

DATE: 6th December 2022
MY REF: Planning Committee
YOUR REF:
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To Members of the Planning Committee

Cllr. Louise Richardson (Chairman)
Cllr. Nick Chapman (Vice-Chairman)

Cllr. Cheryl Cashmore
Cllr. Roy Denney
Cllr. Chris Frost

Cllr. Trevor Matthews
Cllr. Sam Maxwell
Cllr. Christine Merrill

Cllr. Phil Moitt
Cllr. Mike Shirley
Cllr. Bev Welsh

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber - Council Offices, Narborough on **THURSDAY, 15 DECEMBER 2022** at **4.30 p.m.** for the transaction of the following business and your attendance is requested.

Yours faithfully



Louisa Horton
Monitoring Officer



AGENDA

REFERENCING UP OF DECISIONS - COUNCIL CONSTITUTION PAGE 3-6-20

Any Committee or Sub-Committee may refer up any report for decision to its parent body. Referencing up shall be on the following basis:-

- a) At the beginning of the relevant meeting, any Committee/Sub-Committee Member may move reference up of any item of business. The Member must identify the grounds of significance justifying so doing. If this is seconded, the proposition shall be open to debate.
- b) There shall be no debate upon the contents of the report itself. Debate shall be limited to consideration as to whether the report item is of such significance as to justify its reference up to the parent body notwithstanding that the parent body has delegated its decision making powers.
- c) If the referencing up motion is carried, the matter shall not be determined at the meeting. If the referencing up motion is not carried, the matter shall be dealt with in accordance with the Committee/Sub-Committee's delegated powers.

AGENDA

1. Apologies for absence
2. Disclosures of Interest

To receive disclosures of interests from Members (ie. The existence and nature of those interests in respect of items on this agenda).

3. Minutes (Pages 3 - 4)

To approve and sign the minutes of the meeting held on 24 November 2022 (enclosed).

4. Applications for determination (Pages 5 - 36)

To consider the report of the Development Services Team Leader (enclosed).

MEMBERS SHOULD NOTE THAT ALL LETTERS OF REPRESENTATION AND CONSULTATION RESPONSES WILL BE SUMMARISED IN THE COMMITTEE REPORTS. BACKGROUND PAPERS TO REPORTS WILL BE AVAILABLE TO VIEW ON THE COUNCIL'S WEBSITE.

PLANNING COMMITTEE

Minutes of a meeting held at the Council Offices, Narborough

THURSDAY, 24 NOVEMBER 2022

Present:-

Cllr. Louise Richardson (Chairman)
Cllr. Nick Chapman (Vice-Chairman)

Cllr. Cheryl Cashmore
Cllr. Chris Frost

Cllr. Trevor Matthews
Cllr. Christine Merrill

Cllr. Mike Shirley
Cllr. Bev Welsh

Substitute:-

Cllr. Nigel Grundy (In place of Cllr. Roy Denney)

Officers present:-

Cat Hartley	- Planning & Strategic Growth Group Manager
Ian Davies	- Development Services Team Leader
Charles Ebdon	- Senior Planning Officer
Linda Durham	- Solicitor
Sandeep Tiensa	- Senior Democratic Services & Scrutiny Officer
Nicole Cramp	- Democratic & Scrutiny Services Officer

Apologies:-

Cllr. Roy Denney, Cllr. Sam Maxwell and Cllr. Phil Moitt

1. **DISCLOSURES OF INTEREST**

No disclosures were received.

2. **MINUTES**

The minutes of the meeting held on 27 October 2022, as circulated, were approved and signed as a correct record.

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Planning Committee - Thursday, 24 November 2022

3. APPLICATIONS FOR DETERMINATION

Considered – Report of the Senior Planning Officer.

22/0464/FUL

Erection of 12 dwellings with associated vehicular access, parking and landscaping and drainage, including the demolition of No. 43 New Street, Blaby.

Land rear of No. 43 New Street, Blaby

Public Speaking

Pursuant to Part 4, Section 7 of the Councils Constitution in relation to public rights of participation in planning applications, the Chairman allowed the following to give a 5 minute presentation:

- Lance Wiggins – agent on behalf of the applicant.

DECISION

THAT APPLICATION 22/0464/FUL BE REFUSED FOR THE FOLLOWING REASON:

The layout and design of the proposal would not enable the District Council's refuse vehicles to enter the site to collect household waste to fulfil their statutory duties. In addition, the development lacks the ability to provide adequate presentation facilities for waste collection at the boundary with the adoptable highway at the site entrance with New Street. Therefore, it is considered that as the site cannot be adequately serviced for household waste purposes, the scheme has not been designed appropriately to meet the needs of future residents. This constitutes poor design contrary to Policy CS2 and Policy CS10 of the adopted Blaby District Core Strategy (2013), Policy DM1 of the adopted Blaby District Local Plan (Delivery) Development Plan Document (2019) and Policy BNP1 of the Blaby Neighbourhood Plan (2018) and is also contrary to the aims and aspirations of the NPPF which seeks to raise the awareness and quality of design when dealing with development proposals.

THE MEETING CONCLUDED AT 5.08 P.M.

Blaby District Council

Planning Committee

Date of Meeting 15 December 2022
Title of Report Applications for Determination
Report Author Group Manager – Planning & Strategic Growth

1. What is this report about?

- 1.1 To determine planning applications as listed in paragraph 3.2 below and detailed in the attached report.

2. Recommendation

- 2.1 That the recommendations listed within paragraph 3.2 below and detailed in the attached report be approved.

3. Matters to consider

- 3.1 To avoid unnecessary delay in the processing of planning applications, the recommendations included in this list must often be prepared in advance of the closing date for the receipt of representations. This list was prepared on **06 December 2022** and information of representations received will be updated at your meeting. This updating will also cover any other information which may come to hand in the intervening period. Closing dates are given where they fall on or after the day of preparation of the list.

3.2	Application No.	Page No.	Address	Recommendation
	22/0606/FUL	7	Land Off Grove Road, Blaby	Approve
	22/0949/FUL	23	HMYOI Glen Parva, 10 Tigers Road	Approve

3.3 Appropriate Consultations

Details of organisations / persons consulted in relation to the applications are included in the reports for each individual application. Members will be aware that full copies of correspondence received are available to view on the respective planning file and through the planning portal <https://w3.blaby.gov.uk/online-applications/>

3.4 Resource Implications

There are no specific financial implications arising from the contents of this report.

4. Other options considered

These are included where appropriate as part of the reports relating to each individual application.

5. Background paper(s)

Background papers are contained in files held in the Planning Division for each application being considered and are available for public inspection.

6. Report author's contact details

Ian Davies

planning@blaby.gov.uk

Development Services Team Leader

0116 272 7705

22/0606/FUL

**Registered Date
10th May 2022**

**Norton Housing
and Support.**

Erection of 2 two storey buildings consisting of 15 1-bed self-contained support housing apartments for adults with an ancillary office, central courtyard, cycle shelter, bin store, vehicular access, car parking and associated infrastructure, Land off Grove Road, Blaby.

Report Author: Ian Davies, Development Services Team Leader

Contact Details: Council Offices. 0116 272 7688

RECOMMENDATION:

THAT APPLICATION 22/0606/FUL BE APPROVED SUBJECT TO THE APPLICANTS FIRST ENTERING INTO A LEGAL AGREEMENT TO RESTRICT THE OCCUPATION OF THE UNITS AND SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1. Statutory time limit.
2. List of approved plans.
3. Materials as specified unless otherwise agreed.
4. Approved landscaping to be implemented and retained.
5. Finished floor levels to be agreed and implemented.
6. External lighting details and CCTV to be submitted and agreed.
7. Car parking and cycle parking and servicing areas to be provided as shown on the submitted drawings.
8. Archaeological trial trenching to be undertaken and results submitted.
9. Existing trees to be protected during construction works.
10. Ecological mitigation works (on-site) to be undertaken and retained thereafter.
11. Scheme of off-site ecological mitigation works to be submitted, agreed and subsequently implemented and thereafter retained/maintained.
12. Construction Method Statement to be submitted, agreed and subsequently adhered to.
13. No above ground construction to take place until details submitted and agreed detailing the new maintenance access to the adjoining land.
14. Existing eastern access serving adjoining land to be permanently closed.
15. No unit to be first occupied until the approved access works have been undertaken/provided.
16. Final details of off-site highway works to be submitted and agreed and implemented.
17. Visibility splays of 2.4m x 45m to be provided at site access.

- 18. No gates or barriers to be erected to the site access.
- 19. No surface water drainage into the highway.

Relevant Planning Policies

National Planning Policy Framework (NPPF)

Planning Practice Guidance (NPPG)

National Design Guide - Planning practice guidance for beautiful, enduring and successful places

Blaby District Local Plan (Core Strategy) Development Plan Document (February 2013)

Policy CS1	Strategy for Locating New Development
Policy CS2	Design of New Development
Policy CS5	Housing Distribution
Policy CS7	Affordable Housing
Policy CS8	Mix of Housing
Policy CS12	Planning Obligations and Developer Contributions
Policy CS16	Green Wedges
Policy CS19	Biodiversity and geo-diversity
Policy CS21	Climate Change
Policy CS24	Presumption in favour of sustainable development

Blaby District Local Plan (Delivery) Development Plan Document (Adopted February 2019)

Policy DM2	Development in the Countryside
Policy DM8	Local Parking and Highway Design Standards

Blaby Neighbourhood Plan (Feb 2018)

Policy BNP1	Character and Environment
Policy BNP2	Green Wedges
Policy BNP8	Design of New Development
Policy BNP9	Settlement Boundary

Other Supporting Documents

- Blaby District Council Planning Obligations and Developer Contributions Supplementary Planning Guidance, February 2010.
- Blaby District Council Housing Mix and Affordable Housing Supplementary

Planning Document

- Leicestershire Highways Design Guide
- Building for a Healthy Life: A Design Toolkit for Neighbourhoods, Streets, Homes
- Blaby District Council Housing Strategy (2020 – 2025)

Consultation Summary

Blaby District Council, Environmental Services – No objections subject to conditions.

Blaby District Council, Housing Options – No objections and supports the proposal.

Blaby Parish Council – objects to the proposal on the following grounds:

“Although Blaby Parish Council has no knowledge as to the need for such a development we object to the proposal on the following grounds as we do not believe the site is appropriate for any type of development:-

- 1. The Blaby Neighbourhood Plan designates the proposed site as part of the green wedge between Blaby and Whetstone. These are protected as part of Policy CS16 of the Blaby District Core Strategy.*
- 2. We do not believe that the development satisfies the need for a new development in a green wedge and so is contrary to Policy CS16 of the Blaby District Core Strategy.*
- 3. The creep of development into the green wedge between Whetstone and Blaby may potentially encourage other developers to seize on the opportunity to encroach further along this green wedge.*
- 4. The proposed site is outside village settlement boundary as shown on Map 14 of the Neighbouring Plan and so would be a standalone development increasing the footprint of the existing settlement.*
- 5. Blaby has already exceeded the housing requirement outlined in the current local plan and so future development should not be considered until new housing targets are allocated.*
- 6. As part of the development of the Neighbourhood Plan two sites were identified where additional properties could be located if additional housing needs were identified. This site was not identified as suitable for that purpose.*
- 7. The entrance to the site is close to a busy roundabout where traffic exits the Blaby bypass, potentially at speed, despite the 30 mile per hour speed limit and traffic calming.*
- 8. Although the justification documents suggest it is close to bus routes, it is actually further away than the majority of locations in the built-up area.*

9. *Despite claims by the developer this site is fairly distant from the core shopping area of the village where most services, such as a post office, bank and other facilities are located.*

10. *We note that the documents with the application accept that the parking places allocated to the development do not meet national standards but justify this by reference to similar facilities. However, the proposed location leaves little alternative for parking off site so we would be concerned that traffic issues could occur on Grove Road.”*

Leicestershire County Council Archaeology – No objections subject to conditions.

Leicestershire County Council Ecology – No objections regarding protected species, however has requested the securing of Biodiversity Net Gain by the imposition of conditions.

Leicestershire County Council, Forestry – No objections subject to conditions

Leicestershire County Council Developer Contributions Officer – Initially requested developer contributions as follows:

- **Waste** – £358.05 towards Whetstone RHWS
- **Libraries** - £227.07 towards Blaby Library

Following the receipt of a viability assessment which proved that the proposed development would not be viable if developer contributions were requested, the County Council have formally withdrawn their request for developer contributions from this scheme.

Leicestershire County Council, Highways (LHA) – Initially requested the submission of further information and revisions to the site access. Following the receipt of the additional information and revised plans, they now have no objections subject to the imposition of conditions.

Leicestershire Police – No objections but recommends conditions.

National Health Service Leicestershire – Requested £3,817.31p contributions towards local primary health care in the area, specifically, Northfield and Hazelmere Medical Centres.

Severn Trent Water – No objections.

Third Party Representations

9 letters of representation were received objecting to the application on the following grounds:

- Road too busy and highway concerns
- Access too close to roundabout
- Type of people occupying the properties
- Wrong type of housing
- Loss of trees
- Green Wedge location not appropriate
- Development out of character
- Design inappropriate
- Impact on local wildlife
- Contrary to Neighbourhood Plan
- Contrary to Core Strategy
- An approval would be inconsistent with other planning decisions taken locally
- Pressure on local GP surgery.

Relevant Planning History

None.

The Site

The application site is located to the immediate north of Grove Road and sits outside the settlement boundary of Blaby village and within land designated as the Whetstone, Blaby and Countesthorpe Green Wedge.

The site is 0.32 ha (0.8 acres) in size and has been used for the keeping of horses in the past. The site is bordered by a number of mature trees and hedgerows. Immediately adjacent to the east of the application site lies a large pond. To the immediate west of the site lies the retained stabling of the remaining paddock. A further area of unmanaged grassland also lies further to the west of the application site adjacent to the Grove Road roundabout and Blaby Bypass.

The Proposal

The proposed development is for the erection of 2 two storey housing blocks containing 15 one bed self-contained supported housing apartments for adults, along with the provision of 1 office. Between the 2 blocks there will be a communal garden that will be accessible to each resident. Nottingham Community Housing Association (NCHA) is working alongside Norton Housing & Support (NH&S) to bring this scheme

forward to meet the demand of adults with mental health needs who wish to hold a permanent tenancy and the units will be let at a Social Rent level.

As stated above, the application proposes the construction of 2 distinct blocks, Block A and Block B. Block A would consist of 7 self-contained housing apartments with an accessible office area on the ground floor. This office area will provide a place for staff to work and meet residents, and also act as a hub for residents and community led events. Block B would consist of 8 self-contained apartments. Each apartment would consist of a bedroom with an open plan living area with a kitchen and a bathroom.

The units are to be constructed in brick and tile with feature bands of contrasting brickwork and cladding.

Vehicular and pedestrian access to the site will be from the Grove Road frontage via the construction of a new vehicular access. The access will lead into a communal car parking area which will provide 12 car parking spaces as well as a 16 space cycle shelter. A separate bin store is also located within this area.

The application is also seeking to provide an element of Biodiversity Net Gain (BNG) to offset the loss of this greenfield site. The scheme proposes various on-site enhancements and mitigation as well as a series of off-site enhancements on the land to the west that is also in the applicant's control. These enhancements/asures will be detailed later in this report.

Planning Considerations

Section 38(6) of the Town and Country Planning Act 1990, requires planning applications to be determined in accordance with the provisions of the Development Plan unless there are other material considerations which indicate otherwise. This section of the report will first consider the proposed development against the policy background and then consider any other material considerations.

There are a number of themes which run through national guidance as expressed in the National Planning Policy Framework and these are generally in line with local policies expressed through the Development Plan. Key themes in the case of this application are that new development should be in sustainable locations and that new development is of good design quality.

NATIONAL PLANNING GUIDANCE

National Planning Policy Framework (NPPF)

The National Planning Policy Framework establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high

level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Achieving sustainable development means that the planning system has three overarching objectives, which are independent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives.) These objectives are:

- An economic objective;
- A social objective; and
- An environmental objective.

The National Planning Practice Guidance (NPPG) provides supporting guidance to the interpretation of the NPPF.

DEVELOPMENT PLAN

Blaby District Local Plan (Core Strategy) Development Plan Document (2013)

The adopted Core Strategy (February 2013) is part of the Development Plan for the District of Blaby. It is an up-to-date plan that is consistent with National Policy. Therefore, the policies of the Core Strategy should be given full statutory weight. The following policies are the most relevant to the proposed development.

Policy CS1 – Strategy for Locating New Development

Policy CS1 seeks to focus new development in the most sustainable locations in the district, primarily within and adjoining the Principal Urban Area (PUA) of Leicester. The application site is located within the parish of Blaby, which is identified in the Council's Core Strategy as being outside the PUA.

Provision is however made for the development needs of settlements outside the PUA, with Policy CS1 stating that outside the PUA new development should be focused within and adjoining Blaby town centre, and within and adjoining the settlements of Enderby, Narborough, Whetstone and Countesthorpe, referred to as the 'Larger Central Villages'. It is acknowledged that the proposed site is outside (but close to) the settlement boundary, but Blaby is well served by transport links and with good access to key services and facilities. In this regard the application site is considered, on balance, to be located in a sustainable location and is broadly compliant with Policy CS1.

Policy CS2 – Design of New Development

Policy CS2 seeks to ensure that a high-quality environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality, including layout and street design, contributing to a better quality of life for the local community.

Whilst acknowledging that the application site sits within the Green Wedge, it is also acknowledged that existing residential dwellings sit directly opposite the site. These existing dwellings exhibit a mixture of both the traditional and more modern design aesthetic, with a common use of mixed red facing brickwork, render, dark concrete roof tiles and traditional and some modern casement style windows.

The proposed development has been designed to complement the adjacent built form whilst also seeking to respect its Green Wedge location. The buildings have been designed to sit back from the Grove Road frontage behind the retained hedgerow and have sought to achieve a more “collegiate” feel and appearance of 2 distinct blocks set within a landscaped setting. In addition, the buildings have been designed to be 2 storey only with pitched roofs and constructed in red facing brickwork with grey roof tiles, and with feature bands of contrasting brickwork and timber cladding which further enhance its collegiate feel whilst also respecting the design and appearance of the dwellings opposite the site.

Section 12 (paragraphs 126 – 136) of the NPPF specifically relates to achieving well designed places, and highlights that good design is a key aspect of sustainable development, creating better places in which to live and work. Paragraph 130 states that planning decisions should ensure that developments (inter alia) should function well and add to the overall quality of the area over the lifetime of the development. Bearing this in mind the scheme has been designed specifically to meet the needs of its users and regard has been had to the Mental Health and Housing Policy Paper 2016 which has resulted in a scheme that has been designed to meet the demand for adults with mental health needs who wish to hold a permanent tenancy, a campus feel to encourage social integration and communal gardens on site to improve mental health needs and provide a space to undertake activities whilst in a safe environment.

It is therefore considered that the development respects the character and appearance of the adjoining residential area whilst also acknowledging its Green Wedge location. As such it is considered that the proposed development complies with Policy CS2.

Policy CS5 – Housing Distribution

Policy CS5 aims to focus new development in the most appropriate locations. The District Council seeks to distribute housing by settlement in accordance with the

figures contained within the Core Strategy. In order to meet the minimum requirements for the number of housing within the District as set out in the Core Strategy over the plan period (2006-2029) an outstanding need for at least 420 dwellings was identified in Blaby. At 1 April 2021, 536 dwellings were built or committed to be built in Blaby, some 116 dwellings over the minimum requirement as set out in Core Strategy Policy CS5 Housing Distribution. Taking the above into account it is considered that there is no current overall housing need for development in this location, however the policy does not specify a maximum number, nor does it preclude any higher housing provision. It is also important to have regard to the specialist nature of the housing being proposed in this application, which your Officers consider should be given appropriate weight. Furthermore, it is also acknowledged that the development of 15 units on the site will help sustain the current housing land supply of the District, albeit in a limited way.

Policy CS7 – Affordable Housing

Policy CS7's strategic objective is to ensure that new housing developments provide the appropriate quantity and mix of housing for the District's current and future needs. Policy CS7 states that where financially viable, new housing developments of 15 or more dwellings will provide a minimum of 25% of the total number of dwellings as affordable housing in order to meet those needs. This current application will provide 100% affordable units on the site and therefore the scheme complies with Policy CS7.

Policy CS8 – Mix of Housing

Policy CS8 seeks to ensure that the appropriate mix of housing is provided within the District to meet the needs of current and future populations as well as optimising the provision of affordable housing to meet local needs.

The policy specifically states:

“The Council will work with partners (including Registered Providers, developers and others) to meet any identified needs of specific groups through the delivery of Special Needs Housing, including: (inter alia)

- b) provision of supported housing to meet other identified needs.”*

The delivery of 15 one bed self-contained supported housing apartments for adults with mental health needs on this site will fully comply with Policy CS8.

Policy CS12 – Planning Obligations and Developer Contributions

Policy CS12 seeks to ensure that the requirements for infrastructure, services and facilities arising from any development will be sought in accordance with the Council's latest Planning Obligations and Developer Contributions SPD.

As stated earlier in this report, the following requests for developer contributions have been received:

Leicestershire County Council Libraries - £227.07 towards improvements at Blaby Library.

Leicestershire County Council Waste - £358.05 towards improvements at Whetstone Recycling and Household Waste Site (RHWS).

Following the receipt of a viability assessment which proved that the proposed development would not be viable if developer contributions were requested, the County Council have formally withdrawn their request for developer contributions from this scheme.

Leicester & Leicestershire Rutland Clinical Commissioning Group (LLR CCG) - £3,817.31 (towards improvements at Hazelmere and Northfield Medical Centres).

A similar request to withdraw the CCG's developer contribution has not been responded to by the CCG so therefore the request for a financial contribution still stands.

This scheme proposes the provision of 100% affordable specialist housing units by a Registered Social Provider and in line with the Council's adopted Planning Obligations and Developer Contributions SPD, which states that consideration can be given to the reduction or removal of planning obligations for such schemes, and after balancing all of the facts and priorities and the obvious synergies that this scheme offers between the various service providers, your Officers are advising Members not to seek any financial contributions in this instance as any such contributions would impact on the viability and deliverability of this scheme.

Policy CS16 – Green Wedges

Green Wedges are designated in order to: prevent the merging of settlements, guide development form, provide a green lung into the urban areas, and provide a recreation resource. The need to retain Green Wedges will be balanced against the need to provide new development (including housing) in the most sustainable locations. Land use or development in Green Wedges should:

- A) retain the open and undeveloped character of the Green Wedge;
- B) retain and create green networks between the countryside and open spaces within the urban areas; and
- C) retain and enhance public access to the Green Wedge, especially for recreation.

The policy lists appropriate uses within areas of Green Wedge and this does not include housing or employment uses. Accordingly, it is readily acknowledged that the proposed development in this Green Wedge location is, on a strict interpretation of the policy, contrary to Policy CS16 of the Core Strategy. However, your Officers consider that there are unique circumstances in relation to this specific planning application that merit an approval notwithstanding this policy conflict. This issue is fully set out and balanced further in the report.

Policy CS19 – Bio-diversity and Geo-diversity

Policy CS19 seeks to ensure that the District's natural environment, wildlife, habitats, landscape and geology are considered and protected through good design practices, seeking to protect existing green spaces and provide new good quality, multi-functioning green networks and corridors.

Following the submission of additional information the Leicestershire County Council Ecology have confirmed that they are satisfied that no significant ecological impacts will arise because of the development but have requested the provision of Bio-diversity Net Gain, on and off site. Such provision can be secured via the imposition of conditions as set out in the recommendation.

Accordingly, and subject to the imposition of suitable conditions, it is considered that the development would accord with Policy CS19.

Policy CS21 – Climate Change

Policy CS21 seeks to support new development which mitigates and adapts to climate change. New development should be focussed in the most sustainable locations in accordance with Policies CS1 and CS5 and use sustainable design principles which reduce energy demand and increase efficiency.

The development will comply with government requirements with regard to building design and energy efficiency and suitable ecological mitigation and enhancements will be incorporated into the design of the proposal on-site as well as off-site. It is therefore considered that the development complies with the requirements of Policy CS21.

Policy CS24 – Presumption in Favour of Sustainable Development

Policy CS24 reflects the overarching principle of the NPPF that the Government wishes to see in relation to the planning system, with the golden thread running through the decision-making process being the presumption in favour of sustainable development. Policy CS24 requires that when considering development proposals, the District Council always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible.

Your Officers have worked proactively with the applicant to ensure that the development is as far as possible to be in accordance with adopted policies and thus the development is in accordance with Policy CS24.

Blaby District Local Plan (Delivery) Development Plan Document (2019)

The following policies are the most relevant to the proposed development.

Policy DM2 – Development in the Countryside

This Policy gives detailed guidance about development that is appropriate in the Countryside and the criteria that should be taken into account when determining planning applications. The site is not located in designated Countryside but Policy DM2 is relevant when development is proposed within a designated Green Wedge where it is considered that a particular development would not be harmful to the Green Wedge function. This issue is set out and balanced further in the report.

Policy DM8 – Local Parking and Highway Design Standards

Policy DM8 seeks to provide a consistent approach to local car parking standards and highway design. It goes on to state that the Leicestershire Highways Design Guide sets out, amongst other things, standards and policies for parking and highway design that will need to be considered for all new development.

The layout, parking provision and access arrangements of the proposal have been assessed by the County Highway Authority and following the receipt of revised drawings and the submission of a Road Safety Audit, they have confirmed that the proposed access is satisfactory and safe and that there would be no material impact on the public highway. Furthermore, the Highway Authority have confirmed that due to the specialist nature of the accommodation proposed, the provision of 12 off-street car parking spaces and the cycle storage is acceptable in this instance. Consequently, it is considered that the development accords with Policy DM8.

Blaby Neighbourhood Plan (2018)

Policy BNP1 – Character and Environment

Policy BNP1 seeks to ensure that all new development shall create a sense of place appropriate to its location by reflecting the principal characteristics of adjacent areas in regard to scale, layout and materials.

For the same reasons set out in the consideration of Core Strategy Policy CS2 above, it is considered that the proposed development complies with Policy BNP1 from a character, aesthetic and design perspective.

Policy BNP2 – Green Wedges

Policy BNP2 reflects Policy CS16 of the Core Strategy and seeks to prevent unwarranted development within the Green Wedges of Blaby Parish. Accordingly, it is readily acknowledged by your Officers that the proposed development does not accord with, and is in conflict with Policy BNP2.

Policy BNP8 – Design of New Development

Policy BNP8 states that new development within Blaby should incorporate appropriate design features which enhance and compliment Blaby's housing, commercial and historic character.

For the same reasons set out in the consideration of Core Strategy Policy CS2 above, it is considered that the proposed development complies with Policy BNP8 from a design perspective.

Policy BNP9 – Settlement Boundary

Policy BNP9 states that new development will be focused within Blaby's identified settlement boundary and will be supported in such locations subject to the proposed development having a satisfactory relationship with other uses. The application site sits outside (but immediately adjacent to) the defined settlement boundary of Blaby village and accordingly it is readily acknowledged by your Officers that the proposed development does not accord with, and is in conflict with, Policy BNP9.

Other material considerations

Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise, and whether those material considerations are of such weight that the adopted policies

of the Development Plan should not prevail in relation to any proposal. The following are material planning considerations in the determination of this planning application:

- Green Wedge location balanced against the need for this specific type of accommodation
- Ecological Implications
- Need for Legal Agreement controlling occupancy

Green Wedge location balanced against the need for this specific type of accommodation

As stated earlier in this Report the application site sits within a designated Green Wedge where development is restricted to certain uses deemed to be appropriate to such locations. The policy conflict that this application represents (within the Core Strategy, DPD and Blaby Neighbourhood Plan) is acknowledged but your Officers consider that there is a valid and demonstrable reason (set out below) to allow this development to go ahead notwithstanding that policy conflict.

Furthermore, it is also important when considering this current application that the Green Wedge Policies also recognise that the need to retain Green Wedges should be balanced against the need to provide new development (including housing) in the most sustainable locations.

Your Officers are of the opinion that the development of this relatively small scheme will not significantly harm the wider Green Wedge, nor its primary function in this location as providing a “green barrier” that prevents the merging of the two settlements of Blaby and Whetstone. The built form will not extend beyond the western most extent of the existing residential dwellings on the opposite side of Grove Road, and there is still retained undeveloped land leading up to the Blaby By-Pass. In addition, the scheme has been designed to provide a softer landscaped setting that is less damaging to the character of the Green Wedge in this location.

However, and whereas the above points carry some limited weight when considered against the policy conflict, the matter that carries the most weight, and the one that has led your Officers to be comfortable with recommending approval on this application, is the type of development that is being proposed. This application is for a form of supported housing that is not being provided elsewhere within the District, and will meet a specific and growing demand. The unique nature of this scheme has been recognised by Homes England who are providing grant funding towards its construction. Blaby District Council is also grant funding the delivery of this scheme as well.

The scheme is a proposal put together by Nottingham Community Housing Association (NCHA) (who are one of the Councils preferred Registered Providers and own a significant amount of affordable homes in the District) and Norton Housing and Support who have been providing supported accommodation for adults with mental health difficulties for over 35 years in the Leicester and Leicestershire area. Both NCHA and Norton have been working with the Councils Strategic Housing Team for a considerable time to bring this much needed supported housing development forwards, the proposed scheme will consist of 15 x 1 bed self-contained apartments, specifically for people suffering with mental health issues. It meets the following strategic priorities set out in the Councils recently adopted Housing Strategy (2020 – 2025), namely:

- Increasing the supply of Affordable Homes
- Provide Specialist Housing for Vulnerable Groups
- Prevent Homelessness and end Rough Sleeping

There are currently 90 single applicants on the Councils Housing Register who have been assessed as having a medical need to move, 51 of those applicants have a diagnosed mental health condition. Since April 2020 the Council has provided temporary accommodation for over 220 homeless households, at the time of being accommodated, 38 of these households were suffering with a mental health related illness.

The 15 occupants of the proposed scheme will receive on-site 24 hour support and priority will be given to those with a strong connection to the Blaby District.

Your Officers consider that the schemes compliance with Policy CS8 – Mix of Housing and the Council’s own adopted Housing Strategy (2020 to 2025) and the demand for this form of development is so great that it outweighs the Green Wedge policy and other policy conflicts identified earlier in this Report.

Ecological Implications

The application proposes a series of both on-site and off-site ecological measures to mitigate the impact of the development on the sites biodiversity. Whereas the site is not overly “rich” in biodiversity, the scheme would, without mitigation, result in a negative impact on biodiversity and ecology. Accordingly the applicant proposes on-site measures which include hedgerow enhancement and new hedgerow planting; meadow grass mix planting; wildflower turfing; tree planting and the provision of bat and bird boxes.

However, these on-site measures alone will not negate the ecological impacts of the development on the site, so following negotiations between the applicant, your Officers and the County Ecologist it is proposed to undertake a series of ecological mitigation measures on land adjacent to the Blaby By-Pass that is also in the control of the applicant. These off-site works will comprise the following, the planting of 31 native trees, the creation of wildflower grassland and enhancements to the existing hedgerows.

In combination, the on-site and off-site works will result in a marginal net gain in biodiversity and the Leicestershire County Council Ecologist has confirmed that they are now satisfied that no significant ecological impacts will arise because of the development. The submission of the final details showing the provision of Bio-diversity Net Gain, on and off site will be secured via the imposition of conditions.

Need for Legal Agreement controlling occupancy

In the light of the overwhelming need for affordable units within the District and the specialist nature of the units being proposed, combined with the significant weight that has been applied to these matters when balanced against the policy conflicts outlined earlier in this Report and further taking into account the schemes viability and the fact that developer contributions are being waived on this basis, your Officers consider that in order to recommend this application favourably there needs to be a mechanism put in place to ensure that the units to be provided are genuinely supported housing units and should remain so thereafter. That mechanism is proposed, in this particular instance, to be for the applicants to enter into a Legal Agreement (either a Section 106 or Unilateral Undertaking) to ensure that the units are constructed and retained as supported housing.

Conclusion

In determining planning applications, the District Planning Authority must determine applications in accordance with the Development Plan unless material considerations indicate otherwise.

Your officers have fully considered the application against local and national policy and guidance and against all relevant material considerations as set out above. In the balance of all considerations and acknowledging the policy conflicts as set out earlier in this Report, and in the absence of any technical objections to the proposal, your Officers recommend the application for approval subject to the need for a Legal Agreement and the conditions set out earlier in the report.

22/0949/FUL

**Registered Date Lendlease on behalf of Ministry Of Justice
16.09.2022**

**Erection of 1x residential houseblock, 1x ancillary building,
along with associated Multi-Use Games Area (MUGA), car
park, landscaping and associated structures**

**HMYOI Glen Parva, 10 Tigers Road, Glen Parva,
Leicestershire**

Report author: Tom White Senior Planning Officer

Contact Details: Council Offices. Tel 0116 250 3078

RECOMMENDATION:

**THAT APPLICATION, 22/0949/FUL, BE APPROVED SUBJECT TO THE
IMPOSITION OF THE FOLLOWING CONDITIONS:**

1. Statutory 3 year condition to commence work.
2. Approved plans.
3. Details of materials to be agreed.
4. Notwithstanding the proposed details, hard and soft landscaping scheme to be submitted including boundary treatments.
5. Landscaping scheme to be carried out.
6. Tree protection measures to be undertaken in accordance with plans within the Arboricultural assessment.
7. Notwithstanding the submitted details, a biodiversity net gain strategy (and associated plans) and 30 year Landscape and Ecology management plan to be submitted and agreed and adhered to.
8. All cell windows shall be fixed shut with the exception of a ventilation system.
9. Details of the Multi-Use Games Area (MUGA) and its hours of use to be submitted and agreed.
10. No occupation until details of fixed plant / equipment have been agreed.
11. Obscure glazing of ancillary building/ workshop to northwest elevation.
12. Details of any lighting and CCTV provision to be agreed.
13. Prior to its construction, details of the proposed substation to submitted and agreed.
14. Construction Management Plan to be submitted and agreed and adhered to during construction.
15. Parking and turning to be implemented in accordance with block plan and retained in perpetuity.
16. Cycle parking to be submitted and agreed and implemented.
17. No above ground construction until a remediation strategy has been submitted to and agreed to deal with risks associated with contamination.
18. Approved remediation scheme to be implemented during development and a verification report to be submitted for approval.
19. Recommendations to be followed from the Land Contamination Report .
20. Foul and surface water drainage details to be submitted and agreed and implemented in accordance with agreed details.

21. Details of surface water management on site during construction to be submitted and agreed.
22. Long term maintenance of the surface water drainage system to be submitted and agreed.
23. Details of waste management arrangements to be agreed.
24. Development only to be used as a prison (within Use Class C2A) and no other purpose.

NOTES TO COMMITTEE

This application has been brought before the Planning committee as the application is a major development.

Relevant Planning Policy

National Planning Policy Framework

Planning Practice Guidance

Blaby District Local Plan (Core Strategy) Development Plan Document (February 2013)

Policy CS1 – Strategy for locating new development
Policy CS2 – Design of new development
Policy CS10 – Transport Infrastructure
Policy CS19 – Bio-diversity and geo-diversity
Policy CS21 – Climate change
Policy CS22 – Flood risk management
Policy CS24 – Presumption in favour of sustainable development

Blaby District Local Plan (Delivery) Development Plan Document (February 2019)

Policy DM1 - Development within the settlement boundaries
Policy DM8 - Local parking and highways design standards
Policy DM13- Land contamination and pollution

The Town and Country Planning (Environmental Impact Assessment) Regulations, 2017 (as amended) (the 'EIA Regulations')

Consultations

Blaby District Council, Environmental Health - No objections. Comments made in respect of land contamination, air quality, noise and vibration and lighting. Conditions are recommended requiring a land contamination remediation strategy and verification plan, Construction Environmental Management Plan, and details of lighting.

Environment Agency – No comments to make as the development falls within flood zone 1 and there are no environmental constraints associated with the application site which fall within the remit of the Environment Agency.

Leicestershire County Council, Lead Local Flood Authority (LLFA)- No objections. States that the 1.6 hectare brownfield site is located within flood zone 1 which is at low risk of fluvial flooding and at a low to medium risk of surface water flooding. The LLFA states that extension to the prison seeks to discharge at 2 l/s via conveyance swales and an attenuation tank to the existing on site drainage system. The LLFA recommends conditions regarding surface water drainage and long term maintenance.

Leicestershire County Council, Archaeology – No objections and does not consider that the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets.

Leicestershire County Council, Ecology- No objections subject to the imposition of a condition on bio diversity net gain and additional landscaping.

Leicestershire County Council, Highways – No objections – considers that 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.

Natural England- No objections

Other consultees

No representations were received from:

- Severn Trent Water Authority Ltd
- Network Rail
- Oadby & Wigston Borough Council
- Leicester City Council
- Glen Parva Parish Council

Third Party Representations

Two letters of objection have been received in regard to the following:

- Parking
- Entrance to the site is already overcrowded
- Highway network having too much congestion
- Mud on the roads
- Dirt and airborne contamination
- Vibrations during construction
- Disruption to health and property

Relevant History

10/0034/1/PX	Construction of Youth Justice Board (YJB) establishment to accommodate 360 young people and associated facilities, alterations to existing car park and formation of temporary compound area and vehicular access within Leicester City.	Approved 21.05.2010
13/0377/1/PX	Application for permission to extend the time limit for the implementation of planning permission 10/0034/1/PX	Withdrawn
14/0763/1/PX	Construction of an education led Ministry of Justice secure establishment(Class C2a) to accommodate 320 people, associated facilities including young lighting, multi-use games area, alterations to existing car park and formation of temporary compound area and vehicular access(Revised application to 10/0034/1/PX and 13/0377/1/PX)	Approved 15.12.2014
14/1092/1/VY	Removal of Condition 22 relating to the access road across Eyres Monsell Park attached to planning permission 14/0763/1/PX	Withdrawn
15/0018/VAR	Removal of Condition 22 relating to the access road across Eyres Monsell Park attached to planning permission 14/0763/1/PX	Approved 04.02.2015
15/0195/DOC	Discharge of Conditions 10, 11, 12, 13, 14 and 21 attached to planning permission 15/0018/VAR	Withdrawn
16/1672/OUT	Demolition of existing HMYOI Glen Parva and construction of new prison (Use Class C2A) (maximum floorspace 62,437 sq.m) with security fence, access, parking, energy centre, landscaping and associated engineering works (Outline)	Approved 04.09.2017
16/00575/OUT (Oadby Wigston B.C.)	Demolition of existing HMYOI Glen Parva and & construction of a new prison (Use Class C2A) (max. floorspace of 62,437 sq.m 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)	Approved 04.09.2017
18/0345/DOC	Discharge of conditions 7, 12 and 13 attached to outline planning permission 16/1672/OUT	Approved 13.06.2018

18/00230/REM (Oadby & Wigston B.C.)	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)	Approved 27.07.2018
18/0614/RM	Reserved Matters application following outline planning permission 16/1672/OUT for Demolition of existing HMYOI Glen Parva and construction of new prison (Use Class C2A) (maximum floorspace 62,437 sq.m) with security fence, access, parking, energy centre, landscaping and associated engineering works.	Approved: 23.08.2018
19/1553/RM	Resubmission of reserved matters application 18/0614/RM in order to alter the previously approved appearance, landscaping, layout of the site and the removal of the approved kitchen block. (Maximum floor space 61,051.402 sqm)	Approved 28.04.2020
19/1623/FUL	Erection of an operational building (kitchen block) within the site of the former HMP YOI Glen Parva (with a maximum floorspace of 2,355 sqm).	Approved 28.04.2020
20/0420/DOC	Application for discharge of conditions 12, 13 & 17 and partially discharge condition 18 imposed on outline application 16/1672/OUT	Approved 19.08.2020
20/0481/DOC	Application to partially discharge condition 18 (foul drainage during operational phase) imposed on outline application 16/1672/OUT	Approved 07.10.2020
20/0517/DOC	Application to discharge conditions 8, 9 and 16 imposed on outline application 16/1672/OUT	Approved 02.09.2020
20/0673/DOC	Application to discharge condition 4 (external materials) on outline application 16/1672/OUT	Approved 17.08.2020
20/1350/DOC	Application to discharge conditions 3 (external materials) imposed on planning application 19/1623/FUL	Approved 02.12.2020
20/1381/DOC	Application to discharge condition 5 (soft and hard landscaping) & 7 (boundary treatments to eastern boundary) on outline application 16/1672/OUT	Approved 24.02.2021

20/1382/DOC	Application to discharge condition 3 (internal fence to enclose Building 110) on reserved matters application 19/1553/RM	Approved 01.02.2021
20/1416/DOC	Application to re-discharge condition 12 (construction method statement) to planning application 16/1672/OUT	Approved 04.03.2021
20/1437/S74B	Application to alter the hours of construction	Refused 17.12.2020
20/1445/S74B	Application to alter the hours of construction	Approved 23.12.2020
21/0162/DOC	Application to re-discharge condition 13 (remediation strategy) imposed on application 16/1672/OUT	Approved 01.04.2021
21/0163/DOC	Application to discharge condition 10 (foul drainage and surface water management) imposed on application 19/1623/FUL	Approved 01.04.2021
21/0164/NMAT	Non material amendment to alter the wording of condition 8 to planning application 19/1623/FUL	Approved 01.03.2021
21/0485/DOC	Application to discharge condition 6 (MUGA details) imposed on application 19/1553/RM	Approved 28.05.2021
21/1010/FUL	Replacement of secure perimeter fence and formation of associated concrete apron	Approved 22.09.2021
21/1349/ADV	Erection of 3x metal flagpoles measuring 13.11 metres tall	Approved 05.01.2022

EXPLANATORY NOTE

The Site

The application site extends to some 6.42 hectares and comprises an area of vacant land within the former HM Young Offenders Institute (HMYOI) Glen Parva site. It forms part of a much larger site that is currently under construction for the HMP Fosse Way prison (a Category C adult male prison) which was granted permission under outline planning application 16/1672/OUT, with reserved matters approval granted in 19/1553/RM. The original planning permission included 14 buildings on the southern part of the site (formerly occupied by HMYOI Glen Parva) with a total floorspace of 62,437 square metres, comprising of seven house blocks and other ancillary buildings.

The Proposal

Following the granting of the original planning permission for HMP Fosse Way, additional prison spaces are now proposed on the site and as such, this application proposes an additional house block and two ancillary structures and 80 additional parking spaces on the northern part of the site. The proposals only cover part of the previously undeveloped part of the site, and the northern most portion of the site will remain undeveloped.

An Environmental Statement has been submitted to accompany the planning application. The original planning application for HMP Fosse Way was considered by the applicant to be development requiring an Environmental Statement under the EIA Regulations (EIA development) and an Environmental Statement was voluntarily provided to accompany the application. Although the development in the current application would be much smaller in scale compared to the previously approved site as a whole, an Environmental Statement has also been submitted due to the potential for cumulative impacts. An EIA Scoping Note was prepared and provided on an informal basis to officers. This identified that the development would likely give rise to only a limited number of significant environmental effects and so the Environmental Statement covers the following topics only:

- Townscape and Visual Amenity
- Ecology and Biodiversity

Planning Policy

Section 38(6) of the Town and Country Planning Act 1990, requires planning applications to be determined in accordance with the provisions of the Development Plan unless there are other material considerations which indicate otherwise.

The National Planning Policy Framework (2021) establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. The emphasis is that development plans allow for development in sustainable locations and that new development is of good design quality.

National Planning Policy Framework

The National Planning Policy Framework establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These objectives are:

- An economic objective

- A social objective
- An environmental objective

For decision-taking this means:

- Approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Blaby District Local Plan (Core Strategy) Development Plan Document (2013)

The adopted Core Strategy (February 2013) is part of the Development Plan for the District of Blaby. It is an up-to-date plan that is consistent with the National Planning Policy Framework. Therefore, the policies of the Core Strategy should be given full statutory weight. The following policies are the most relevant to the proposed development:

Policy CS1 – Strategy for Locating New Development

Policy CS1 seeks to focus new development in the most sustainable locations in the District, primarily within and adjoining the Principal Urban Area (PUA) of Leicester (Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town and Glen Parva).

Policy CS2 – Design of New Development

Policy CS2 seeks to ensure that a high quality environment is achieved in all new development proposals, respecting distinctive local character and providing opportunities to enhance the natural and historic environment. The strategic objectives of this Policy seek to improve the design quality of all new developments in the District.

Policy CS10 – Transport Infrastructure

Policy CS10 seeks to ensure that appropriate measures are taken to mitigate the transport impacts of new development. This Policy seeks to encourage the use of more sustainable forms of transport (including walking, cycling and public transport).

Policy CS19 – Biodiversity and geo-diversity

This Policy seeks to maintain / extend networks of natural habitats to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of

natural habitats. These networks should be protected from development. Where development in these areas cannot be avoided, the networks of natural habitats should be strengthened by or integrated within the development. The Council recognises that networks cross Local Authority boundaries, so will work with partners to ensure their maintenance and enhancement.

Policy CS21 – Climate Change

This Policy seeks to support new development which mitigates and adapts to climate change. New development should be focussed in the most sustainable locations in accordance with Policies CS1 and CS5 and use sustainable design principles which reduce energy demand and increase efficiency.

Policy CS22 – Flood risk management

Through this Policy the Councils ensures that all development minimises vulnerability and provides resilience to flooding, taking into account climate change. The Policy states how this can be achieved which includes directing development to locations at the lowest risk of flooding, giving priority to land in flood zone 1.

Policy CS24 – Presumption in Favour of Sustainable Development

Policy CS24 requires that when considering development proposals, Blaby District Council will take a positive approach that reflects the presumption in favour of sustainable development and planning applications that accord with the policies in the Local Plan Core Strategy will be approved without delay, unless material considerations indicate otherwise.

Blaby District Local Plan (Delivery) Development Plan Document (2019)

The Delivery DPD was adopted on 4th February 2019 and full weight can be given to its policies. It sits alongside the Core Strategy to form part of the Development Plan for the District. The following Policies are relevant to this application;

Policy – DM1 Development with the Settlement Boundaries

This policy relates to development within the Settlement Boundaries and states that development proposals consistent with other policies of the Local Plan will be supported provided the development is compliant with the criteria relating to design considerations and the relationship with other nearby uses.

Policy DM8 – Local Parking & Highway Design Standards

This Policy requires that new development will be required to provide an appropriate level of parking and servicing provision and accord with the highway design standards as set out in the most up-to-date Leicestershire Local Highway Guidance.

Policy DM13 – Land Contamination and Pollution

This policy seeks to ensure that development proposals are not affected by land contamination or pollution, along with minimising flood risk.

Planning Considerations

Section 38(6) of the Town and Country Planning Act 1990, requires planning applications to be determined in accordance with the provisions of the Development Plan unless there are other material considerations which indicate otherwise.

The National Planning Policy Framework (2019) establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. The emphasis is that development plans allow for development in sustainable locations and that new development is of good design quality.

Impact upon the character of the area

The proposed new house block would measure approximately 12.2 metres from ground level with an additional 2.3 metres of external plant on top of the house block. As such, the total height of the proposed house block would measure approximately 15.2 metres. The house block would be sited approximately 60-65 metres from both the eastern (Leicester City boundary) and western boundaries (Oadby & Wigston Boundary). The proposed house block would be sited directly to the north of the previously approved prison site with the proposed car park to be sited directly north of the previously approved car park. The proposed house block would be relatively tall and is likely to be partially visible from locations outside of the prison site, along Silsden Rise & Hindoostan Avenue. However, given the separation distance, along with the mature vegetation along the boundaries of the application site, it is considered that the proposed house block would not be highly visible from these locations. For this reason, along with proposed house block being close to the existing prison site, it is considered that the proposed house block would not harm the character of the area and would blend in with the context of the existing prison.

The ancillary structure would measure approximately 9.1 metres in height, 13 metres in depth and approximately 61 metres in width. This ancillary building would be sited between the new house block and the eastern boundary with Leicester City. This structure would be partially visible from Silsden Rise, given its size and scale, however it is separated from the boundary by approximately 30 metres, and it sited directly north of the existing prison site which already contains other ancillary buildings. In addition to this, the boundaries are dominated with mature vegetation which would mitigate the size and scale of the proposal. There is an additional substation proposed to the centre of the site approximately 12 metres from the boundary of the existing prison. Full details of this can be required to be provided by a condition.

As part of the Environmental Impact Assessment, the local townscape and visual amenity impacts have also been assessed for the proposal both during construction and final completion. The EIA has identified the most impacted settlements of Wigston, South Wigston (which includes Hindoostan Avenue) and Eyres Monsell (which

includes Silsden Rise) housing estates. The EIA assessment concludes that the completed development is likely to be extensively screened from these areas by a combination of intervening vegetation and/or built forms and where the completed development is visible, it would be substantially screened behind intervening perimeter vegetation and as such would represent a relatively recessive feature and would be experienced from only a small number of receptor locations. Namur Road and Silsden Rise have been identified to have a higher level of impact from the development given the perimeter vegetation is thinner at these locations, however the impacts are more localised to these individual streets rather than the settlement as a whole. As considered above, given the separation distance of the proposal, the impact to the streets of Silsden Rise and Namur Road (in this instance) is considered to not be significant. Furthermore, as part of the landscaping scheme, further tree planting is proposed both along the eastern edge of the car park and close to the main house block building to provide screening.

The EIA assessment summarises that there would be insignificant impact upon the settlements of Wigston, South Wigston and Eyres Monsell in terms of the Townscape Fabric. In terms of Townscape Character and Visual amenity, the EIA has indicated that the proposal would have a residual effect of moderate significance during the winter months (and insignificant in summer months) on the townscape character of Silsden Rise and Namur Road. In addition to this, the EIA has stated that the proposal would have an insignificant residual effect on the visual amenity of all other viewpoint locations and at Silsden Rise and Namur Road during the summer months.

Impact upon Neighbouring Residential Amenity

The proposed built development would be sited almost centrally within the site directly to the north of the existing HMP Fosse Way Prison. As such, the new residential house block would be sited approximately 60-65 metres from both the western and eastern boundaries where the nearest residential properties are located. The house block would be a four-storey building at a height of approximately 15.2 metres (the height of the top most window would measure approximately 10.8 metres high). It is considered that the separation distance, along with the screening provided by the mature vegetation along the boundaries would satisfactorily mitigate any potential overlooking impacts, along with avoiding any potential overshadowing and overbearing impacts on the nearest neighbouring residential properties. In addition to this, there would be some further landscaping to the front of the residential blocks and there would be a large ancillary building between the neighbouring properties of Silsden Rise and the residential house block. The ancillary building would be a workshop at a height of approximately 9.1 Metres which would screen the majority of the house block from view from residential properties on Silsden Rise. The side elevation of the workshop is proposed to have windows which would be obscurely glazed which would mitigate the overlooking impacts upon the nearest residential properties along Silsden Rise.

The nearest residential properties along Hindoostan Avenue would be sited approximately 70- 110 metres from the residential house block. There would be a proposed car park in between the residential house block and the nearest residential properties along Hindoostan Avenue. In addition to this, as part of the proposal, the applicant has proposed a landscaping scheme of trees that would partially screen the house block via planting along the car park and along the boundary to no 22-30

Hindoostan Avenue and within the immediate curtilage of the house block itself as well. Further trees are proposed to be planted to the northeast curtilage of the residential house block to provide some level of screening for the residential properties along Ibsley Way. This, along with the separation distance of approximately 100 metres and mature vegetation on these boundaries, would mitigate the possible harm to residential amenities for Ibsley Way.

Impact upon Highway Safety and Parking Provision

As part of the proposal, the applicant has proposed a new car park which would hold up to 80 vehicles including five accessible spaces which would be accessed from Tigers Road. The applicant has submitted a Transport Statement which indicates the likely trip generation as a result of the proposed development, with staff working in four shifts with throughout the day with most (48%) arriving on site before 8:00am and finishing at 5:30pm. The Local Highway Authority has stated within its response that no cycle parking spaces have been indicated but have gone on to state that a condition can be applied for additional information. The Transport Statement as submitted by the applicant has gone on to state that 20% of the staff would be likely to use sustainable modes of transport with regular bus services which are within a ten minute walk away (3-4 times every hour Monday- Saturday), along with some staff living in the local area within a 20 minute cycle as well. Overall, the Local Highway Authority is satisfied with the details and proposal as a whole, subject to the imposition of conditions.

Ecology and Biodiversity Net Gain

Policy CS19 the Core Strategy seeks to protect the District's natural environment. As part of the application, there would be the removal of a large open area to accommodate the proposed residential house block and ancillary structures. Chapter 8 of the Environmental Statement relates to ecology and biodiversity, with both Leicestershire County Council's Planning Ecology team and Natural England being consulted on the application.

Having reviewed the submitted documents, the LCC Ecology team has confirmed that no evidence of protected species were present on site. As part of the proposed landscaping plan, enhancements to the northern areas of the application site have been proposed including a wildflower meadow and large pond. The enhancements proposed would achieve a biodiversity net gain of approximately 3.45% which is considered acceptable by the County Ecology Team. Conditions can be imposed requiring full biodiversity net gain plans to be submitted and approved (alongside the landscaping proposals), and a 30 year management plan to be agreed (also to be secured by condition).

Although biodiversity net gain is not explicitly referred to in the Blaby Local Plan, the NPPF states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity. Given the scale of the development and the changes to the currently undeveloped northern part of the site, it is therefore considered appropriate to achieve measurable net gains for biodiversity. It has been

demonstrated that this can be achieved on site, given that there is still a large area on the northern part of the site which will remain undeveloped.

As part of the Environmental Impact Assessment, the impact of the proposals on biodiversity and ecology has been assessed. This includes an assessment of the significance of the impact upon the various species of wildlife which includes birds, hedgehogs, amphibians, reptiles, badgers and bats. During the construction phase there would be some adverse impacts given the partial loss of grassland and other habitats. However, given the lack of wildlife identified on the site and the low value of the existing habitats/ biodiversity found on site on the site, the adverse impacts have been found to be of minor significance. Any adverse impacts would be mitigated by the biodiversity net gain being provided for the site once the development is complete, which would include 33 new trees, 0.792 hectares of new wildflower meadows/ semi-improved grassland, 450 square metres of new wildlife pond, along with habitat improvements and replacement of 1.983 hectares of hardstanding and 0.21 hectares of tall ruderal (waste ground vegetation) with semi-improved grassland and wildflower meadows. These habitat creation and enhancement measures would increase the extent and quality of these habitat types on the site in the long time and would combine to achieve the overall biodiversity net gain of 3.45%

Other Matters

The District Council's Environmental Services team has been consulted and has raised no objections to the application regarding land contamination, air quality, noise/vibration, lighting and the impacts of the construction phase subject to the imposition of suitable conditions. Objections have been received regarding the parking along the entrance to the site being overcrowded, the highway network having too much congestion, mud on the roads, dirt and airborne contamination, vibrations during construction and disruption to health and property. Most of these objections are in relation to the construction of the exiting prison site and the impacts that this additional house block would have upon the neighbouring residential properties. There are a few objections raised such as vibrations and concern about impact on health and property damage during construction which would fall under remit of the District's and neighbouring authority's Environmental Health departments to assess.

As part of the proposal, the development seeks to use the existing on-site surface water drainage system for the prison via conveyance swales and an attenuation tank. The Lead Local Flood Authority was consulted and has stated that it raises no objection to the application subject to suitable conditions.

Environmental Impact Assessment

The Environmental Statement which accompanies the application considers issues relating to townscape and visual amenity, and ecology and biodiversity. The Environmental Statement considers any significant adverse effects on the environment which may be caused by the development, particularly when considering the cumulative impacts together with the prison development currently under construction.

In relation to townscape and visual amenity, this concludes that the siting, layout and design of the development within an enclosed landscape means that there is limited visibility of the proposal from receptor locations outside the site, and the proposed additional landscaping proposals (which can be conditioned) would provide an attractive and ecologically valuable setting to the development. It concludes that the effectiveness of these measures is evident from the small number of localised significant effects identified, generally limited to two viewpoints only during winter months. The proposed buildings are of a similar height and scale to those previously approved, which are also part of the enclosed site with a good degree of landscaping, and therefore it is not considered that any cumulative effects are also satisfactorily mitigated.

In relation to ecology and biodiversity, the Environmental Statement concludes that the development would provide newly created habitat and habitat enhancement which would result in a 3.45% increase in biodiversity on the site. Habitats would be managed and monitored in the long-term in order to maintain the biodiversity of the site. The measures to manage and monitor the site for biodiversity value can be set out in a Landscape and Ecology Management Plan, secured by planning condition.

In summary, there are not considered to be any significant environmental impacts which cannot be satisfactorily mitigated.

Conclusion

The proposal seeks to construct an additional residential housing block and ancillary structures directly to the north of the existing build site of the current Glen Park Prison (also known as HMP Fosse Way) which currently is an area of grassland. As discussed above, the residential housing block would be sited centrally away from the most sensitive residential receptors to the east and west of the site which is considered to mitigate the adverse impacts that could potentially arise from the proposal. This along with a robust landscaping plan is considered to screen the adverse impacts to an acceptable degree. The local wildlife and habitats are considered to be of low value and the addition of biodiversity net gain is considered to be beneficial for the area with the creation of the wildflower meadows and a wildlife pond. The highway authority has assessed the impact upon the local highway, parking provision for the site, internal layout/ accesses and have raised no objection to the proposal.

As such, with the imposition of suitable conditions, it is the opinion of Officers that the proposal be granted planning permission.