



TO COUNCILLOR:

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

Mrs S Z Haq
Miss P V Joshi
J Kaufman
Miss A Kaur

C D Kozlowski
Mrs H E Loydall
R E R Morris
Dr I K Ridley

Dear Sir or Madam

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, 27 FEBRUARY 2020** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices
Wigston
17 February 2020

Mrs Anne E Court
Chief Executive



<u>ITEM NO.</u>	<u>AGENDA</u>	<u>PAGE NO'S</u>
1.	Apologies for Absence	
	To receive apologies for absence from Members to determine the quorum of the meeting in accordance with Rule 7 of Part 4 of the Constitution.	
2.	Appointment of Substitutes	
	To appoint substitute Members in accordance with Rule 26 of Part 4 of the Constitution and the Substitution Procedure Rules.	
3.	Declarations of Interest	
	Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.	
4.	Minutes of the Previous Meeting	3 - 4
	To read, confirm and sign the minutes of the previous meeting in accordance with Rule 19 of Part 4 of the Constitution.	
5.	Report of the Development Control Manager (February 2020)	5 - 21
	Report of the Development Control Manager	



- a. **Application No. 19/00475/FUL - HM Young Offenders Institute** **6 - 14**
Glen Parva, Tigers Road, Wigston, Leicestershire, LE18 4TN

Report of the Planning Control Officer

- b. **Application No. 19/00511/P3JPA - Lyn House, 39 The Parade,** **15 - 19**
Oadby, Leicestershire, LE2 5BB

Report of the Planning Control Officer

For more information, please contact:

Democratic Services

Oadby and Wigston Borough Council
Council Offices
Station Road, Wigston
Leicestershire
LE18 2DR

t: (0116) 257 2775

e: democratic.services@oadby-wigston.gov.uk

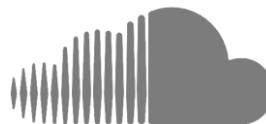
**You can access all available public meeting documents
and audio recordings electronically on:**



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MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 19 DECEMBER 2019 COMMENCING AT 7.00 PM

PRESENT

L A Bentley Chair
Mrs L M Broadley Vice-Chair

COUNCILLORS

G A Boulter
F S Broadley
Mrs S Z Haq
J Kaufman
Miss A Kaur
C D Kozlowski
R E R Morris
Dr I K Ridley

OFFICERS IN ATTENDANCE

S J Ball Trainee Solicitor
D M Gill Head of Law & Democracy / Monitoring Officer
R Redford Development Control Manager

OTHERS IN ATTENDANCE

L Paulo Public Speaker, Supporter
P Rowland Public Speaker, Applicant/Agent

20. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillors Miss P V Joshi and Mrs H E Loydall.

21. APPOINTMENT OF SUBSTITUTES

None.

22. DECLARATIONS OF INTEREST

None.

23. MINUTES OF THE PREVIOUS MEETING

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The minutes of the previous meeting held on 17 October 2019 be taken as read, confirmed and signed.

24. REPORT OF THE DEVELOPMENT CONTROL MANAGER

24a. APPLICATION NO. 19/00236/COU - UNIT 4, MIDLAND HOUSE, CROSS STREET, OADBY, LEICESTERSHIRE, LE2 4DD

Mr P Rowland spoke upon the application on behalf of the applicant.

Mr L Paulo spoke upon the application as a supporter.

The Committee gave consideration to the report (as set out at pages 4 - 17 of the agenda reports pack) and the addendum (as set out at pages 1 - 5 of the agenda reports update pack) which asked it to determine a planning application for the change of use from industrial (Use Class B2) to a private health and fitness studio (Use Class D2).

It was moved by the Vice-Chair, seconded by Chair and

RESOLVED THAT:

The application be REFUSED planning permission.

Votes For	5
Votes Against	3
Abstentions	2

THE MEETING CLOSED AT 7.52 PM



Chair

Thursday, 23 January 2020

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Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR*

Agenda Item 5

Application Number

Address

Report Items

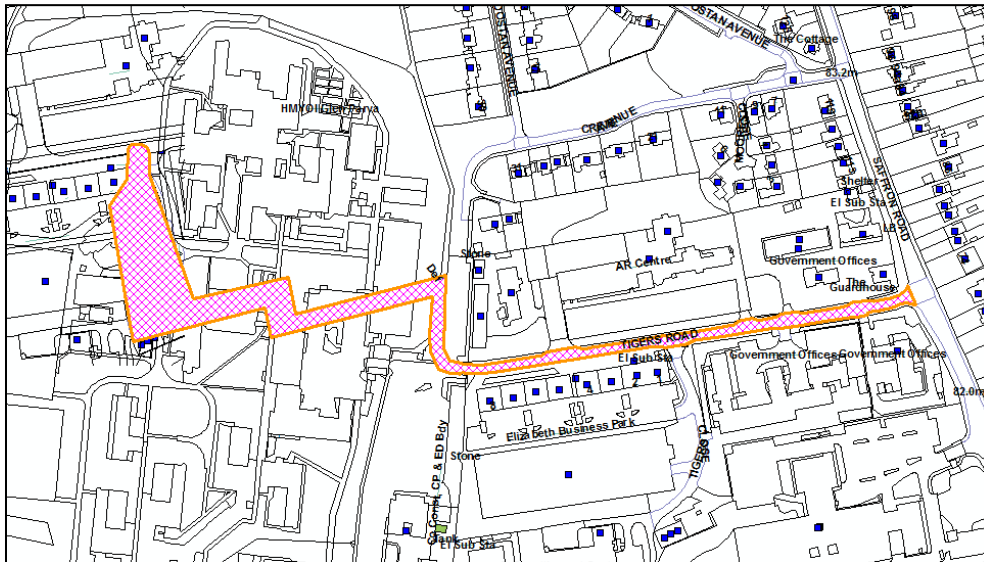
A. 19/00475/FUL

HM Young Offenders Institute Glen Parva
Tigers Road
Wigston
Leicestershire
LE18 4TN

B. 19/00511/P3JPA

Lyn House
39 The Parade
Oadby
Leicestershire
LE2 5BB

A.	19/00475/FUL	HM Young Offenders Institute Glen Parva Tigers Road Wigston Leicestershire LE18 4TN
	25 November 2019	Erection of an operational building of 2,355.064 sqm floorspace within secure zone of approved new prison at the site of the former HMP and YOI Glen Parva
	Case Officer	Alex Matthews



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Site and Location

The application site, HM Young Offenders Institute Glen Parva, is situated partly within the western edge of the administrative area of Oadby & Wigston Borough Council. Situated within the administrative areas of both Blaby District Council and Oadby & Wigston Borough Council, the majority of the site is located within the Blaby District Council administrative area. Only the access onto Tigers Road falls within the Oadby & Wigston Borough Council administrative area. The site currently comprises a cleared vacant site with secure perimeter fencing still intact. The site also has a section of boundary adjacent to the Leicester City Council administrative area. The application site extends to some 1.04 hectares and it is located to the eastern edge of the built-up area of Glen Parva.

The site as a whole is surrounded by a variety of different uses. Within the Oadby & Wigston administrative area the site is bounded by a mixture of industrial units, army buildings, offices, a nursery and residential dwellings. A large proportion of the dwellings are served by private roads immediately adjacent to the application site access on Tigers Road. The Birmingham to Peterborough train line acts as the sites southern boundary on the opposite side of which are a number of other industrial, residential and retails units. To the north of both the application site and adjacent land owned by the Ministry of Justice is Eyres Monsell Park - an area of amenity and recreational space situated within the administrative area of Leicester City Council. Residential dwellings and a school are situated to the western side of the site. Surrounding the site are a number of areas with established landscaping, including mature trees some of which are covered by Tree Preservation Orders, as well as buildings predominantly two storey in height.

The general land level is higher to the northern section of the site and it slopes down considerably to the south west corner.

Description of proposal

The planning application as submitted is seeking planning permission for the erection of an operational building of 2,355.064 sqm floorspace within a secure zone of the approved new prison at the site of the former HMP and YOI Glen Parva. The applicant has submitted an Application Form, Covering Letter, Planning Statement, Design & Access Statement, and six Drawings detailing the proposed new operational building for consideration by the Local Planning Authority.

As previously detailed only a limited amount of the application site falls within the Oadby & Wigston Borough Council administrative area. The Local Planning Authority (OWBC) can therefore only consider the elements of the proposed scheme of development which fall within the Oadby & Wigston administrative area. These elements comprise of the access from the complex onto Tigers Road. This proposed scheme of development as submitted does not present any alterations with regards to the access from that originally approved by the Council on 4th June 2017 under OWBC reference 16/00575/OUT.

The statutory determination period for this planning application expired on 20 January 2020. An Extension of Time has however been requested. The Local Planning Authority intends to issue a decision as soon as practicably possible after the committee meeting.

The Oadby & Wigston Borough Council administrative area:

The access between the complex and Tigers Road falls within the Oadby & Wigston Borough Council administrative area. This proposed scheme of development as submitted does not present any alterations with regards to the site entrance or access. Highways and access matters can however be considered by the Local Planning Authority (OWBC) with regards to any potential implications of the proposed new operational building on the highway. This is because the proposed

new operational building will rely on the access between the complex and Tigers Road. Oadby & Wigston Borough Council cannot however consider the design, character and appearance implications or any impact of the proposed new operational building on neighbouring amenity due to the buildings location. It is the role of the Local Planning Authority at Blaby District Council to consider those factors.

The Whole Development:

The proposed new operational building as presented falls within the administrative area of Blaby District Council. It is therefore the role of the Local Planning Authority at Blaby District Council to assess and control the implications of the actual building under the planning application which has also been submitted to the Local Planning Authority there.

The new operational building has been labelled within the submitted documentation as "Building 107". This proposed building is to be operated as a kitchen. Internal floor layouts and specific detailing has not been provided on security grounds. This proposed structure is however presented as facilitating a footprint of approximately 55.1m by 21.4m, with a floor space of approximately 2,355.064sqm. A north and south facing gable ended roof design is presented for the proposed structure with a ridge height of approximately 9.77m above ground floor level and an eaves height of approximately 6.90m above ground floor level.

Relevant Planning History

19/00474/REM Under Consideration
Reserved matters submission for the demolition of existing HMYOI Glen Parva and construction of a new prison (Use Class C2a) (max floor space 62,437 SQM GEA) with a secure perimeter fence together with access, parking, energy centre, landscaping and associated engineering works considering appearance, landscaping and layout (Outline Application approved on 4 September 2017 under ref 16/00575/OUT including access and scale). (Re-submission of 18/00230/REM).

18/00230/REM Granted 27th July 2018
Reserved matters submission for the demolition of existing HMYOI Glen Parva and construction of a new prison (Use Class C2a) (max floor space 62,437 SQM GEA) with a secure perimeter fence together with access, parking, energy centre, landscaping and associated engineering works considering appearance, landscaping and layout (Outline Application approved on 4 September 2017 under ref 16/00575/OUT including access and scale).

Partial discharge of pre-commencement conditions 6 (site boundary treatment), 9 (construction traffic / site traffic management plan), 12 (remediation strategy for demolition), 17 (off road parking provision) and 20 (asbestos survey) for demolition phase only – Partial discharge on 22 May 2018 (Further submissions will be made for the discharge of these conditions in relation to the development phase(s) of the development)

16/00575/OUT Granted 4th June 2017
Demolition of existing HMYOI Glen Parva and construction of a new prison (Use Class C2A) (max. floorspace of 62,437 sqm GEA) with a secure perimeter fence together with access, parking, energy centre, landscaping and associated engineering works (Outline application with access and scale being considered)

14/00346/FUL Granted 2nd December 2014
Construction of an education led Ministry of Justice establishment (Class C2a) to accommodate 320 young people and associated facilities, and alterations to existing car park (cross boundary application with Blaby District Council.)

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Saved Oadby & Wigston Local Plan Policies

Landscape Character Assessment (2018)
Leicestershire Highways Design Guide (2018)
Local Highway Authority current standing advice (Sept 2011)

Planning Considerations

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

- Design, Character and Appearance
- Neighbouring Amenity
- Highways/ Access
- Disposal of Surface Water and Foul Sewage

Design, Character and Appearance

The Local Planning Authority (OWBC) cannot assess and control the design, character and appearance implications of the proposed new operational building as the proposed building falls within the administrative area of Blaby District Council. It is therefore for Blaby District Council to assess and control these factors under the planning application which has also been submitted to the Local Planning Authority there.

Although restricted in what can be assessed here, the Local Planning Authority (OWBC) has still reviewed and considered the proposed building as presented in the wider context of the development. The design, character and appearance, of the proposed structure has been largely dictated by the requirements of the Ministry of Justice in meeting the functional requirements of the site above that already approved. The Local Planning Authority (OWBC) considers the proposed structure to be appropriate.

The Local Planning Authority (OWBC) can consider the design, character and appearance implications associated with the element of the scheme falling within the Oadby & Wigston Borough Council administrative boundary. The access, as outlined within the red line, does fall within the administrative boundary of Oadby & Wigston Borough Council. As there are no alterations proposed to the access (in the context of gates, road realignments, etc.) from that previously approved under 16/00575/OUT the Local Planning Authority (OWBC) therefore has no objection to the proposed scheme of development on design, character and appearance grounds.

Although the Local Planning Authority (OWBC) cannot readily control the design, character and appearance implications of the proposed new operational building these factors have however been reviewed and the proposed operational building is considered to be appropriate. There are no alterations proposed to the access. Overall the Local Planning Authority (OWBC) has no objection to the proposed scheme of development on design, character and appearance grounds.

Neighbouring Amenity

The Local Planning Authority (OWBC) cannot assess and control the neighbouring amenity implications associated with the proposed new operational building as the proposed building falls within the administrative area of Blaby District Council. It is therefore for Blaby District Council to assess and control these factors under the planning application which has also been submitted to the Local Planning Authority there.

Although restricted in what can be assessed the Local Planning Authority (OWBC) has still reviewed and considered the neighbouring amenity implications of the proposed building as presented. The

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Local Planning Authority (OWBC) considers the proposed structure to be appropriate. This is due to the siting of the development proposed, the relationship of that with the nearest residential properties, and the positioning of principle windows serving habitable rooms of the neighbouring properties. There are no alterations proposed to the access, so there are therefore no concerns with regards to neighbouring amenity surrounding the access. Overall the proposed scheme of development as proposed is considered by the Local Planning Authority (OWBC) to not present any issues with regards to impact on nearby neighbouring amenity.

Highways/ Access

The Local Planning Authority has considered potential highways and access implications of the proposed scheme of development together with the consultation comment received from the Highways Department at Leicestershire County Council.

The Highways Department at Leicestershire County Council has informed the Local Planning Authority (OWBC) that in their professional judgement the impact of the development on the highway would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. The Highways Department has also advised that the development does not conflict with paragraph 109 of the National Planning Policy Framework (2019). It would therefore be unreasonable for the Local Planning Authority (OWBC) to overrule this professional advice and suggest that the proposed scheme of development would present highway and access implications to justify the refusal of planning permission.

On this basis the Local Planning Authority (OWBC) consider the proposed scheme of development to be acceptable on highways and access grounds.

Disposal of Surface Water and Foul Sewage

The Local Planning Authority has considered potential issues with regards to the disposal of surface water and foul sewage in response to the consultation comment received from Severn Trent Water Ltd. Severn Trent Water Ltd, in it's professional opinion, has advised the Local Planning Authority (OWBC) that should planning permission be granted a condition and an informative shall be attached to the decision notice with regards to these factors. A condition has been suggested to ensure that the development shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted and approved by the Local Planning Authority (OWBC). This is to ensure that the development is provided with a satisfactory means of drainage as well as reducing the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution. It is also recommended that an informative is provided to provide the applicant with further information with this regard.

On the basis of the professional advice of Severn Trent Water Ltd. should the Local Planning Authority (OWBC) be minded to recommend planning approval the above referenced condition and informative shall be attached to the decision notice.

Conclusion

The proposed scheme of development as submitted is recommended by the Local Planning Authority (OWBC) for planning approval subject to the incorporation of a condition and an informative into the decision notice at the request of Severn Trent Water Ltd. with regards to the disposal of surface water and foul sewage.

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 have 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 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution. In accordance the aims and objectives of the National Planning Policy Framework (2019) and the Oadby & Wigston Local Plan (2019).

- 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:

Application Form - Ref: N/A - Provided by: Avison Young (Agent) - Received by the Council: 25 November 2019

Covering Letter - Ref: 01B903279/GP107/md12 - Provided by: Avison Young (Agent) - Dated: 25 November 2019 - Received by the Council: 25 November 2019

Planning Statement - Ref: N/A - Provided by: Avison Young (Agent) - Dated: November 2019 - Received by the Council: 02 December 2019

Design & Access Statement - Ref: 321530-3515-PEV-GP1107-XX-RP-A-0002-B0700_P01 - Provided by: Avison Young (Agent) - Dated: 19 November 2019 - Received by the Council: 25 November 2019

Site Block Plan Proposed Planning Kitchen - Ref: 321530-3515-PEV-GP1000-ZZ-DR-A-9007-B0700 Rev.P04 - Provided by: Avison Young (Agent) - Dated: 19 November 2019 - Received by the Council: 25 November 2019

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Site Location Plan Existing Planning Kitchen - Ref: 321530-3515-PEV-GP1000-ZZ-DR-A-9006-B0700 Rev.P03 - Provided by: Avison Young (Agent) - Dated: 19 November 2019 - Received by the Council: 25 November 2019

Plan Planning L00 (Ground) - Ref: 321530-3515-PEV-GP1107-00-DR-A-9000-B0700 Rev.P02 - Provided by: Avison Young (Agent) - Dated: 15 November 2019 - Received by the Council: 25 November 2019

Plan Planning LR1 (Roof) - Ref: 321530-3515-PEV-GP1107-R1-DR-A-9003-B0700 Rev.P02 - Provided by: Avison Young (Agent) - Dated: 15 November 2019 - Received by the Council: 25 November 2019

Elevations Ext Planning No colour - Ref: 321530-3515-PEV-GP1107-ZZ-DR-A-9011-B0700 Rev.P03 - Provided by: Avison Young (Agent) - Dated: 19 November 2019 - Received by the Council: 25 November 2019

Elevations Ext Planning Colour - Ref: 321530-3515-PEV-GP1107-ZZ-DR-A-9010-B0700 Rev.P03 - Provided by: Avison Young (Agent) - Dated: 19 November 2019 - Received by the Council: 25 November 2019

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 With regards to Condition 2, Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
- 2 You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.
- 3 You are advised that any amendments to the approved plans will require either a Non-Material amendment application, a Minor Material Amendment application or a new planning application. If this is the case then you should allow at least 8 weeks before the intended start date to gain approval for such amendments. Further advice can be obtained by contacting the Planning Section of the Council on any amendments (internal or external).
- 4 The Application as submitted was, on balance, considered to be acceptable and whilst discussions with the applicant were held to seek a higher quality of development the

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originally submitted development is not considered to be bad enough to warrant refusal 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.

5 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.

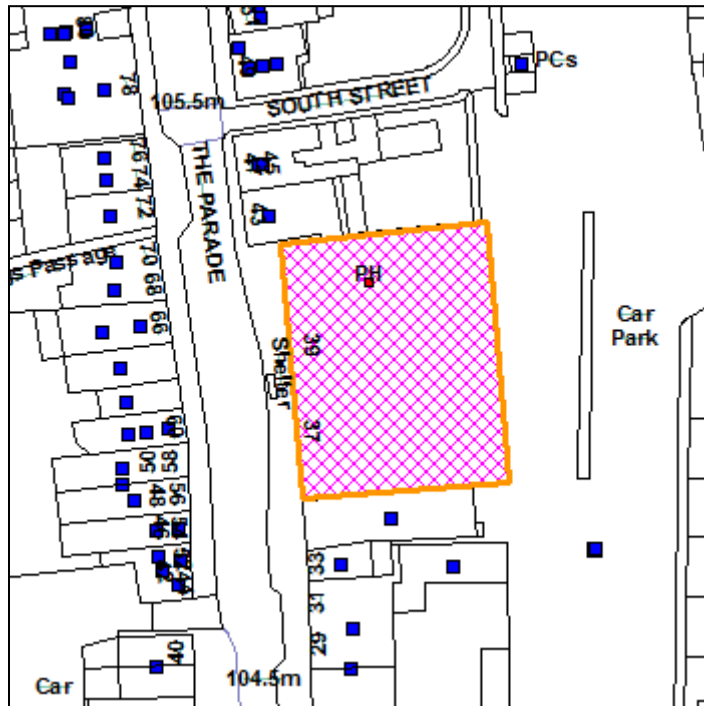
If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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.

B.	19/00511/P3JPA	Lyn House 39 The Parade Oadby Leicestershire LE2 5BB
	10 January 2020	Prior notification for change of use from offices (B1) to 40 bed sits (C3).
	Case Officer	Michael Smith



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Site and Location

Lyn House is a multi storey building located on The Parade in the centre of Oadby. The ground floor of the building which has recently been subdivided into 3 units is currently in use as 2 retail units the third unit being vacant although planning permission has recently been granted for its use as a Fitness Centre. Lynn House occupies the 3 floors above which are currently authorised for office use.

Description of proposal

This application is a Prior Notification proposal submitted under Class O of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 as amended.

The proposal is for the change of use of the three upper floors of Lyn House which currently equates to approximately 1800sq of floorspace from offices to 40 bedsits. The applicants have confirmed that the proposal is for 40 one bedroom bedsits and that there are 18 dedicated parking spaces associated with the building which are located on the East Street car park immediately behind the building.

The statutory determination period for this application expires on the 6th March, and it is intended to issue a decision as soon as practicably possible after the committee meeting.

Relevant Planning History

15/00187/P3JPA Change of use of first, second and third floors from Offices (B1a) to 18 Flats (C3) – Accepted

Consultations

Leicestershire County Council (Highways)

The Local Highway Authority (LHA) understands the Applicant is seeking prior approval for a change of use of offices (Class B1a) to 40 bed sits (C3). After further consideration of the submitted plans the LHA does not believe the proposed change of use will result in a material increase or a material change in the character of traffic in the vicinity of the site or would create any highway safety issues and would not seek to resist the application.

Oadby Civic Society

Wishes in general to raise deep concerns about such applications which can lead to long term poor standards of housing.

In particular in this case there is concern that:

- The internal plan of the building will require a secondary staircase (there is currently an external fire escape at the rear);
- The rear block floors are not level with those of the front block and internal ramps will be needed;
- The front entrance is not wheelchair accessible;
- Refuse storage and cycle storage will be required;
- The building will require thermal and sound insulation upgrades which could alter the facades of the building; and

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- The applicant has only identified one bank of parking on Brookside Drive/East Street car park which only provides 18 spaces.

OWBC Environmental Health

While nothing in Housing or Public Health legislation can prevent development under permitted development rules now in force, Environmental Health officers, at the request of planning colleagues can provide advice to developers about the risks involved in converting office accommodation without proper design and forethought; about a range of issues that could result in statutory action against the owner/manager of a building subsequently used as living accommodation.

Both the Housing Act 2004 and Fire Safety Order 2002 apply to such developments once occupied, with the main areas of concern generally relating to thermal insulation and heating, means of escape in case of fire, and fire precautions. In practice commercial offices built before the 1990s will have very poor insulation and heating systems, that unless substantially upgraded could lead the Council to inspect on complaint by an occupant, and if judged to be deficient under the Housing Health and Safety rating system subject to legal action.

The courses of action available to the Council include prohibition of part or all of the building or service of an improvement notice, requiring works to be carried out. Failure to comply could result in a criminal case being brought with possible unlimited fine on conviction or civil penalty of £30,000 being imposed per offence. If these remedies appear inadequate civil injunctions may be sought.

In the case of a failure to meet agreed standards of means of escape in case of fire the Fire Service can restrict occupation of the building or prohibit occupation altogether. These powers have been used recently in the Borough by the fire service in similar cases to the one being discussed.

In most cases a dialogue with developers results in improvements to design changes and improvements that mean the residential element of a scheme comply.

Representations

Neighbours have been informed but with no letters of representation being received at the time of writing this report. The date for the receipt of comments expired on the 5 February 2020.

The application has however been called in for the decision by the Planning Committee by Cllr Mrs Loydall and Cllr Ridley.

Relevant Planning Policies

National Planning Policy Framework

The National Planning Policy Framework (The NPPF) states that 'the purpose of the planning system is to contribute to the achievement of sustainable development.' Achieving sustainable development means that the planning system has three overarching economic, social and environmental objectives, which need to be pursued in mutually supportive ways (paragraph 8). Paragraph 10 states that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development."

As a Prior Notification submission the proposal is not subject to consideration against any Local Plan policies or Supplementary Planning Documents.

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Planning Considerations

The change of use from offices to dwellings is a permitted change under the Town and Country Planning (General Permitted Development) Order subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required as to:

- Transport and highway impacts of the development;
- Flood risks on the site;
- Contamination risks on the site; and
- Impacts of noise from commercial premises on the intended occupiers of the development (means any premises normally used for the purpose of any commercial or industrial undertaking)

Other issues, including those which have been highlighted by the Oadby Civic Society and Council officers relating to the internal layout of the bedsits, access arrangements (including wheelchair access), the buildings thermal and noise insulation and the impact that any change of use may have on the external elevations of the building, although of concern and potentially the subject of subsequent formal planning permission; are not issues that can be addressed under this type of submission. Nevertheless officers would intend to make the applicants aware of these concerns by way of a note to applicant.

In addition as a Prior Notification submission the application is not one that needs to be considered against the policies of the Oadby and Wigston Local Plan. It should however be noted that Prior Approval for the change of use of the same offices to 18 residential flats has previously been accepted.

As regards the issues for consideration therefore:

Flood risks on the site

The development site is not located in Flood Zones 2 or 3 and therefore the Environment Agency has not been consulted on the prior approval. The proposal is not considered to result in any flood risks to the site.

Contamination risks on the site

The proposal is solely for the change of use of the building and is not considered to result in contaminated land. Therefore the proposal is not considered to result in any contamination risks on the site.

Impacts of noise from commercial premises on the intended occupiers of the development

The building is located in Oadby Town Centre which contains a variety of retail and service premises but little in the immediate vicinity in the way of noisy commercial/industrial premises which are generally to be found on the established industrial /commercial estates elsewhere within Oadby. Therefore it is not considered that the upper floors of this building would be in any way directly affected from noise from any commercial premises.

Transport and highways impacts of the development

As the proposal may result in a material change in the character of traffic entering or leaving a classified road, transport and highways impacts of the development are a consideration with the Highway Authority having been consulted on the submission.

Development Control Committee
27 February 2020

The current use of the building as offices could in itself generate significant traffic movements, indeed the current County Council Highways Design Guide would suggest for a building of this size and in this type of urban town centre location, could generate significant traffic movements and the normal maximum parking standards for a building of this size and use would require 31 car parking spaces.

The building however, only includes 18 car parking spaces which are currently dedicated to the existing offices in the upper floors of the building and which the applicants have confirmed they would be still available for use by residents. Whilst it might be desirable for the building to have access to additional parking it is located in the Oadby Town centre and as a result its location is highly sustainable in terms of residents' access to frequent public transport services as well as the extensive range of retail, services and facilities available within a primary shopping area.

Whilst it might be desirable for additional parking to be provided for residents, in the light of the Highway Authority's comments and consideration; that the change of use would not result in a material increase or a material change in the character of traffic in the vicinity of the site nor would the use create any highway safety issues and the proposal is therefore considered acceptable in transport and highways grounds; there are insufficient grounds to object to the proposal.

Conclusion

Prior approval from the Local Planning Authority is therefore not required and the proposed development may commence.

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 have 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

BACKGROUND PAPERS

A. 19/00475/FUL

B. 19/00511/P3JPA

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