

Application Number

Address

Report Items

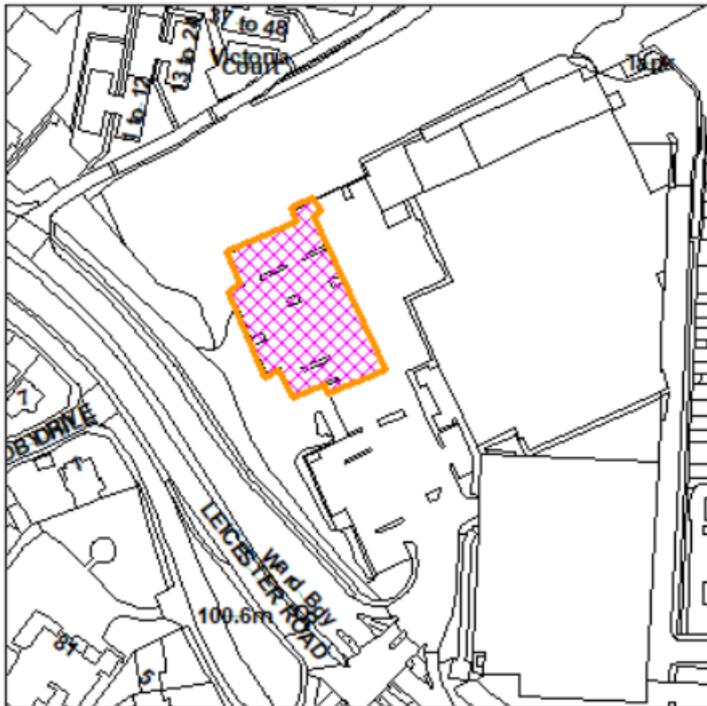
a. 22/00245/FUL

Asda
Leicester Road
Oadby
Leicestershire
LE2 4AH

b. 23/00212/VAC

Brocks Hill Visitor Centre And Country Park
Washbrook Lane
Oadby
Leicestershire
LE2 5JJ

a.	22/00245/FUL	Asda Leicester Road Oadby Leicestershire LE2 4AH
	27 June 2022	Erection of a single storey building for mixed restaurant and hot food takeaway, incorporating a dedicated drive-thru facility and the associated reconfiguration of the existing car park layout and landscaping (Resubmission 21/00637/FUL).
	Case Officer	John Cosgrove



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Site and Location

The application site is located on an area of surface car park within the ASDA site which is located to the north of Leicester Road in Oadby. The site contains a large supermarket with associated multi storey and surface car parking. The site is separated from the residential properties to the south and south-west by the A6, from the properties to the east by the existing buildings within the site and there is an area of open land between the boundary of the ASDA site and the residential premises to the north. The site is not within a Conservation Area and does not contain or impact on the setting of any Listed Buildings. A stand of protected trees runs along the southern boundary of the plot. Due to the application site being located within an area of existing hardstanding it is not considered that the proposal would have an adverse impact on the habitat of any protected species. There are no other relevant planning constraints.

Description of proposal

The application proposes the erection of a single storey building for mixed restaurant and hot food takeaway, incorporating a dedicated drive-thru facility and the associated reconfiguration of the existing car park layout and landscaping. The application is a resubmission of application 21/00637/FUL which was withdrawn following Officers advice regarding the positioning of the development within the site and impact on the adjacent tree belt.

The statutory determination period for this application expires on the 02 August 2023, and it is intended to issue a decision as soon as practicably possible after the Committee meeting.

Relevant Planning History

15/00485/ADV - Display of 4No. externally illuminated fascia signs and 5No. other signs in connection with 'Click and Collect' facility – Permitted: 05 January 2016.

15/00492/P7PRIO - Application for Prior Approval for the installation of a Click & Collect facility – Permitted: 08 January 2016.

16/00211/ADV - 'ASDA Spark' to be fitted to existing 'ASDA' walkways. Replacement vinyls to glazing. Vinyl overlays to existing signs. Manifestation dots. Replacement post signs. – Permitted: 16 June 2016.

21/00637/FUL - Erection of A Single Storey Building for Mixed Restaurant And Hot Food Takeaway Incorporating A Dedicated Drive-Thru Facility And Associated Reconfiguration Of The Existing Car Park Layout And Landscaping – Withdrawn: 24 June 2022.

22/00257/FUL - 5 No. Existing Roof Plant Units to be Removed and 7 No. New Plant Units to be Installed on Roof of Store – Permitted: 02 November 2022.

Consultations

Leicestershire County Council (Highways) - The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to conditions on hours of opening and deliveries, and that onsite parking and manoeuvring shall be in accordance with the submitted details.

Leicestershire Constabulary (Architectural Liaison Officer) - Leicestershire Police have no formal objections in principle to the application.

Severn Trent Water Ltd - No comments or objections received.

Oadby Civic Society - No comments or objections received.

OWBC Environmental Health - Hours of operation shall be limited to that specified in the application. All external plant, machinery and associated equipment shall be screened or silenced so noise is not audible at any noise sensitive receptor. Details of the extract ventilation system shall be provided along with the method for controlling odour discharge. Encourage discussion and engagement with the food team at the appropriate stage to talk through layout, design and finishes within the food areas.

OWBC Building Control - No comments or objections received.

OWBC Tree Officer - The proposed plans do not appear to impact on the adjacent trees. Proposed planting only includes for planters, which are a welcome addition however only really offer transient benefits. They would be good for keeping the cycle parking area car free and open to pedestrians/cyclists. It would be nice to require some planting along the north-western boundary. Hard and soft landscaping, including for planting within proposed paved areas, particularly for the northern corner. This area would be suitable for an engineered tree pit with adequate soil volume for a suitably sized tree, this should also incorporate storm water catchment for this highly surfaced area/car park. It would also provide screening for properties and residents to the north of the proposals. A robust species choice tolerant of pollution/salt/drought should be considered, such as: – Alder (*Alnus aurea*) – Sea buckthorn (*Hippophae salicifolia* ‘Streetwise’) - Holm Oak (*Quercus ilex*).

Representations

Neighbours have been informed and a notice placed with 6 letters of representation objecting to the proposal (from 6 properties) being received at the time of writing this report.

The date for the receipt of comments expired on the 18 August 2022.

The reasons for objection can be summarised as follows: -

- * Object to 24 Hour Opening.
- * Would increase Anti-Social Behaviour at the site.
- * Highways Impacts – Traffic, parking and Highways Safety.
- * Amenity impacts – Noise, odour, vermin and light pollution.
- * Adverse health impacts of fast food.
- * Adverse impact on Property Values.
- * Council appears to be assisting the applicant.
- * Discrepancy in application regarding fee payable and hours of operation
- * Limited Landscaping.
- * Application does not consider signage.
- * Adverse impact on existing business and town centre.

Councillors requested that the application is brought before the Planning Committee due to the potential impacts on Highway Safety and Residential Amenity.

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 22 – Delivering Retail

Policy 23 – Retail Hierarchy

Policy 24 – Local Impact Threshold

Policy 32 – Shop Fronts

Policy 33 – Security Shutters

Policy 34 – Car Parking

Policy 36 – Hot Food Takeaways

Policy 37 – Biodiversity and Geodiversity

Policy 44 – Landscape and Character

Supplementary Planning Document/Other Guidance

Leicestershire Highways Design Guide.

Planning Considerations

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

- * The impact of the proposal on the character and appearance of the site and the wider area.
- * The impact of the proposal on the amenity of neighbouring residential properties.
- * The Impact of the proposal on Highway Safety.
- * The Impact of the proposal on landscaping and the adjacent protected trees.

Principle of Development

The application seeks planning permission for the erection of a single storey building for mixed restaurant and hot food takeaway, incorporating a dedicated drive-thru facility and the associated reconfiguration of the existing car park layout and landscaping within an existing retail site. The site is outside of, but immediately adjacent to the defined Oadby District Centre and can therefore be considered to be an edge of centre location with regard to the Council's retail hierarchy. Policy: 22 (Delivering Retail) of the Oadby and Wigston Local Plan states that the Council will apply a town centre first approach to retail development and that such development must be of a scale appropriate to the needs of the local area served by these centres and that it will be essential that any new development does not have an adverse effect on existing centres within the Borough. New development must be integrated within existing infrastructure. Policy: 22 goes on to state that where a proposal fails to satisfy the 'town and district centre first' approach and / or the sequential test or is likely to have significant adverse impact on the centre, it will not be permitted. In this case the proposal would be co-located with existing retail and highways infrastructure and due to the nature of the proposed development and the scale, type and appearance of a site suitable to accommodate the resulting traffic movements it is accepted that it would be challenging to locate a suitable site for a drive through facility within the defined District Centre and therefore the proposal can be considered to pass the sequential test as required by Policy 22. The scale of the proposal at 254 square metres gross external area would be below the threshold where Policy: 24 would require a Local Impact Assessment. It is noted that the applicant has submitted a sequential test assessment within the submitted planning statement that does not identify any other suitable sites for a

development of this type within the adjacent District Centre. Having regard to the above, on this occasion the location of the proposed development within an established edge of centre retail site which benefits from an existing and appropriate access onto the highway can be considered acceptable in principle subject to compliance with the other relevant Development Plan Policies and Supplementary Guidance.

The impact of the proposal on design and the character of the area

The proposed development would be located within the curtilage of the existing ASDA site and would consist of a single storey building finished in a mixture of cream and grey insulated panels and durasid polymer vertical planking in grey, cream and walnut with grey powder coated corner flashings and black powder coated roof overhangs and extensive glazing to the south and front part of the east elevation with grey powder coated frames. The drive through window area would be finished in red to reflect the corporate branding of the site. The building would feature a shallow mono-pitched roof and would have a gross internal floor area of 208 square metres with a gross external area of 254 square metres and a maximum roof height of c. 5.19 metres and a minimum roof height of c. 4.5 metres. The proposed building would be located to the northwest of the existing ASDA site. The proposed development would be set well back within the site and would be screened from the A6 by a belt of mature protected trees. Overall, it is considered that while the proposed development would have a more contemporary appearance than the adjacent ASDA store it would not fail to integrate with the wider site and due to its position within the site, modest height and roof form, it would not have a significant detrimental impact on the character and appearance of the site or the wider area. While it is noted that the rear of the proposed development would be visible from the north, due to the separation distance, and height difference between the application site and the adjacent dwellings in Victoria Court it is not considered that the proposed development would have an unacceptable visual impact when viewed from these dwellings. However, it is considered that the proposal would benefit from some screening to its northern boundary and therefore it is considered reasonable and necessary to impose a condition requiring the submission and approval of details of hard and soft landscaping prior to the first commercial operation of the proposed development. It is noted that concerns have been raised by neighbouring residents regarding future signage and that signage details have not been provided with the current application, however, any future signage would be subject to a future application for planning permission and/or advertising consent and therefore it is considered that the visual impacts of any future signage can be adequately assessed if and when such an application is made. Furthermore, it is noted that any security shutters installed would be located internally in line with the provisions of Policy: 33 of the Oadby and Wigston Local Plan. Overall, the proposed development is considered acceptable in design terms and subject to a condition requiring the approval of details of the materials to be used on the external surfaces of the proposed development and a condition preventing extensions or changes of use from commercial use, no objections are raised with regard to the design elements of Policies: 6 and 44 of the Oadby and Wigston Local Plan.

The impact of the proposal on neighbouring residential properties.

The application site is located within the existing ASDA retail site and would be separated from the adjacent residential land uses to the East by the bulk of the main ASDA store and car park structure and would be separated from the residential uses to the North by an area of open land, while the A6 separates the site from the residential premises to the south. It is noted that the application has been called before the planning committee partly due to the potential impact of the proposal on the amenity of neighbouring properties. Policy: 36 (Hot Food Takeaways) of the Oadby and Wigston Local Plan states that when considering planning applications for hot food takeaways *"In all cases, account will be taken of the effects of the proposal on the amenity of the area, with particular regard to the proposed opening hours, the impact of noise, public health, disturbance, design (including ventilation), smell and litter, traffic generation, parking problems and highway safety"*. While it is noted that a number of objections have been received on the grounds that the premises would be a 24-hour operation, the application proposes that the development would be open for trading between the hours of 10:00 and 23:00 Monday to Sunday, and the hours of opening would be

controlled by a condition restricting the hours of use as requested by the Highways Authority. This condition would also serve to protect the amenity of the occupants of adjacent properties. Due to the position of the proposed development within the site and the separation distance between the site and the adjacent residential properties and subject to the hours of use restriction detailed above it is not considered that the proposed development would have a significant detrimental impact on the amenity of those properties by way of noise, however, in order to ensure the amenity of neighbouring properties it is considered reasonable to impose conditions restricting the use of external lighting to the sites permitted trading hours only, preventing the installation of further plant without the consent of the Local Planning Authority and requiring submission and approval of details of plant and extractor systems to prevent any adverse amenity impact by noise or odours from the extraction system. Subject to the conditions detailed above the proposed development can be considered acceptable in amenity terms and therefore no objections are raised with regard to the amenity elements of Policies: 6 and 44 of the Oadby and Wigston Local Plan.

The Impact of the proposal on Trees and Landscaping

The application site consists of an area of hard surfaced car parking between the existing store buildings and the belt of protected trees to the south separating the site from the A6. The Council's Tree Officer was consulted on the application and has stated that they have no objections to the proposal as it would not appear to impact on the adjacent trees. However, while the tree officer welcomes the provision of planters to separate the cycle parking area, it is noted that overall the landscaping of the scheme is limited and it is recognised that the proposal would benefit from additional landscaping particularly to the north of the site, and that this could contribute to a softening of the visual impact of the proposal when viewed from within the site or from the adjacent land and dwellings to the north, therefore, in order to preserve and enhance the character of the site and the wider area and to ensure the scheme is in full accordance with the provisions of Policies: 6, 37 and 44 of the Oadby and Wigston Local Plan it is considered reasonable and necessary to impose a condition requiring the submission and approval of a scheme for the hard and soft landscaping of the site. Subject to the condition detailed above the proposed development can be considered acceptable in arboricultural terms and therefore no objections are raised with regard to the provisions of Policies: 6, 37 and 44 of the Oadby and Wigston Local Plan.

The Impact of the proposal on Highway Safety

The proposed development would be constructed within the surface car park within the ASDA site and would utilise the existing access onto the A6, the proposal would result in the loss of 49 surface parking spaces, with 18 spaces being provided for exclusive use by the proposal, however, the existing car park is underutilised, and sufficient parking would be retained across the site to serve the needs of the existing ASDA store and the new unit. The applicant has submitted a Transport Statement, a Framework Travel Plan, a Delivery and Servicing Plan, a Highways and Transport Technical Note Plan and additional survey data in support of the application. Following extensive discussions with the Local Highway Authority regarding the modelling of potential traffic flows generated by the development, the Local Highway Authority have stated that having regard to the provisions of the NPPF the proposed development would not have a significant detrimental impact on Highway Safety or on the wider road network subject to conditions restricting the hours of commercial operation and deliveries and preventing occupation of the site until the parking, turning and manoeuvring areas have been laid out and completed in accordance with the approved plans. Taking account of the Highways Authority comments, overall, it is considered that sufficient parking would be retained within the site and the proposal would not have any significant detrimental impacts on parking, highway safety or the wider road network and therefore no objections are raised with regards to the provisions of Policy: 34 of the Oadby and Wigston Local Plan or the provisions of Paragraph 111 of the NPPF and the proposed development can be considered acceptable in highways terms.

Other Matters

The Leicestershire Police Secure by Design Officer was consulted on the application and has advised that they have no in principle objections to the proposal, however, they have advised that door and window sets should be to PAS24 (2016) and that Street lighting columns to BS 5489 are recommended, as is appropriate fencing to enclose the perimeter which is recommended to be 1.8m in height and can be via planting or manufactured fencing. The advice states that key access points leading into the development should be considered for CCTV coverage. Overall, the proposal can be considered acceptable in secure by design terms, however, it is considered reasonable to impose a condition requiring the submission and approval of details of the Secure by Design measures installed at the site prior to its first commercial use or occupation.

It is noted that a number of the objections received from neighbouring residents have made reference to the health implications of permitting a fast-food operation and that the proposal may result in increased litter in the vicinity of the site. However, there is limited evidence to suggest that there could be potential health implications of hot food establishments in this location and in this case any such impacts are considered to be a matter of consumer choice rather than a planning matter. With regard to litter, while this is a consideration with regard to Policy: 36 it is also a matter covered under other environmental legislation and the proposal is for a mixed restaurant and takeaway use, with the onus being on customers of the site to properly dispose of their waste, furthermore, the councils Environmental Health officers have confirmed that conditions that would have effect outside of the site boundaries would not be enforceable and that disposal of waste within the site could be addressed by the provision of suitable bins which can be controlled by the imposed hard and soft landscaping condition. Therefore, having regard to the above it is not considered that there are sufficient public health or environmental grounds to justify the refusal of planning permission on this occasion.

Conclusion

While the proposed development would intensify the use of the site and would occupy a substantial portion of the surface parking to the north west of the site, it is considered that sufficient parking would be retained to serve the needs of the site, and the Highways Authority have confirmed that the traffic generated from the development would not compromise the existing access to or junctions from the A6 and the proposal can be considered acceptable in highways terms. Subject to conditions controlling the use of materials and preventing change of use to non-commercial uses the proposal can be considered acceptable in design terms and subject to conditions restricting the hours of operation, the installation of plant, and controlling light and odour emissions no objections are raised with regard to neighbour amenity. The proposal would not have any adverse impacts on the adjacent protected trees and overall, the proposed development is considered to accord with the provisions of the relevant Development Plan Policies and therefore it is recommended that planning permission be granted on this occasion subject to the conditions detailed below.

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.

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.

Drawing No: 4139-PL-01 Rev: A, Entitled: Location Plan, Dated: Nov 2021, and received by the Local Planning Authority on the 27.06.2022.

Drawing No: Entitled: Existing Site Plan, Dated: Nov 2021, and received by the Local Planning Authority on the 27.06.2022.

Drawing No: 4139-PL-04 Rev: D, Entitled: Proposed Site Plan Dated: Nov 2021, and received by the Local Planning Authority on the 27.06.2022.

Drawing No: 4139-PL-03 Rev: A, Entitled: Proposed Plans and Elevations, Dated: Nov 2021, and received by the Local Planning Authority on the 27.06.2022.

Drawing No: 4139-PL-06 Rev: A, Entitled: Proposed Landscape Plan, Dated: Nov 2021, and received by the Local Planning Authority on the 27.06.2022.

Planning Statement by RPS Group Ltd, Dated: 21 June 2022 and received by the Local Planning Authority on the 27.06.2022.

Design and Access Statement Unsigned and Undated and received by the Local Planning Authority on the 27.06.2022.

Transport Statement Addendum by Mode Transport Planning Dated: June 2022 and received by the Local Planning Authority on the 27.06.2022.

Framework Travel Plan by Mode Transport Planning Dated: June 2022 and received by the Local Planning Authority on the 27.06.2022.

Delivery and Servicing Plan by Mode Transport Planning Dated: June 2022 and received by the Local Planning Authority on the 27.06.2022.

Drainage Strategy Report by Saldanha Design and Management Ltd, Dated: 14 June 2022 and received by the Local Planning Authority on the 27.06.2022.

Highways and Transport Technical Note Plan by Mode Transport Planning Dated: June 2023 and received by the Local Planning Authority on the 04.07.2023.

Turning Portions from MCC Survey Date for A6, Dated May 2023 and received by the Local Planning Authority on the 04.07.2023.

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

- 3 The development shall be completed in strict accordance with the materials details as described within the application form and as shown on drawing No: 4139-PL-03 Rev: A. Any deviation whatsoever from the approved external shall be submitted to and approved in writing by the Local Planning Authority prior to their use on site and thereafter the development shall only be carried out using the agreed materials.

Reason: To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6 and 44 of the Oadby and Wigston Local Plan.

- 4 Prior to the commencement of the use of the premises as a takeaway the drainage system shall altered to include a grease trap or oil interceptor to ensure that all waste water can pass

through the trap/interceptor. The installed trap/interceptor shall not be removed or altered unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To prevent waste oil from entering directly or indirectly into the public sewer system and in accordance with the aims and objectives of the National Planning Policy Framework.

- 5 Prior to the commencement of the use of the premises as a takeaway, details of the kitchen air extraction and filtration system shall be submitted to and approved in writing by the Local Planning Authority. The extractor system shall be designed and installed such that all extractor noise or odours are contained within the wider ASDA site and the submitted details shall include details of the noise levels to be generated by the units and if necessary, details of measures to mitigate extractor noise and/ or odour. The development shall be operated in strict accordance with the approved details and the equipment shall be maintained in line with the manufacturer's specification for the life of the development. No alterations or additions shall be made to the approved extraction and filtration system without the prior written consent of the Local Planning Authority.

Reason: In order to preserve the amenity of users of the wider site, and adjacent properties and to preserve the air quality in the wider area. To comply with the provisions of Policies: 6, 36 and 44 of the Oadby and Wigston Local Plan and the NPPF.
- 6 There shall be no business, trade, working or other operation including manoeuvring, loading and unloading of goods vehicles on the site (other than cleaning or office work) before 10.00am and after 11.00pm Monday to Sunday including public holidays without the further grant of planning permission by the Local Planning Authority.

Reason: To limit the use of the proposed development to the hours where the traffic implications have been fully assessed and evidenced. In the interests of highway safety and in accordance with the National Planning Policy Framework (2021).
- 7 The development hereby permitted shall not be occupied until such time as off street, car and/or HGV parking provision (with turning facilities) has been provided, hard surfaced (and demarcated) in accordance with PROPOSED SITE PLAN drawing number 4139 - PL - 04 Revision D. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) 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).
- 8 Notwithstanding the provisions of Part 7 Class A, and Part 2 Class A of Schedule 2, and the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking and re-enacting that Order, no extensions shall be made to the permitted building, no additional noise or odour emitting plant shall be installed, and with regard to the Planning Use Classes Order 2020 the site shall remain in Class E use unless planning permission has first been granted by the Local Planning Authority.

Reason: To maintain the commercial character of the site, to ensure the amenity of users of the site and occupants of neighbouring properties. To comply with the provisions of Policies: 6 and 44 of the Oadby and Wigston Local Plan.
- 9 Prior to the first commercial use of the development hereby permitted a scheme showing details of the hard and soft landscaping of the site, including where practicable measures to reduce the visual impact of the proposal when viewed from within the site or from land or properties to the north shall be submitted to and approved in writing by the Local Planning Authority, the development shall be completed and maintained thereafter in strict accordance with the approved details unless otherwise agreed in writing by the Local planning Authority.

Reason: To preserve and enhance the character and appearance of the site and the wider area, to comply with the provisions of Policies: 6, 27 and 44 of the Oadby and Wigston Local Plan and the NPPF.

- 10 Prior to the first commercial use or occupation of the development hereby permitted details of the Secure by Design measures incorporated into the scheme shall be submitted to and approved in writing by the Local Planning Authority.
Reason: For the prevention of crime, to ensure the safety and convenience of users of the site. To comply with the provisions of Policies: 6 and 33 of the Oadby and Wigston Local Plan and Section 17 of the Crime and Disorder Act 1998.
- 11 Any external lighting fitted to, installed within the curtilage or controlled by the development hereby permitted other than sensor operated security lighting or emergency lighting indicating alarm activation shall be switched off between the hours of 23:30 and 09:30 unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the amenity of other occupants of the site and the wider area. To comply with the provisions of 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 obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.
- 2 If the proposal involves the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Etc. Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.
- 3 For the avoidance of doubt this permission does not authorise any development outside the application site including any foundation, footings, fascias, eaves, soffits, verges or guttering.
- 4 You are advised that any amendments to the approved plans will require either a Non-Material amendment application, a Minor Material Amendment application or a new planning application. If this is the case then you should allow at least 8 weeks before the intended start date to gain approval for such amendments. Further advice can be obtained by contacting the Planning Section of the Council on any amendments (internal or external).
- 5 The applicant is advised that no demolition works or associated works or operations should take place on the site except between the hours of 8.00am and 6.00pm Monday to Friday, 9.00am to 2.00pm on Saturday and at no time on Sundays or Bank Holidays.
- 6 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Leicestershire County Council's Southern Area Manager - (telephone 0116 3052202).
- 7 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.

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/appeal-planning-decision>. 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.

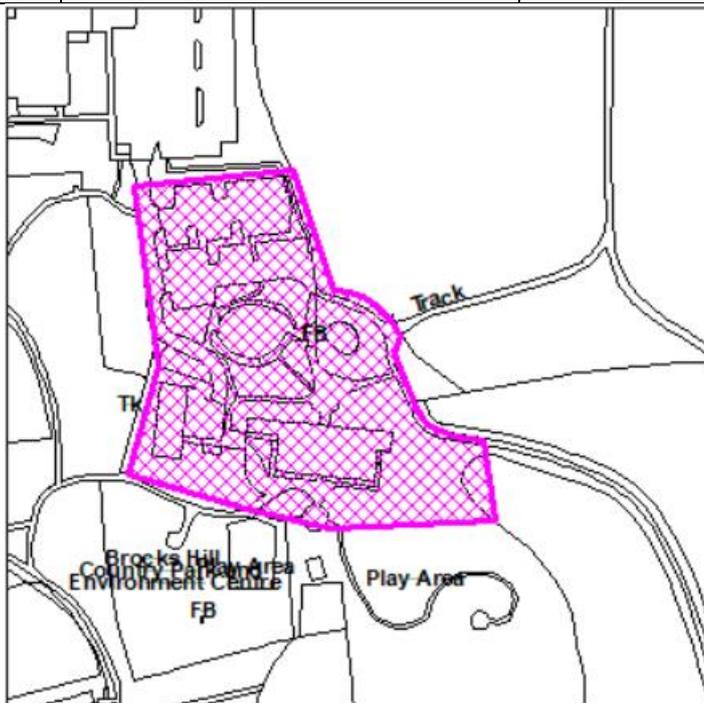
If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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.	23/00212/VAC	Brocks Hill Visitor Centre And Country Park Washbrook Lane Oadby Leicestershire LE2 5JJ
	24 May 2023	Variation of condition 5 of planning permission 22/00037/FUL to amend current operating hours of between 09:00 and 16:00hrs on Saturday, Sunday and Bank Holiday to 07:00 - 22:00hrs to reflect Monday-Friday operating times.
	Case Officer	Mrs Tracey Carey



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Site and Location

The site is located on land within the Brocks Hill Country Park which is situated between the settlements of Oadby and Wigston and forms part of the Oadby and Wigston Green Wedge. The building is surrounded by over 30 hectares of green spaces for informal leisure and wildlife use by the general public.

The main vehicular access to the park is via an existing traffic light controlled junction on Wigston Road (B582) sited to the north and along Washbrook Lane.

Within the site curtilage is Parklands Leisure Centre located to the north of the Brocks Hill Visitor Centre and which shares the access road. There are extensive car parks available for use by patrons of the leisure centre, users of the Country Park and the existing building.

To the west and east of the park are residential properties with Glenmere Primary School also sited to the west. To the south is open farmland and further north is Oadby Town Football Club which has its own separate access and parking provision.

There are various streams and watercourses that run across the site, and to the north east is an area designated as Lucas Marsh.

The building has recently been refurbished and is being utilised as the Council's main offices.

The Country Park has a variety of other buildings within its curtilage, which include a storage barn and compounds for services/storage.

Description of proposal

The application is for a variation of condition 5 of planning permission 22/00037/FUL to amend current operating hours of between 09:00 and 16:00hrs on Saturday, Sunday and Bank Holiday to 07:00 - 22:00hrs to reflect Monday-Friday operating times.

The statutory determination period for this application expires on 31 July 2023 and it is intended to issue a decision as soon as practicably possible after the committee meeting.

Relevant Planning History

98/00517/8M – Change of use from agricultural to recreation, Visitor Centre, Wind Turbine and Associated Car Parking and Landscaping – Approved.

13/00223/FUL - Creation of an amphitheatre - Approved

22-00037-R3FUL - Construction of two storey and single storey side extensions, dormer window and internal mezzanine floor area. Installation and replacement of solar panels, creation of external plant compound and change of use to a mixed use for offices and café use falling within Use Class E, meeting use falling within Use Class F1 and Local Government Office use – Approved

22/00356/NMA - Changes to windows on south elevation and main double height glazing to north elevation – Approved.

23/00211/FUL - Changes to internal layout including - addition of Staff WCs, alteration of secure meeting room, alteration of reprographics room to allow access to WC's from Cafe, adjustments to ancillary rooms on first floor offices. Changes to elevations/external appearance including - 4no. additional small louvres on north elevation to allow for adequate ventilation, 1no. additional small louvre to east and west elevations to allow for adequate ventilation, addition of louvres to south elevation cafe windows and door, removal of south facing pergolas, replacement doors to the

balcony and main entrance, and adjustment to small external plant compound to the east with 2.4m timber fencing around – Approved.

Consultations

Environmental Health – Given the intended location of the site, its use, and the proposed change of hours there is no objections to the proposal.

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 26 June 2023

The reasons for objection can be summarised as follows: -

The Country Park holds a prestigious Green Flag Award. Whilst I applaud the aim to develop access for an ever-broadening demographic, this should not be at the risk of placing the park's history, landscape and biodiversity in any sort of jeopardy. Yet, repeatedly, this appears to be the case. The proposed football centre (etc) threatens the sanctuary of the wildlife, notably the Washbrook that runs through the proposed land; the night creatures - bats, owls, in particular, whose capabilities and lifestyle will be detrimentally affected by the use of proposed night-time lighting; the neighbours whose enjoyment of their own homes will be impacted with a rise in vehicles entering and exiting the site & parking, increased pollution (engine, light, noise), loud outdoor activities and use of a social club into the evening hours.

A recent orienteering event not only damaged the fence protecting an area around a pond preserved for ground nesting birds but saw many competitors running (mindlessly) through the bracken, brambles and undergrowth (including the preserved area) in order to reach their goal. The day before the event 15 duckling hatched. The day after the event all 15 and the mother had gone.

To extend operating hours allowing yet more pollution of light, noise and human activities across the site demonstrates a continued lack of foresight in the potential jeopardy to wildlife habitats and safety, and goes against what is a celebrated and award-winning aim of the Country Park.

I believe a holistic and seriously- purposeful view needs to be adopted, balancing the important aim of developing safe public access and enjoyment with what essentially makes the Country Park so wonderful and unique - and that is its excellent range of natural environments and the amazingly rich wildlife (flora and fauna) that such provision supports.

Finally, I urge care and caution in future developments and changes in order to ensure that Brocks Hill Country Park continues to flourish as both a centre for diverse and safe public enjoyment alongside and in harmony with Nature

The application has been brought to the Committee as the Council is the applicant.

Relevant Planning Policies

National Planning Policy Framework

Oadby and Wigston Local Plan

Policy 6 – High Quality Design and Materials

Policy 8 – Green Infrastructure

Policy 26 – Sustainable Transport and Initiatives

Policy 34 – Car Parking
Policy 37 - Biodiversity and Geodiversity
Policy 38 – Climate Change, Flood Risk and Renewable Low Carbon Energy
Policy 39 – Sustainable Drainage and Surface Water
Policy 42 – Green Wedges

Planning Considerations

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

* The impact of the proposal on neighbouring residential properties.

The impact of the proposal on neighbouring residential properties.

The application does not propose any changes to the current use of the building.

The current opening times of the building are:

Monday to Friday 07:00hrs and 22:00hrs,
Saturday, Sunday and Bank Holidays between 09:00 and 16:00.

The application is to amend the opening hours on Saturday, Sunday and Bank Holiday to 07:00 - 22:00hrs to reflect the Monday-Friday opening times.

The building is sited in excess of 170m from the residential properties to the west, 340m to the south, and over 360m to the north and east.

Given the distance from residential properties, it is not considered that the proposal will significantly impact on the amenities of neighbouring residential properties.

Other Matters

As a variation of a condition will result in a new permission, all conditions are to be re-imposed on this new permission with the exception of condition 1 as work has already commenced and condition 5 which will be amended accordingly.

Conclusion

It is considered that this proposal conforms with all relevant national and local planning policy, and as such the application is recommended for approval 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 completed in accordance with the materials specified on the approved plans unless otherwise first agreed in writing with the Local Planning Authority.
Reason: To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6 and 44 of the Oadby and Wigston Local Plan.
- 2 The new low level planting proposed in front of the cafe extension and around the new plant compound together with the making good of the existing hard and soft landscaping and the areas disturbed by the site compound along with the car park and any temporary access, shall be completed prior to the first use of the building hereby granted permission.
Reason: To ensure that adequate landscaping is provided and to safeguard the visual amenities of the area 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.
- 3 The secure cycle and car parking provision shown on the approved plans shall be provided prior to the first occupation of the building and unless otherwise first agreed in writing by the Local Planning Authority maintained as such for the life of the development.
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 and to promote travel by sustainable modes in accordance with the National Planning Policy Framework (2021).
- 4 The use of the building hereby permitted shall not operate outside the following times:

Monday to Sundays (including Bank Holidays) 7:00hrs and 22:00hrs

Reason: In the interests of the amenities of local residents and the locality in general in compliance with Policies 6 and 44 of the Oadby and Wigston Local Plan.
- 5 Construction traffic management arrangements shall be implemented in accordance with the 'Construction Method Statement', Revision A, dated April 2022 prepared by Kier Construction and submitted to the Local Planning Authority on 29 April 2022 and 11 May 2022.
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

Note(s) to Applicant :

- 1 You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.
- 2 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 The applicant is encouraged is to provide additional tree planting as part of the new landscaping to offset some of the carbon footprint of the build and for the biodiversity net gain metric.
- 5 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/appeal-planning-decision>. 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.

BACKGROUND PAPERS

a. 22/00245/FUL

b. 23/00212/VAC

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Development Control Committee
27 July 2023