedural reasons this area will be discussed separately with the case officer/LPA outside of the scope of the submitted NMA application.