

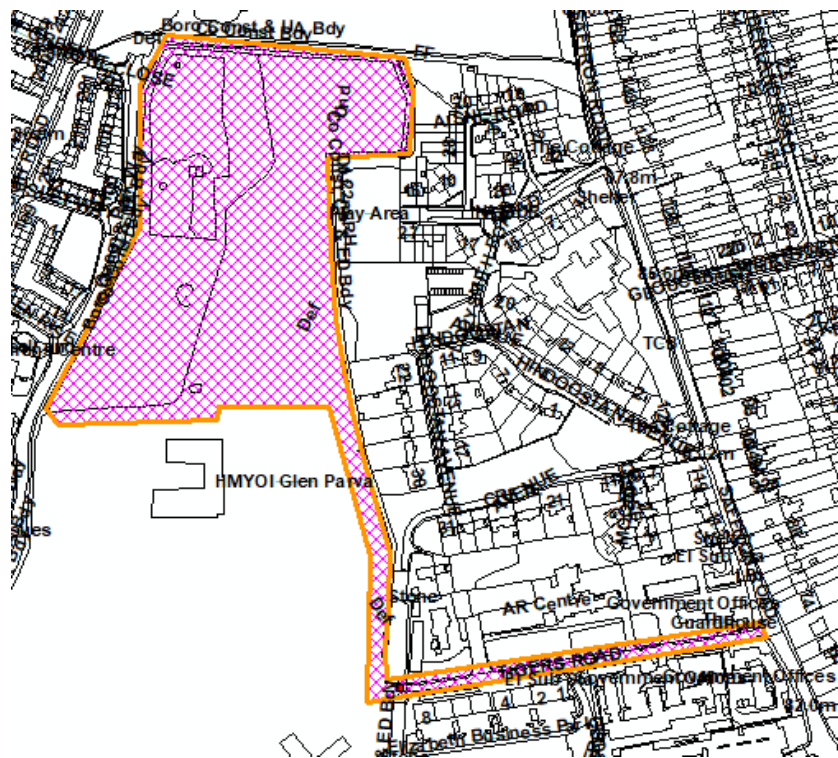
Application Number Address

Report Items

- a. 22/00361/FUL** HM Young Offenders Institute Glen Parva
Tigers Road
Wigston
Leicestershire
LE18 4TN

- b. 22/00392/FUL** Wigston Academy
Station Road
Wigston
Leicestershire
LE18 2DT

a.	22/00361/FUL	HM Young Offenders Institute Glen Parva Tigers Road Wigston Leicestershire LE18 4TN
	30 September 2022	Erection of 1no. houseblock, 1no. ancillary building, associated recreational / Multi-Use Games Area (MUGA), car parking for visitors and staff, and other associated works.
	Case Officer	Mrs Tracey Carey



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Site and Location

The application site is located principally within the administration area of Blaby District Council but a small element falls within Oadby and Wigston Borough Council's area. The site covers some 6.42 hectares in area in total.

The site is located north of the current HMYOI development site, to the west of Saffron Road and to the south of Eyres Monsell Recreation Park (in the administration area of Leicester City Council). To the east are residential properties off Crete Avenue, Hindoostan Avenue, Namur Road and Aisne Road which adjoin the site. To the west are more residential properties and a children's centre (also in the administration area of Leicester City Council).

The land immediately to the south of the site is currently being redeveloped to provide a category C Adult Male prison.

The application site is currently being used for the siting of a temporary site office and car parking associated with the construction of the prison in the south of the site.

Description of proposal

The application comprises:

- * the erection of a four storey houseblock providing accommodation for approx. 250 prisoners.
- * A two storey building to accommodate uses that will support the operation of the houseblock
- * A Multi-Games Area (MUGA)
- * Additional car parking (80 Spaces)
- * Associated landscaping
- * New and extended secure fence lines
- * An electricity substation building

Access to/from the site is along Tigers Road/Saffron Road.

The main part of the site lies within Blaby District Council's administrative area. Only the existing access along Tigers Road, part of the internal access road, a large area of the car park, an area of amenity grassland and a small stretch of security fencing are within the Oadby and Wigston Borough Council administrative area.

The statutory determination period for this application expires on the 30 December 2022 and it is intended to issue a decision as soon as practicably possible after the committee meeting.

Relevant Planning History

18/00230/REM Granted 4 September 2020

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).

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16/00575/OUT Granted 4 June 2017

Demolition of existing HMYOI Glen Parva and construction of a new prison (Use Class C2A) (max. floor space of 62,437sqm 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 2 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.

13/00211/REN Granted 19 September 2013

Renewal of planning application 10/00049/FUL for construction of Youth Justice Board (YJB) establishment to accommodate 360 young people & associated facilities including alterations to existing car park, proposed new car parking alterations to 5.2m high security fence & erection of 2.4m high fence.

10/00049/FUL Granted 18 May 2010

Construction of Youth Justice Board (YJB) establishment to accommodate 360 young people & associated facilities including alterations to existing car park, proposed new car parking alterations to 5.2m high security fence & erection of 2.4 metre high fence (Revision E)

83/00732/8G Granted 19 September 1983

Erection of garage

Consultations

Blaby District Council – No comments received.

Cadent – Details of apparatus submitted.

Ecology - Most of the site is in Blaby, with a small part in Oadby and Wigston.

The applicants' ecologists (Tyler Grange, 2022) have conducted a habitat survey and biodiversity net-gain assessment. No evidence of protected species resident on site was discovered.

They have not submitted their BNG metric, but have provided a useful summary in the ecology report, which I have been able to refer to. It would be helpful if the metric could be submitted on its original spreadsheet (this will become a mandatory requirement) but for this current application I do not require it.

The ecology report and BNG assessment are satisfactory. The landscape plans show enhancements to the northern part of the site, including creation of wildflower meadow grassland and a large pond. Other habitats and trees on site are retained. T1 is a mature Oak of some significance and high value, meeting Local Wildlife Site criteria; it will be retained.

The development is in net-gain of 3.45% or 0.98 habitat units. This is acceptable. As plans develop, this may change – therefore the planning condition relating to BNG should refer to the baseline value of 28.2 units. The post development site must deliver this value, plus additional gains; it is

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readily achievable through on-site habitat creation, as demonstrated by the landscape masterplan. Note that there is as yet no mandatory requirement to provide 10% net-gain.

Further details on landscape will be required, but can be provided under a planning condition.

Lead Local Flood Authority- no objection subject to planning conditions regarding surface water drainage scheme to be submitted, details of the management of surface water during the construction of the development, no occupation of the development shall take place until the long term maintenance of the surface water drainage system is agreed.

Leicester City Council - No comments received.

Leicestershire County Council Highways – Incorporated into the report.

Leicestershire County Council Lead Local Flood Authority – No objection subject to conditions.

Oadby and Wigston Environmental Health –

- 1 Construction noise – this is covered by the noise assessment carried out by Hydrock. This concludes that there is the potential for impact during any construction phase. To ensure adequate controls are in place I would recommend the principal contractor applies for a prior consent to the Council before any work starts (under section 61 of the Control of Pollution Act 1974). In this way working hours can be agreed, site noise levels decided, and other mitigation measures confirmed (such as use of low noise plant).
- 2 Vibration – the Hydrock report concludes that vibration will not be a consideration post construction. However, controls might be required during construction. It is recommended therefore that details are provided through the construction management plan and section 61 process as detailed in 1 above.
- 3 Air quality – The Hydrock report on air quality provides a comprehensive overview of both construction and operational air quality considerations. During the construction phase it is clear there could be an impact. Therefore, it is recommended that details of all control measures and proposed mitigation are detailed in the construction management plan which shall be submitted for agreement and approval by the Council. This should also include proposals for measuring and monitoring air quality levels during construction. Given there is little known about actual particulate levels (PM10 and PM2.5) in the vicinity of the site and known prevalence of asthma and viral wheeze admissions in children along the Blaby Road corridor I would also ask for a contribution from the applicant towards a zephyr monitor of £6,500 (this can provide particulate levels, and real time data at minimal cost). This could be provided by way of s106 contribution.
- 4 Operational noise – the Hydrock report concludes that acoustic mitigation would not be required for any element of the proposed development. I would recommend however, that the MUGA has a suitable hours of use limit on it (other supporting information states it will only be used 4 hours a day), any noise source from fixed building plant is subject to limits agreed by the Council and to prevent any potential complaint from existing residents along

Hindoostan Ave from the proposed car park, I would suggest a condition to require suitable acoustic treatment of the boundary.

Oadby and Wigston Tree Officer – The proposed landscaping seems beneficial to the site and appropriate to its proposed usage. I've no arboricultural objection.

STWA - No comments received

Western Power - No comments received

Wigston Civic Society - No comments received

Representations

Neighbours have been informed and a site notice placed with two letters of representation being received at the time of writing this report. The date for the receipt of comments expired on the 3 November 2022.

The reasons for objection are as follows: -

- * We object to the above application on principal. At the recent Community Consultation held at St Thomas's Church Hall, South Wigston, we were assured by all the Consultants, that the application for the erection of an educational block would be the last one. "We can absolutely assure you, that there will be no further applications for further construction work". Naively, we took their assurance on face value, and were therefore shocked and angry that a new application has been made. Trust has been destroyed and we ask the Council how much more heavy traffic, air and noise pollution and dust will local residents have to endure?
- * The current development has caused a dramatic impact in terms of both noise and vibration (reported to Environmental Health).
- * The site is dry and dusty. The dust levels are terrible (reported to Environmental Health).
- * The queue of contractors' vans some mornings is back to the pork pie roundabout. How can the continuation of the building works, while opening the new prison not have any impact on traffic.
- * This additional work should have been done earlier while it was a fully operational building site, and the prospect of continuing the dust, noise and disruption to our lives for another 18 months is not acceptable.

The application has been called to the Committee by Councillor Mrs Loydall.

Relevant Planning Policies

National Planning Policy Framework (NPPF)

Oadby & Wigston Local Plan

Policy 1 : Presumption in Favour of Sustainable Development

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Policy 6	:	High Quality Design and Materials Design
Policy 34	:	Car Parking
Policy 38	:	Climate Change, Flood Risk and Renewable Low Carbon Energy
Policy 39	:	Sustainable Drainage and Surface Water
Policy 44	:	Landscape and Character

Planning Considerations

As indicated above, there is only a small proportion of the site within the Borough of Oadby & Wigston administrative area and over which we therefore have control. It is on this element that the decision needs to be made.

All of the built form of the development is within the administrative area of Blaby District Council. While there is a need to be mindful of the development as a whole, the decision can only be made on elements of the proposal within our area of control and based on planning matters.

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

- * Principle of development.
- * The impact of the proposal on neighbouring residential properties.
- * Highway Impacts.

Principle of development

In considering the principle of development of the site it should be noted that a previous planning application (14/00346/FUL) was approved in December 2014 for the Construction of an education led Ministry of Justice establishment (Class C2a) to accommodate 320 young people, associated facilities, and alterations to existing car park.

This comprised of 7 x 3 storey accommodation blocks, the construction of support buildings and 300 staff car parking spaces.

The current application proposes a reduction in the number of prisoners by 70 (from that previously approved) and 220 less parking spaces (from that previously approved), as a result the proposal comprises a significantly lesser amount of development than that previously approved.

The Local Planning Authority is under no obligation to automatically approve the currently proposed development and in effect must take into account changes to the Development Plan and other material planning considerations which have changed since the granting of the 2014 planning permission.

Whilst there has been a new National Planning Policy Framework (July 2021) and the adoption of the Borough Council's Local Plan (2019), in terms of materiality none of the policy changes go to the heart of the proposal and as such it is concluded that the principle of development remains acceptable.

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The impact of the proposal on neighbouring residential properties.

The internal access road runs parallel to the eastern boundary similar to that in the 2014 approval. The previous approval also provided 81 car parking spaces in a similar location to the 80 currently proposed however the spaces are sited further away from the residential boundaries than previously approved. The proposed car park is located in excess of 50m from the rear of the properties in Hindoostan Avenue.

Landscaping is proposed within the car parking area and additional tree planting is proposed between the parking area and the rear gardens areas that will serve to ensure impacts through vehicular movements, noise and fumes are kept as low a level as possible. The additional planting will also serve to enhance the outlook from adjacent residential properties.

It should be noted that an access road into the northern section is currently existing as well as a much larger hard surfaced car parking area. The site currently comprises the site compound and includes a three storey site office building, storage containers and associated parking, as such there is currently vehicular activity taking place in this location. It should also be noted that the large car parking area approved as part of the development in the south of the site is closer to residential properties than that currently proposed to the north.

The Environmental Health Officer has recommended a condition requiring suitable acoustic treatment of the boundary. The applicant's agent has been made aware of this request and has commented that *'the noise impact assessment demonstrates that the predicted noise from the proposed car park at the nearest residents is 48dB LAeq, T, which is below the existing ambient level of 49dB LAeq, 16hours and below the desired lower limit of 50dB recommended by BS8233 and WHO. These levels are considered to be below the LOAEL defined by the Noise Policy Statement for England (NPSE) and therefore may be present and not intrusive based on the Noise Exposure Hierarchy outlined in PPG – Noise. Therefore, no adverse impacts are predicted to occur and it is considered that no specific noise mitigation for car parking noise is required.*

Furthermore, with the inclusion of any proposed boundary security fencing, noise associated with the car park will be reduced to below the levels predicted in the noise impact assessment. Therefore, impacts are likely to be less'

In view of this response the Environmental Health Officer has confirmed the boundary security fencing should suffice in addressing noise from the car parking and that limits for fixed plant will be adequate to ensure no adverse effects occur, as a result the condition for acoustic treatment is no longer required.

In view of the above, given the previous permission for a more intense form of development, the distance from neighbouring properties and the existing/proposed fencing it is not considered that the proposal will significantly impact on the amenity of neighbouring properties.

Highway Impacts

The access to the site is along Tigers Road accessed via Saffron Road.

There are no proposals to alter the junction of Tigers Road and Saffron Road, or to carry out any other off-site highway works. Information provided indicates that *'this is because it has been agreed with the Highway Authority that the additional trips that would be generated in the AM and PM peaks, over and above the consented development (in the south) would not be significant and would not result in any significant off-site impacts or justify any junction improvements. These conclusions are based on robust assumptions over staff ratios, shift patterns, the amount of visitor trips that may be expected and the distribution of trips on the local highway network.'*

The car park containing 75 spaces and 5 disabled spaces is reached via an access spur from the estate road in the southern compound. Given that prison visits associated with the new houseblock will be undertaken in the visitor centre on the main site, it is likely that spaces in the main car park that were allocated to staff will be allocated to visitors instead, with the new car park proposed in this application being used for staff parking.

The Highway Authority has been consulted and make the following comments:

According to the Transport Statement there will be up to 120 employees who will work in various shift patterns with up to 89 staff (74%) on site any time. The staff will be split between 60% uniformed staff and 40% non-uniformed support staff.

Site Access

Vehicular access to the proposed development is intended to be taken from Tigers Road which is a private road which joins the public highway at B5366 Saffron Road. Tigers Road has a pedestrian footway (with street lighting) along the western side. It also provides access to other organisations including Leicestershire, Northamptonshire & Rutland Army Cadet Force, and commercial units.

Highway Safety

The applicant has undertaken a review of Personal Injury Collision (PIC) data for a period of five years from 2017 up to and including 2021. The study area reviewed covers the following links / junctions:

- * *B5366 Saffron Lane / Sturdee Road;*
- * *B5366 Saffron Road / Dorset Avenue;*
- * *B5366 Saffron Road / Namur Road;*
- * *B5366 Saffron Road / Gloucester Crescent;*
- * *B5366 Saffron Road / Crete Avenue;*
- * *B5366 Saffron Road / Tigers Road;*
- * *B5366 Saffron Road / Marstown Avenue;*
- * *B5366 Saffron Road / B582 St Thomas Road; and*
- * *B582 St Thomas Road/ Blaby Road/ Countesthorpe Road.*

To ensure the latest PIC data has been reviewed the Leicestershire Highway Authority (LHA) has checked its own database for the period 1 September 2017 to 31 August 2022. This shows that there were 17 PICs during period under consideration. The key findings of the LHA's review are five PICs in 2017 and 2018, two PICs in 2019, one PIC in 2020 and two PICs in 2021 and between 1 January – 31 August 2022; and 14 PICs were classified as slight in severity, two PICs were classified as serious, and one PIC was fatal in the study area during period under consideration.

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The LHA note that five of the PICs included cycles and four included motorcycles. Further analysis of the details of the collisions does not indicate any pattern and given the extent of the study area and period covered, the LHA does not consider that a scheme of PIC mitigation can be justified. Based on their review of the PIC data the applicant has concluded that there are no existing spatial clustering or trends that the proposed development would exacerbate. Following its own analysis of the PIC data, the LHA agrees with this conclusion.

Trip Generation

Given the nature of this planning application the applicant has based the trip generation on information used for planning applications for HMP sites elsewhere in the county, namely the 2016 application for a new prison on the adjacent land south of the proposed development and the recent planning application at HMP Gartree. The LHA accept that this is a reasonable approach.

The LHA understands that uniformed and non-uniformed staff will work a variety of shift patterns. The uniformed staff work in four shifts with most (48%) arriving at the site before 08:00 and finishing at 17:30.

The split for non-uniformed staff is approximately 50/50 between 08:30 to 16:30 or 09:30 to 17:00. Based on the shift patterns the applicant has then compared the network peak hour and the development peak hour trip generation on the local highway network. The analysis demonstrated that the morning development peak occurs outside of the morning network peak hour.

Therefore, the applicant has considered the impact of the proposed development during two separate time periods; AM (07:00-08:00) and PM (17:00 - 18:00).

The applicant has analysed the local Journey to Work data from the 2011 Census to understand likely travel modes of staff and visitors. Whilst the applicant has split the staff trips by mode for the day shift, the visitor and legal visits have been based on car trips and taxi / public transport. The applicant has also confirmed that, since the Covid-19 pandemic, video link visits have been rolled out as a permanent feature across the prison estate which has reduced the requirement for face to face visits. The LHA considers that the approach to predicting the vehicular trip generation for the proposed development is robust.

	AM Peak (07:00 to 08:00)		PM Peak (17:00 to 18:00)		Daily	
	IN	OUT	IN	OUT	IN	OUT
Staff	25	3	0	29	67	67
Visitors	0	0	0	5	44	44
Total	25	3	0	34	111	111

Table 1: Details of vehicle trip generation for proposed development from Transport Statement

Trip Distribution and Assignment

After establishing the number and mode of trips predicted to be generated by the proposed development, the applicant has also considered the origin and destinations for these trips. The vehicle trips have then been distributed and assigned to the highway network. Details of the trip distribution / assignment are reproduced in Figures 3 and 4 below:

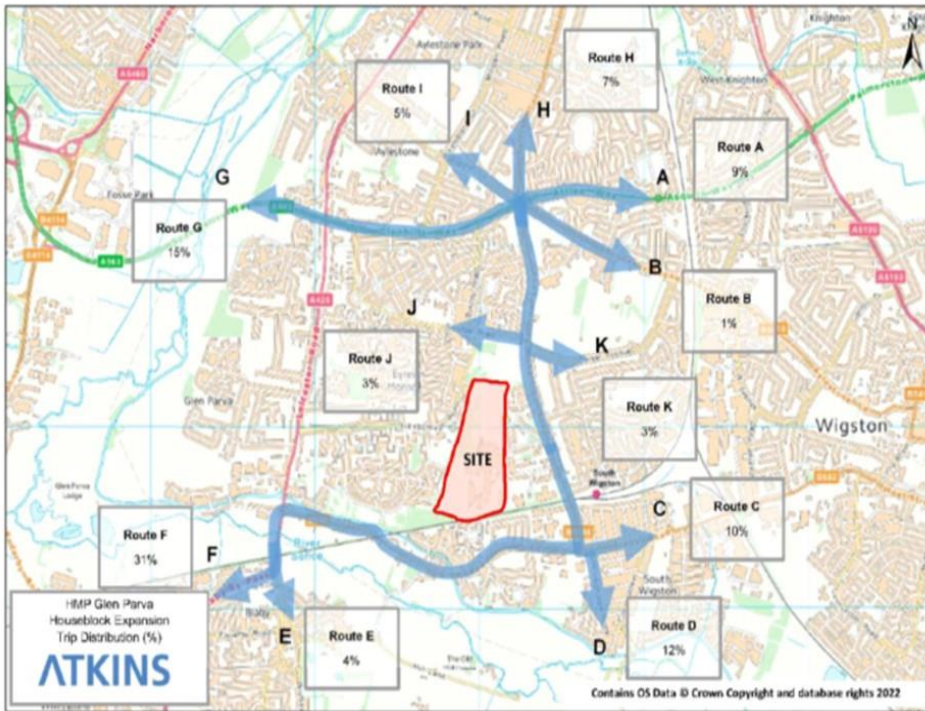


Figure 3: Predicted Vehicle Trip Distribution reproduced from Transport Statement

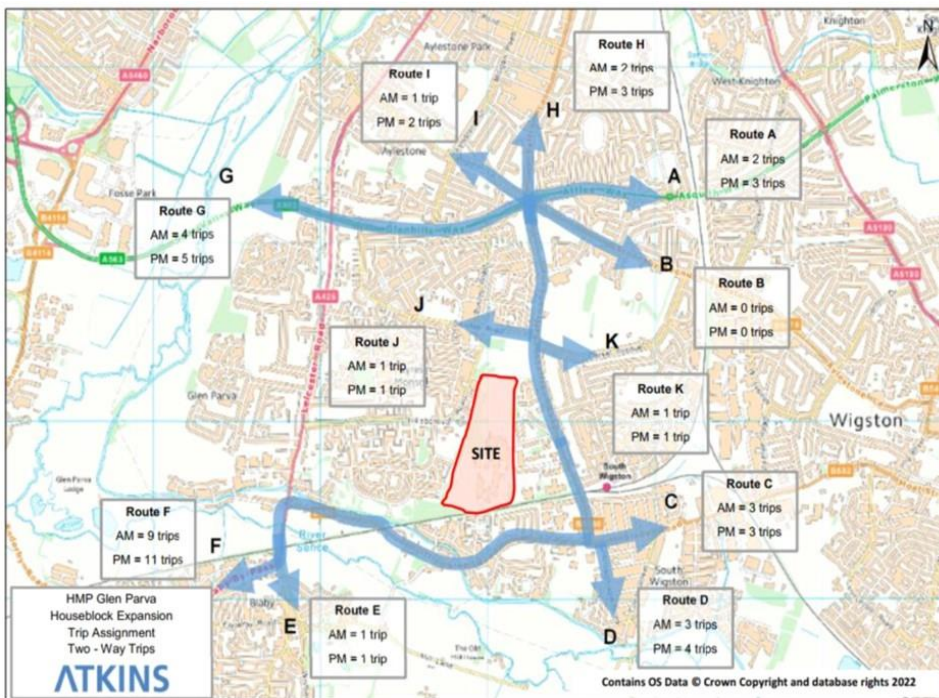


Figure 4: Predicted Vehicle Trip Assignment reproduced from Transport Statement

Given the proposed routing of traffic is primarily via the classified road network the LHA is satisfied with the trip assignment.

Highway Impact

The LHA would usually require the applicant to test the impact of the proposed development at any junction that would experience an increase of more than 30 two-way trips during the peak hours. Further to the predicted trip generation figures illustrated above the LHA is content that no further

analysis is required and that the proposals would not have a severe impact on the local highway network.

Internal Layout

There are currently 418 on site car parking spaces and the applicant has indicated that there will be a further 80 parking spaces (including five accessible parking spaces) as part of the proposed development. The applicant has not indicated whether any cycle parking spaces will be provided as part of the proposals, however the LHA is satisfied this can be secured by condition subject to the applicant obtaining planning permission. The LHA would advise the applicant that cycle parking should be secure and undercover.

The Leicestershire Highway Design Guide (LHDG) does not include any parking standards for prisons, so the parking provision should be considered based on end user requirements. Chapter 6 of the Transport Statement provides further analysis and justification of the level of parking being provided.

This assessment indicates that based on staff/visitor arrivals at the site and considering shift patterns and accumulation there will be a maximum of 75 vehicles on the site at any time associated with the proposed development.

Overall the LHA is satisfied with the Parking Accumulation Study and parking provision for the proposed development.

Transport Sustainability

The applicant has investigated the opportunities for employees to access the site by sustainable modes of travel, i.e. walking, cycling or public transport.

The site is served by the number 44/44A, 47/47A and 48/48A bus services, which travel between Leicester, Wigston, and South Wigston. The services currently operate three to four times every hour Monday – Saturdays, and every one to two hours on Sundays. The nearest bus stops to the proposed development are on Saffron Road, a 10-minute walk from the prison.

There are also several areas / towns which are within a 20-minute cycle ride of the site including Braunstone Town, Blaby, Whetstone and Wigston.

Given the location of the proposed development in the built-up area of Wigston, the LHA believe there is ample opportunity for employees to walk / cycle or use public transport to the site.

Conclusion

Based on the transport information submitted the applicant considers that a safe and suitable access to serve the proposed development could be delivered on the private access road in line with Paragraph 110 of the National Planning Policy Framework. Given the scale of development and the relatively low level of vehicle trips which would result, the LHA has not required the applicant to assess the impact of the proposed development on the local highway network.

It is therefore the LHA's view that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other development, the impacts on the road network would not be severe. Based on the information provided, the development therefore does

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not conflict with paragraph 111 of the National Planning Policy Framework 202, subject to conditions regarding a construction traffic management plan, provision of parking and turning facilities prior to occupation and the provision of secure cycle parking.

Ecology

The Ecologist has been consulted and their comments are outlined above. Whilst the comments regarding biodiversity net gain (BNG) are noted, due to the nature of the development proposed within the administration of Oadby and Wigston, (ie: the existing access, access road and new car parking area) there would be no biodiversity net gain however it is proposed to impose a condition regarding landscaping within the car park.

Other Matters

A contribution of £6,500 has been requested by the Environmental Health Officer towards a Zephyr monitor (air quality monitor).

Planning obligations may only constitute a reason for granting planning permission if they meet the following tests:

- * necessary to make the development acceptable in planning terms;
- * directly related to the development; and
- * fairly and reasonably related in scale and kind to the development.

A request for a financial contribution has to be accompanied by evidence to support the need. If no evidence/justification is provided then the Council cannot include the request in a S106 agreement. The applicant's agent has raised some concerns over this request particularly as no request was made on the initial outline or reserved matters application for the development to the south or on the previously approved application for development on the application site, both of which were larger than that currently proposed. The applicant has also noted that the Environmental Health Officer refers to the Blaby Road corridor which is some distance from the site and which the applicant assumes experiences different traffic conditions than roads closer to the site, therefore they are unsure of the strength of any asserted link.

In addition, the applicant has also questioned, if there is a known prevalence of "asthma and viral wheeze" along the Blaby Road as indicated by the Environmental Health Officer, why have the Local Authority not carried out any monitoring or research into that. In the absence of any evidence, it is not clear to the applicant as to how the Environmental Health Officer is making a link between the HMP Fosse Way site and the issues that are identified.

The Environmental Health Officer has been asked to provide the evidence/justification for the contribution request and has provided the following response: *Construction is the main concern with the potential for particulates, particularly PM2.5. As a Council we are examining such levels along the Blaby Road and the request was to request a modest contribution from the applicants (for the duration of the construction) so that this monitoring could be extended along the Saffron Road given the proximity of the proposed development'.*

The applicant has confirmed that it is the construction company's policy to carry monitoring on all their major sites. During the main build they have installed equipment at seven points around the site which monitor for dust, PM10 and PM2.5. In accordance with their normal practice the

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company are intending to set up monitoring stations during the next phase should permission be granted.

Notwithstanding the above, the Environmental Health Officer agrees that the Hydrock submission on air quality provides a comprehensive view of air quality considerations in the construction and operational phases, and that there is potential for an issue relating to dust during the construction phase. The Environmental Health Officer has therefore recommended that *"details of all control measures and proposed mitigation are detailed in the construction management plan which shall be submitted for agreement and approval by the Council"*. This has been included as a condition.

In view of the above, in the absence of any sufficient evidence or justification for a financial contribution, together with the measures already in place on site and that the Environmental Health Officer has recommended that the details of all control measures and proposed mitigation are detailed in the construction management plan to be submitted and agreed, it is not considered that the request for a financial contribution meets the Planning Obligation tests.

With regards to the comments made in the representation received, Environmental Health have confirmed receipt of a complaint of vibration but no complaint regarding noise or dust has been received. The complaint has been investigated and the resident visited to explain that the matter remains unsubstantiated. As part of the investigation, environmental officers have visited the site and viewed data and monitoring records from the main contractor. These confirm that the measures and controls set out in their Environmental Management Plan are being effectively implemented.

Conclusion

It is considered that the proposal would not result in any unacceptable impacts upon amenity or highway safety that would justify refusal. Overall it is considered that the proposal complies with national and local policies and therefore it is recommend that planning permission be granted subject to the conditions set out in the report.

Implications Statement

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

Recommendation

For the reasons set out in the above report then **Permit** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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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 planting, seeding or turfing comprised in the approved details of landscaping (Drawing No. 3211530-3515-PEV-GPI000-XX-DR-L-0063-D0100 REV P02) shall be carried out in the first planting and seeding season following the first occupation of the 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.

- 3 No development shall commence on the site until such time as a construction management plan, including details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, air quality control measures and proposed mitigation together with a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable and air quality monitoring updates shall be provided to the Local Planning Authority on request.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

- 4 The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Pick Everard, drawing number: 321530-35-PEV-GP1000-ZZ-DR-A-9043-D0100, ' Site Block Plan - Proposed 8th House Block, Revision P03. Thereafter the onsite parking provision shall be so maintained in perpetuity

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

- 5 Prior to the first use of the development hereby granted permission the access and parking areas shown on the approved plan shall be provided in a bound material and thereafter made available at all times for their designated purposes.

Reason: As recommended by Leicestershire County Council (Highways) in the interests of highway safety and in accordance with the aims and objectives of the National Planning Policy Framework and Policy 34 of the Oadby and Wigston Local Plan.

- 6 The development hereby permitted shall not be occupied until such time as secure and undercover cycle parking has been provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.

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Reason: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2021).

- 7 No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

- 8 No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.

- 9 No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.

- 10 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:

Site Location Plan, Drg No. 321530-3515-PEV-GP1000-ZZ-DR-A-9041-D0100 Rev P05 received on 16 September 2022

Existing Site Block Plan, Drg No. 321530-3515-PEV-GPI000-ZZ-DR-A-9042-D0100 Rev P05 received on 16 September 2022

Site Block Plan, Drg No. 321530-35-PEV-GP1000-ZZ-DR-A-9043-D0100 Rev P03 received on 16 September 2022

Proposed Sections, Drg No. 321530-3515-PEV-GPI000-ZZ-DR-A-9044-D0100 Rev P02 received on 16 September 2022

Vehicle Circulation Strategy, Drg No. 321530-3515-PEV-GPI000-ZZ-DR-A-9045-D0100 Rev P03 received on 16 September 2022

Pedestrian Circulation Strategy, Drg No. 321530-3515-PEV-GPI000-ZZ-DR-A-9046-D0100 Rev P03 received on 16 September 2022

Northern Compound, Site Fencing Strategy, Drg No. 321530-3515-PEV-GP1000-ZZ-DR-A-9049-D0100 Rev P01 received 03 October 2022

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Landscape Masterplan, Drg No. 321530-3515-PEV-GP1000-XX-DR-L-0063-D0100 Rev P02 received on 16 September 2022

Houseblock Elevations, Drg No. 321530-3515-PEV-GPI111-ZZ-DR-A-9010-B0700 Rev P04 received on 16 September 2022

Houseblock Floor Plan, Drg No. 321530-3515-PEV-GPI111-00-DR-A-9000-B0700 Rev P03 received on 16 September 2022

Ancillary Building Elevations, Drg No. 321530-3515-PEV-GPI121-ZZ-DR-A-9010-B0700 Rev P02 received on 16 September 2022

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

Note(s) to Applicant :

- 1 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.
- 2 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.
- 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 This permission requires you to submit further details to the Local Planning Authority on the proposal prior to the commencement of works on site and prior to first use of the development. There is a fee payable to the Local Planning Authority when a request is made for the discharge of one or more conditions on the same permission or for confirmation of compliance with a condition or conditions. At the time of writing, the fee is payable per written request to discharge conditions not per condition and therefore any number of conditions may be included on a single request. The fee for such a request associated with this permission (at the time of this decision notice) is £116. The fee must be paid when the request is made. The Local Planning Authority has a statutory period of 8 weeks for the determination of such requests.
- 5 To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- 6 Drainage Notes for conditions 7, 8 and 9:

The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period

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event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual property ownership. For commercial properties (where relevant), this should also include procedures that must be implemented in the event of pollution incidents.

- 7 The Application as submitted was considered to be acceptable and therefore discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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.

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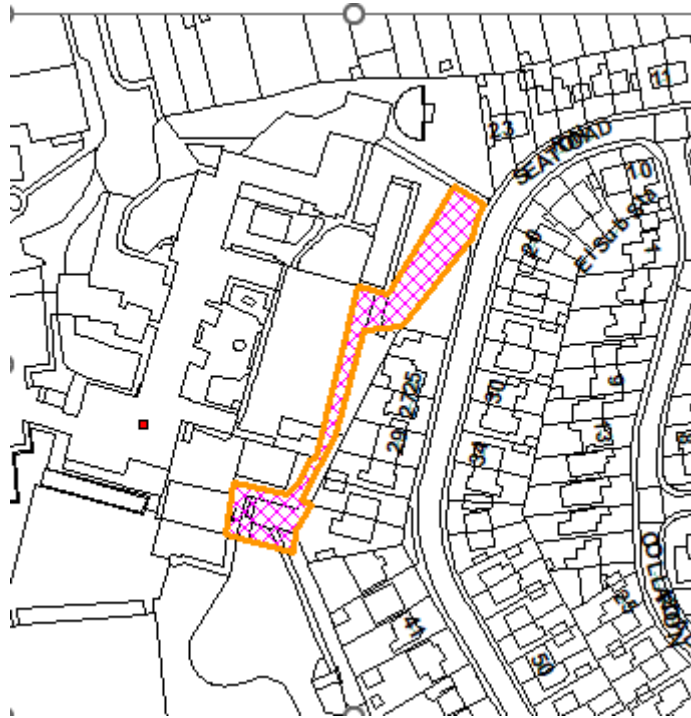
If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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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.	22/00392/FUL	Wigston Academy Station Road Wigston Leicestershire LE18 2DT
	5 October 2022	Installation of Air Source Heat Pump
	Case Officer	Andrew Waskett-Burt



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Site and Location

The site is within the grounds of Wigston Academy secondary school. The site itself is a small area of unused hard standing to the rear of a mobile classroom on the eastern side of the school. The majority of the school buildings are to the west and north of the site. There are a group of trees to the south of the site, and beyond this are the school playing fields.

To the east of the site are the rear boundaries of bungalows along Seaton Road. The typical rear boundary treatment for these properties is close boarded fencing/hedging.

Description of proposal

The proposal is for the installation of an Air Source Heat Pump (ASHP) to heat the school and provide hot water. The school's existing gas fired boiler plant is to be decommissioned and the school are looking to provide a more energy efficient alternative to reduce carbon emissions. The project is being funded through the Governments (CIF) Condition Improvement Fund.

The ASHP would be 3.8m long, 2.251m wide, and approximately 2.5m high. The ASHP has fans and compressors that will generate noise, and a noise report has been submitted with the application. The unit would have a sound power of 84dB at source when the unit is running at full speed/power. Notwithstanding this, the unit is fitted with a voltage limiting device that limits its speed/power to 80% of duty (in order to match the school heating loads including intermittent power, save energy and to reduce overall noise).

The noise report is based on a 'worst case' scenario (depths of winter), however the ASHP is multi-staged (fans and compressors speed up and slow down to match the heating load) and will usually run around 50% of duty for most of the year at a much lower noise level. At night-time the units 'tick over' at a lower duty, with noise levels during night-time periods of less than 68dB at source.

The ASHP will incorporate dampeners to reduce initial airborne noise, and the unit would be surrounded by 2.85m high timber acoustic fencing with no gaps down to ground level. The fencing would be approximately 5.6m long, and 4.4m wide, with a sealable double door for access/maintenance. The top of the fencing has a chamfered edge to improve acoustic performance, with a seal along the change in angle. The enclosure would provide at least 15dB attenuation directly outside the enclosure. The top of the enclosure is open. Fully enclosing the timber structure is not viable as air movement is necessary direct to the atmosphere.

The statutory determination period for this application expired on the 9th of November 2022, and it is intended to issue a decision as soon as practicably possible after the committee meeting.

Relevant Planning History

None Relevant

Consultations

OWBC Environmental Health – The JSR noise report (the report) concludes that some mitigation will be necessary to ensure there is no adverse noise impact to neighbours from the air source heat pump. The conclusions and methodology used in the report are acceptable and demonstrate the development can take place without causing any disturbance to the local area provided noise attenuation measures are included. I propose, therefore, that permission, if granted, is subject to the installation of a suitable condition which requires a noise barrier and acoustic enclosure to be

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provided around the air source heat pump to ensure any noise generated does not impact on any residential receptor.

Sport England - Sport England has no issue with [the proposed] location.

Representations

Neighbours have been informed and two notices placed (one at the entrance to the school, and another down Seaton Road). 7 letters of representation have been received from 7 properties at the time of writing this report. The date for the receipt of comments expired on the 9 November 2022.

The reasons for objection can be summarised as follows: -

- * Air Source Heat Pumps are very noisy and emit a continual humming sound
- * Should not be near to houses/residential areas
- * Nothing in the application to show why this site was selected over alternative locations
- * ASHP should be moved to another part of the school grounds away from neighbouring properties
- * Bungalows on Seaton Road have bedrooms to the rear that would be adjacent to ASHP
- * Bungalows are primarily occupied by elderly residents
- * ASHP would be noisier in winter when trees have shed their leaves
- * Disputing figures in the submitted noise report (distances away from properties)
- * ASHP would need to start earlier than 8am as stated in the noise report/operating times unrealistic
- * Is the predicted noise level of 84Db per fan/compressor or the whole installation?
- * Is the noise type generated that of "sucking air" similar to a hairdryer noise?
- * Technical documentation difficult to understand/further engagement needed
- * Does the noise report take into account onsite conditions/wind etc..
- * Is the operation of the ASHP at 80% of the potential level (to manage noise) viable?
- * Sustained noise is damaging to health/Background noise will not eliminate noise from ASHP

Some of the objections state that the principle of installing a heat pump on the school site is not objected to, but rather the location.

Councillor Bentley has also made representations on the application. Their comments can be summarised as follows: - The main concern here from nearby residents is the lack of information and evidence as to the noise production by the unit and the possible ramifications on the amenity and quality of life for the residents that will be affected. Whilst no one is really objecting to the actual provision of the unit it is considered that it is being put in the wrong place and is too near to neighbouring residential properties. Councillor Bentley 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 9 – Open Space, Sport and Recreation Facilities

Policy 38 – Climate Change, Flood Risk and Renewable Low Carbon Energy

Policy 44 – Landscape and Character

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Planning Considerations

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

- * The principle of development
- * The impact of the proposal on neighbouring residential properties.

The principle of development

Wigston Academy are seeking to reduce their carbon footprint to meet energy targets. The proposal is a result of this and would be a cost-effective method of reducing the carbon footprint of the site. Policy 38 of the Local Plan supports renewable or low-carbon energy schemes, subject to consideration of impacts upon the landscape, the environmental, economic, and social benefits, impact on biodiversity, and the impact of amenity of residents (visual/noise/smell).

The proposal would not be visible from the highway or other public viewpoints. It is smaller in scale than the surrounding school buildings and would not appear as an incongruous feature within the landscape. The ASHP itself would not be visible due to the surrounding timber enclosure. The top of the enclosure may be visible from the rear of some of the nearby properties, but due to the distance away it would not be visually overbearing or incongruous, especially as it would be viewed in context with the much larger school buildings.

The ASHP would be sited on existing hard standing and would not adversely affect the nearby trees (which are already fenced off from the application site). Additionally, it would not be sited on any area classed as playing field, and Sport England have advised they have no objection to its location.

The provision of an ASHP replacing the existing gas boiler would have a significant difference in the school's carbon footprint, as they're capable of providing 3 times the amount of energy per KWhr compared to gas/oil/direct electric heating. Additionally, there are no air pollution issues with an ASHP.

In terms of noise and impact on residential amenity, this is considered below.

The impact of the proposal on neighbouring residential properties.

The noise report submitted with the application has been undertaken in accordance with the following:

- * British Standard 4142 (*Methods for rating and assessing industrial and commercial sound*)
- * British Standard 8233 (*Guidance on sound insulation and noise reduction for buildings*)
- * Building Bulletin 93 (*acoustic design of schools – performance standards*).

The noise report states that the location of the ASHP on the school has been sited to prevent noise nuisance to both teaching areas and surrounding residential properties.

Noise for closest dwelling

The closest dwelling to the proposed ASHP is approximately 26m away (no. 35 Seaton Road). At this distance the noise report states that distance attenuation would equate to 47dB (during peak winter running times, and usually only between 8am-9am to get the school up to temperature), which reduces to 32dB when taking into account the 15dB attenuation from the timber enclosure.

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For context and examples, a soft whisper is on average 30dB, a refrigerator hum is approximately 40dB, and normal conversation is around 60dB.

An open window provides a further 15dB attenuation, which reduces the noise down again to 17dB. These figures are based on the worst-case scenario, during peak winter running times, and usually only between 8am-9am to get the school up to temperature. During this time in the morning traffic/people movement for drop-offs increases background noise levels.

Noise for closest boundary

The closest residential boundary (no. 35 Seaton Road) is 16m away from the proposed unit, and this would equate to 51dB. Again, the timber enclosure would reduce this down by 15dB = 36dB during 8am-9am peak winter running. Background noise levels are generally above 36dB and therefore plant noise is not likely to be audible at the boundary.

Night-time plant noise

At night the ASHP runs at a reduced duty compared to the 'worst case' winter running. Background night noise can be around 32dB (approximately 8dB lower than daytime levels). Running at no more than 70% of duty at night time would equate to 68dB at source. Taking into account the timber enclosure and distance attenuation, this would equate to 17dB at the rear elevation of the closest dwelling, which is well below background levels.

Noise for school/classroom

Ideally internal classroom noise should be less than 38dB to comply with BB93 guidelines. The noise from the ASHP within the nearest classroom would be 31dB.

Objections

The objections from the local residents along Seaton Road, and the Cllr's concerns are noted, and have been given due consideration. It is acknowledged that the situation is stressful for residents, and the issues raised have been shared with the school and their acoustician, who have subsequently offered the below comments in response to the objections raised.

- * Assurance that there is no intention of leaving any neighbours with any noise at all, as this would be counter productive if it resulted in complaints that required the plant needing to be removed.
- * (*Unit should be moved away from neighbours*) Moving the unit from its proposed location could cost around £100,000 and is unnecessary given the conclusions of the noise report.
- * (Noise report based on controlled environment) The plant has been measured in operation without the noise barrier, with a negligible difference of 0.5dB, most likely due to local reflections, which would not occur when the enclosure is built.
- * (*Wind direction increasing noise*) There are no constant prevailing winds with this type of land contour and building layout (the wind would need to come from the school side and cannot as the building is in the way). Even if this weren't the case, the timber barrier would prevent this.
- * (*In response to energy questions*); When you burn 1kw of gas you get 0.9kW of heat energy. When you use 1kw of electricity for the ASHP you get an average seasonal efficiency of more than 3 times this. At least 3kW of energy for 1kW of power in.
- * Acknowledgement of a single typing error in the report (distance of 83m from residential windows, when it should be 26m), though correctly stated elsewhere in report.

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- * (*Plant running from 8am unrealistic*) – The plant runs at half speed (essentially ticking over) at night, which is more efficient and means that it only needs to run on high speed at 8am to be up to temperature for 9am.
- * Trees and foliage have no effect on noise reduction, whether planted close together full of leaves or not.
- * (*Is the predicted noise level of 84Db per fan/compressor or the whole installation?*); It's the whole unit running flat out, not per compressor, some units have several compressors that all need to run to get to max duty. Please note also noise will be at least 3dB lower due to voltage limiting devices.
- * (*Is the noise type generated that of "sucking air" similar to a hairdryer noise?*) Not really no. Most of the hair dryer noise is from the fan not the air and is tonal. This is mainly because hairdryer fans are not cased among other things. The ASHP units' noise is mainly air noise as the fan motors are cased and the compressors are in acoustically insulated boxes. This is deduced as the octave band noise data shown in the report has no prominent frequencies therefore no tonal noise.

As part of discussions with the school (and without prejudice to the submitted noise report) Officers have explored whether it would be viable for the unit to be relocated to a different part of the school further away from the neighbouring properties. The applicant's consultants (John Richard Associates) have advised that the location of the units as submitted is '*essential to avoid the massive cost of additional trenching and pipework which would put the project out of the realms of reasonable financial funding.*'

The submitted noise report concludes that the results of the BS 4142 assessment using a noise barrier and an acoustic enclosure show an assessment level below background/residual noise levels. It also shows that the results with an acoustic enclosure for BS8233 and BB93 for Schools standards are well within guidelines.

Environmental Health have assessed the submitted noise report and found both the methodology and results to be sound. With the noise control measures (set out in the noise report) in place (and secured via condition), there would not be perceptible noise emitted from the ASHP that would be heard above background noise levels from the neighbouring properties.

Conclusion

Notwithstanding the objections received, it is considered that the proposal would not have a detrimental impact upon noise levels for the neighbouring properties along Seaton Road. As such the proposal would be in accordance with the aims and provisions of the National Planning Policy Framework (2021), and Policies 1, 6, 9, 38, 44 of the Oadby & Wigston Local Plan (2019). 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
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

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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:

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 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, received on 05/10/22
- * Location Plan and Site Block Plan, drawing no. 22071-01-P1, received on 05/10/22
- * Detail Plan and Elevations, drawing no. 22071-300-P1, received on 05/10/22
- * AERMEC Model: NRG1100XH°L°°°JC configuration data sheets, received on 05/10/22
- * Jonathan Richard Associates Noise Assessment: New external ASHP heating plant, project reference 21114, issue date 28.09.2022, received on 05/10/22

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

- 3 A noise barrier and acoustic enclosure shall be provided around the air source heat pump to ensure any noise generated does not impact on any residential receptor, in accordance with the following submitted details:

- * Location Plan and Site Block Plan, drawing no. 22071-01-P1, received on 05/10/22
 - * Detail Plan and Elevations, drawing no. 22071-300-P1, received on 05/10/22
 - * AERMEC Model: NRG1100XH°L°°°JC configuration data sheets, received on 05/10/22
 - Jonathan Richard Associates Noise Assessment: New external ASHP heating plant, project reference 21114, issue date 28.09.2022, received on 05/10/22
- The noise barrier and acoustic enclosure shall be installed/erected in full prior to the air source heat pump commencing operations, and thereafter retained and maintained.

Reason: In the interests of the amenity of the occupiers of the neighbouring dwellings along Seaton Road, and to ensure that acceptable living and sleeping / resting conditions within the houses are provided in accordance with the aims and objectives of the National Planning Policy Framework, and Policies 6 and 44 of the Oadby and Wigston 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

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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 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 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.

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.

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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.

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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.

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BACKGROUND PAPERS

a. **22/00361/FUL**

b. **22/00392/FUL**

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