

DATE: 28th February 2023
MY REF: Planning Committee
YOUR REF:
CONTACT: Democratic Services
TEL NO: 0116 272 7640
EMAIL: committees@blaby.gov.uk

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, 9 MARCH 2023** at **4.30 p.m.** for the transaction of the following business and your attendance is requested.

Yours faithfully



Louisa Horton
Corporate Services Group Manager and 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 16 February 2023 (enclosed).

4. Applications for Determination (Pages 5 - 24)

To consider the reports of the Development Services Team Leader.

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, 16 FEBRUARY 2023

Present:-

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

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

Cllr. Trevor Matthews
Cllr. Christine Merrill
Cllr. Phil Moitt

Cllr. Mike Shirley
Cllr. Bev Welsh

Officers present:-

Cat Hartley	- Planning & Strategic Growth Group Manager
Kristy Ingles	- Development Services Manager
Helen Wallis	- Senior Planning Officer
Stephen Dukes	- Development Services Team Leader
Linda Durham	- Solicitor
Sandeep Tiensa	- Senior Democratic Services & Scrutiny Officer
Nicole Cramp	- Democratic & Scrutiny Services Officer
Isaac Thomas	- Democracy Support Officer

Apologies:-

Cllr. Sam Maxwell

1. DISCLOSURES OF INTEREST

No disclosures were received.

2. MINUTES

The minutes of the meeting held on 12 January 2023, as circulated, were approved and signed as a correct record.

3. APPLICATIONS FOR DETERMINATION

Considered – Report of the Development Services Team Leader.

1

Planning Committee - Thursday, 16 February 2023

22/1045/FUL

Site clearance and erection of 2 single storey dwellings (Use Class C3) with access from College Road and on-site parking, together with associated works including landscaping. Land between 86 and 88 College Road, Whetstone.

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.

- Richard Cook – Agent

DECISION

THAT APPLICATION 22/1045/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1. 3-year time limit condition
2. Approved plans
3. Materials to be submitted and agreed
4. Details of finished floor levels
5. Foul and surface water drainage to be implemented in accordance with drainage plan.
6. Drainage maintenance regime details to be submitted
7. Landscaping to be submitted and agreed
8. Landscaping to be implemented
9. Access to be provided
10. Access to be surfaced in a bound material
11. Parking and turning facilities to be implemented
12. Surface water not to drain into public highway
13. Provision of secure cycle parking
14. Bin storage to be provided in accordance with plan
15. Removal of permitted development rights for extensions (including to the roof) and outbuildings
16. Implementation of ecological enhancements – installation of bat and bird boxes, hedgehog shelter and ‘hedgehog highways’
17. Demolition and construction method statement

THE MEETING CONCLUDED AT 5.12 P.M.

Blaby District Council

Planning Committee

Date of Meeting **9 March 2023**
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 **27 February 2023** 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
	22/0943/FUL	7	Beeches Farm, Whetstone	Approve
	23/0062/FUL	16	Car Park, Johns Court, Blaby	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

22/0943/FUL

Registered Date
14th September 2022

Beeches Farm Ltd

Extension and consolidation of staff parking and vehicle storage area to south of site, incorporating new earth bund, structural landscaping, retention of existing pond and wider landscaping/planting measures – Beeches Farm, Lutterworth Road, Whetstone (Blaby Parish).

Report Author: Ian Davies, Development Services Team Leader

Contact Details: Council Offices. 0116 272 7688

RECOMMENDATION:

THAT APPLICATION 22/0943/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1. Statutory time limit.
2. List of approved plans.
3. Approved landscaping to be implemented and retained.
4. Details of any future external lighting details and CCTV to be submitted and agreed.
5. Car parking and storage areas and servicing areas to be provided as shown on the submitted drawings.
6. Existing trees to be protected during construction works.
7. The recommendations contained within the submitted Construction Environmental Management Plan (CEMP) and the Landscape Environmental Management Plan (LEMP) shall be implemented and strictly adhered to.

Relevant Planning Policies

National Planning Policy Framework (NPPF)

Planning Practice Guidance (NPPG)

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

Policy CS1 – Strategy for Locating New Development

Policy CS6 - Employment

Policy CS16 – Green Wedge

Policy CS19 – Bio-diversity and Geo-diversity

Policy CS21 – Climate Change
Policy CS24 – Presumption in Favour of Sustainable Development

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

DM2 – Development in the Countryside
DM8 - Local Parking & Highway Design Standards

Blaby Neighbourhood Plan (2018)

BNP2 – Green Wedges
BNP9 – Settlement Boundary

Other Supporting Documents

- Blaby Landscape & Settlement Character Assessment (Jan 2020)
- Leicestershire Highway Design Guide

Consultation Summary

Blaby Parish Council – Has no comments to make on the proposal.

Countesthorpe Parish Council (as adjoining parish) – No comments received.

Leicestershire County Council Ecology – No objections subject to the imposition of conditions.

Leicestershire County Council, Highways (LHA) – Initially requested the submission of further information. This additional information has been received and Members will be updated at the Meeting of the Highway Authority's position.

Whetstone Parish Council (as adjoining parish) – No comments received.

Third Party Representations

None.

Relevant Planning History

19/0275/FUL	Demolition & erection of replacement general industrial units (Class B2), additional hardstanding & change of use of existing dwelling to offices	Approved 01/08/2019
-------------	---	------------------------

(Use Class B1) and ancillary facilities.

21/0525/FUL	Single storey extension to side of Unit 3.	Approved 10/01/2022
21/1146/VAR	Variation of Condition 2 attached to planning permission 19/0275/FUL to reflect the development as built (the approved units have been redesigned and built as 3 separate buildings and their heights have been lowered and elevations changed)	Approved 03/12/2021

The Site

The application site is located to the east of the A426 and is directly to the south of Whetstone Juniors Sports Club football ground. The site comprises a number of modern industrial buildings and a converted former farm house now used as office accommodation. The wider site is used for car parking, storage and circulation in association with the businesses of Fix Auto Leicester Ltd and Rokat Performance Coatings. The site is served by an existing access onto the A426.

Also within the site is a wider area of grass meadow with orchard trees contained by hedgerows to the south, east and west.

The Proposal

It was brought to the Council's attention in 2022 that various works (mainly earth moving) were being undertaken on this site, and following an investigation it was found that a number of the works being undertaken required planning permission. Since the investigation concluded, your Officers have been actively working with the applicants to arrive at a scheme that will meet the long term commercial needs of the applicants whilst also providing an acceptable scheme and solution in planning terms. This application has therefore been submitted in an attempt to partly regularise works that have already been undertaken and to seek permission for other associated works. The application now before Members proposes the following:

- The formalisation of 16 car parking spaces at the front of the site for customers and handover;
- The formalisation of 7 car parking spaces in the working area beyond the internal site barrier;

- The formalisation of car and vehicle storage space for approximately 52 vehicles awaiting works;
- The formalisation of an earth bund created to the south of the vehicle storage area;
- The creation of a new staff car parking area with 26 spaces;
- The formalisation of a pond that was created to meet fire regulations;
- The planting of the earth bund with a native tree and shrub mix;
- The planting of a native hedgerow and trees at the southern edge of the new staff parking area and earth bund;
- Various landscaping improvements within the wider site.

The site is occupied by two local businesses and the applicant has confirmed that the nature of those businesses is that to function effectively they need to increase their operational space associated with their buildings for both manoeuvring and outside storage of vehicles awaiting work. The businesses also want to be able to present an attractive appearance to customers and visitors.

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.

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.

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 the settlement boundary, but the primary use is already in existence and 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 CS6 – Employment

Policy CS6 specifically refers to the encouragement of the growth of existing businesses and more generally, to assist in supporting investment. The current application will assist in maintaining an active and local employment site, and enable the applicant's continued investment in the site. The proposed works therefore comply with the aims of Policy CS6.

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 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 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 settlements of Blaby and Whetstone and Countesthorpe. 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 than existed previously.

Your Officers further consider that as this current proposal is only for a minimal increase in the operational area of an existing business use (which will also deliver landscape and ecological benefits) then the policy conflict with CS16 should carry little weight in the determination of this application.

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 (notably a Construction Environmental Management Plan (CEMP) and a Landscape Environmental Management Plan (LEMP)) the Leicestershire County Council Ecology have confirmed that they are satisfied that no significant ecological impacts will arise because of the development. It should also be borne in mind that the proposed landscaping (which includes hedgerow and tree planting) combined with the long term management of the retained grassland will provide long term enhancement of the site.

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 incorporates suitable ecological mitigation and enhancements and 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.

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 are, at the time of preparing this Report, being assessed by the County Highway Authority and Members will be updated at the Meeting on this aspect. Members should note however that there is no increase in operational floorspace on the site, and the development proposed will provide a more structured and logical revision to the rather haphazard parking arrangements currently on site.

Blaby Neighbourhood Plan (2018)

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 but for the same reasons as set out when considering Policy CS16 above, your Officers consider that this conflict should carry limited weight in the consideration of this application.

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 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.

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 conditions set out earlier in the report.

23/0062/FUL

Registered Date
27th January 2023

Mr Paul Coates

Demolition of the existing dilapidated brick built toilet block and erection of new modular 'changing places' and toilet facility.

Car Park, Johns Court, Blaby, Leicestershire

Report Author: Clementyne Murphy, Senior Planning Officer.

Contact Details: Council Offices. Tel: 0116 272 7692.

RECOMMENDATION:

THAT APPLICATION 23/0062/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

- 1) Statutory 3 year condition
- 2) Approved Plans
- 3) Materials as specified on the approved plan and materials schedule
- 4) Submission of Demolition and Construction Management Plan prior to commencement
- 5) Details of lighting, CCTV facilities to be agreed prior to installation

NOTES TO COMMITTEE

This application has been brought before the Planning Committee as the applicant is Blaby District Council.

Policy

National Planning Policy Framework (2021)

National Planning Guidance

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

- CS1 Strategy for locating new development
- CS2 Design of new development
- CS13 Retailing and other town centre uses
- CS24 Presumption in favour of sustainable development

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

- DM1 Development within the settlement boundaries
- DM8 Local parking and highway design standards

Blaby Neighbourhood Plan (Adopted February 2018)

BNP1 Character and Environment
BNP5 Development in Blaby Town Centre
BNP8 Design of new development
BNP9 Settlement Boundary

Consultations

Blaby District Council, Environmental Services – Has no objections and has commented as follows:

“I have considered the documents submitted with regard to the following potential planning constraints: Noise and Disturbance/Waste Storage and Handling Assessment of impact of the proposed development

I have had a look at the development and I have no objections in principle to the development. The location of the development is not in a flood zone or an area known to be contaminated.

Drainage

I note from the application that drainage connections for foul and surface water will be to the mains sewer. A suitable condition could be included in the decision notice requiring these details to be submitted to the planning authority.

Noise and Disturbance

Due to the close proximity of the proposed development to existing buildings, I recommend that a Demolition, Construction Management Plan is submitted to, and approved in writing by the local planning authority prior to the commencement of the operations. The approved statement shall be adhered to throughout the construction phase. The plan shall provide for;

- *The parking of vehicles of site operatives and visitors*
- *Loading and unloading of plant and materials*
- *Site compound locations*
- *Storage of plant and materials used in constructing the development*
- *Measures to control the emissions of dust and dirt during the demolition and construction*
- *Measures to control the emissions of noise during demolition and construction referring to appropriate*
- *standards*
- *Hours of demolition, construction and deliveries*

I recommend that the following notes to applicant are attached to any consent granted

- *Given that the location of the development is in a busy public space, the developer should ensure full compliance with health and safety legislation during the development”*

Blaby Parish Council – Has no comments to make.

Leicestershire County Council, Highways – Has no objections and has commented as follows:

“The proposed toilet block would be located some 60 metres from the public highway (Enderby Road) within a car park that is not maintained by the Local Highway Authority.

Consequently, there would appear to be no material impact on the public highway and therefore the Local Highway Authority has no comments to make.”

Representations

One representation was received during the consultation process, which neither objected nor supported the application. The comments raised the question as to whether there will be free access to the toilets via the use of a RADAR key.

Relevant Site Address History

None.

EXPLANATORY NOTE

The Proposal

This application seeks planning permission for the demolition of the existing dilapidated brick built toilet block and erection of new modular 'changing places' and toilet facility.

The new toilet block is to be located within the same location as the existing block with a mono pitched roof. The replacement facilities will measure 6m in width and 3.4m in depth with a height of 2.95m to the ridge and 2.6m to the rear eaves. The new toilet block is to be constructed using rustic red brick slip cladding and kiln fired natural clay brick slips for the elevations, a sedum roof and will be fitted with steel doors.

The block proposes two toilets accessed via the western flank elevation and a store room accessed via the southern flank elevation. The smaller toilet proposes a unisex singular toilet with wash basin and contactless entry. The larger toilet proposes a 'changing places' facility equipped with ceiling hoists, toilet, changing bed and height adjustable wash basin with keypad entry.

The Site

The site is located within Blaby Town Centre specifically within the Johns Court Car Park to the north of the Johns Court shopping units, within the settlement boundaries of Blaby as defined on the Blaby District Local Plan Proposals Map (2019).

The site is bounded by existing car parking spaces and is also located approximately 12m from Blaby Library located to the north of the site with service yards for shops fronting Lutterworth Road to the east and south. Additionally, the wider car park area

has residential flats accessed via Johns Court to the south and the garden boundaries of residents residing in Holly Grove are located to the west.

As stated previously, the site houses an existing toilet block however, this facility has been closed to the public since the outbreak of the COVID-19 Pandemic. The site has a history of reports of anti-social behaviour and vandalism (breakages of vanity units etc). A grant has been secured for a changing places unit of £70,000 and the District Council itself has committed £100,000 to the project to ensure that a new purpose built toilet block is constructed with secure and modern facilities to serve the visitors to Blaby Town Centre. Lastly, the development also seeks to create two disabled parking bays to the west of the development, this is to ensure those using the 'changing places' unit can park safely and near to the toilet block.

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.

National Planning Policy Framework (NPPF)

The National Policy Framework establishes the key principles for pro-actively 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.

It also sets out the planning approach that the Government wishes to see in relation to many aspects of the planning system - with the golden thread running through the decision making process being the presumption in favour of sustainable development.

It suggests that in decision-taking, this means approving development proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out of date, to grant permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole; or
- Specific policies in the NPPF indicate development should be restricted.

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. Lower levels of growth are allowed in Rural Centre's, Medium Central Villages and Smaller Villages. The policy encourages development of previously developed land (brownfield) and underused land and buildings.

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. The design of new development should also be appropriate to this context.

Policy CS13 - Retailing and other town centre uses

Policy CS13 seeks to deliver the infrastructure, services and facilities required to meet the needs of the population of the District of Blaby, including those arising from growth, and to make services accessible to all. Policy CS13 requires to improve the design quality of all new developments in the District including the need to design out crime.

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, including housing delivery - 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 will take a positive approach and will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible.

Blaby Local Plan Delivery Development Plan Document (Delivery DPD) (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 within the Settlement Boundaries

Policy DM1 seeks to support suitable development located within the boundaries of existing settlements where the proposal meets a number of criteria. Development proposals consistent with other policies of the Local Plan will be supported.

Policy DM8 – Local Parking and Highway Design Standards

States that development will be required to provide an appropriate level of parking provision that complies with the most up to date Highways Design Guide and is justified by an assessment of the site's accessibility and the type of development proposed.

Blaby Neighbourhood Plan (2018)

Policy BNP1 – Character and Environment

Policy BNP1 states that all new development shall create a sense of place appropriate to its location (using the identified Character Areas Maps) by reflecting the principal characteristics of adjacent area(s) in regards to scale, layout and materials.

Policy BNP5 - Development in Blaby Town Centre

Policy BNP5 states that development within the Town Centre must accord with the general principles set out in the Blaby Town Centre Masterplan, except in exceptional circumstances and ensure that development provides a clear and robust urban design framework to guide future (re)development; improves linkages within the Town Centre and addresses sustainable transport issues.

Policy BNP8 – Design of New Development

Policy BNP8 states that new development within Blaby should incorporate design features which enhance and complement Blaby's important housing, commercial and historic character and reflect the principles of the various character areas. The site does not fall within any of the specific character areas identified.

Policy BNP9 – Settlement Boundary

Policy BNP9 states that the location of future development will be focused within the identified settlement boundary whilst allowing for sustainable development within the Green Wedges and countryside. New development will be supported within the settlement boundary, subject to the proposed development having a satisfactory relationship with other nearby uses.

Planning 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:

- The principle of development
- Impact on Character and Appearance of the Area
- Impact on residential amenity
- Highway and parking implications

The Principle of Development

Policy CS1 seeks to focus new development in the most sustainable locations in the district. The application site is located within the Settlement Boundaries of Blaby, specifically within the town centre and is therefore considered a sustainable location. Policy DM1 sets the principle for development within the settlement boundary provided it has a satisfactory relationship with nearby uses and would not be significantly detrimental to the amenities enjoyed by existing and nearby residents. Given the nature of the proposal in this location it is considered that the principle of development has been established, subject to its impacts in terms of residential amenities and the character of the area.

Additionally, Policy CS13 aims to ensure that all new development within town centres design out crime and stipulates that measures to improve its accessibility, and for improvements to the quality, safety, convenience and attractiveness of the environment will be supported. Furthermore, Policy BNP5 seeks to ensure that all development accords with Blaby Town Centre Masterplan which seeks to secure all development meet the following aims;

1. To create an attractive Town Centre environment;
2. To achieve greater pedestrian priority whilst also meeting the needs of motorists and enhancing public transport provision;
3. To strengthen access to the Town Centre from surrounding residential areas, especially for pedestrians;
4. To improve car parking within the Town Centre;
5. To retain and attract a sustainable range of shops and services;
6. To capitalise on local heritage features to enhance the visitor experience;
7. To improve existing open spaces, particularly Bouskell Park, and improving integration of these facilities with the Town Centre;
8. To develop a higher quality leisure offer and enhance the evening economy;
9. To develop a distinctive and marketable image and identify for the Town Centre.

Your officers consider that the replacement of these toilet facilities accords with both Policy CS13 and Policy BNP5 and the aims of the Blaby Town Centre Masterplan. Given the existing toilet block is dilapidated and unusable by members of the public, the new toilet block with sedum roof will create a more attractive town centre environment, improve facilities within the town centre and also be attractive not just to residents visiting the town but to visitors/tourists promoting tourism with the Blaby District.

Impact on the character and appearance of the area

The new toilet block is to be constructed using rustic red brick slip cladding to the external elevations and provided with a sedum “green” roof. Furthermore, the development proposes 1.5mm Magnelis steel doors to ensure the safety of the block from any potential vandalism. The overall design of the building proposes a somewhat smaller footprint to that of the existing block, however, proposes a similar design.

Your officers consider that given the built development within the immediate locality is predominantly constructed using red bricks to elevations, the proposed rustic red brick slips are an appropriate material choice and ensure the scheme is in keeping with the existing development patterns of the area. The addition of a sedum roof is considered to promote biodiversity (albeit in a small way) and will accord with the Blaby District Council's green agenda and provides an additional layer of insulation to the building.

The toilet block proposes to retain the existing designated hatched standing area for those waiting outside of the block to ensure safety from motorists using the car park. Furthermore, the development also seeks to provide two disabled parking bays to the west of the development, this is to ensure those using the 'changing places' unit can park safely and near to the toilet block, it is considered this addition would not materially impact the character and appearance of the area.

Impact on Residential Amenity

Policies CS2, DM1 and BNP8 in addition to enhancing the design of new development within the district, also set out criteria for development proposals to meet, to satisfy that the development works will not be significantly detrimental to the amenities enjoyed by existing or new occupiers of nearby uses. Development proposals that meet the criteria and provide a satisfactory relationship will be supported.

Given the siting of the replacement toilets it is considered there will be minimal impacts on the amenities of neighbouring occupiers. It is noted that some boundaries to the rear residential gardens of Holly Grove and the Flats to the northern side of Johns Court are within a 20m radius of the development, however, given its use, it is not considered to materially affect current or future occupants residing within these properties.

The submission of a Demolition and Construction Management Plan has been requested by BDC Environmental Services given the location of the site. This is proposed to be added as a pre-commencement condition to stipulate measures to control the emissions of dust and dirt during demolition and construction dust and hours of construction and deliveries. This is considered appropriate to ensure residents residing near to the site are not greatly impacted by the development and to keep those visiting the town centre safe.

Highways and Parking Implications

The location of the proposed toilet block does not seek to encroach onto any existing car parking spaces. However, the scheme does seek to provide an addition of two disabled parking bays to the west of the development. Whilst this does create a net loss of two existing "general use" car parking spaces this is not considered to negatively impact on the overall parking given the inclusion of two additional disabled parking spaces and given the negligible loss. The disabled parking spaces comply with the standards set out in the latest up-to-date Highways Design Guidance.

LCC Highways have confirmed that they do not wish to make any comments on the application as the car park is within private ownership and the development has no

material impact on the public highway. As such it is considered the scheme complies with policy DM8 and the latest up-to-date Highways Design Guidance.

Other matters for consideration

It is noted that BDC Environmental Services requested a condition be added to the decision notice to discharge drainage details. However, your officers have considered that this condition would not be expedient at this time given the toilet block is to be built within the existing location as the original toilet block and seeks to utilise the existing drainage connections.

Third Party Representations

A question has been raised in during the consultation period as to whether the disabled toilet will still be accessed via radar key and whether the toilets will still be free to use. Due to the vandalism of the last toilets, the decision has been taken that the unisex toilet will now operate using a contactless card entry system, this is hoped to deter vandalism and any anti-social behaviour. Furthermore, the 'changing places' unit is to be accessed via a key pad. The pin for the keypad will be obtained by users calling a 24/7 365 days a year customer service desk. Given the high value equipment such as hoists and height adjustable sink that is to be located within the facility, it is considered that this process adds an additional layer of safety to ensure the unit is adequately protected.

Conclusion

Your Officers consider that the new toilet block will enhance Blaby Town Centre whilst providing much needed facilities for anyone visiting the area. As such, and on the basis of the information as set out above, and in the absence of any technical objections to this development, this application is accordingly recommended for approval subject to the imposition of the stated conditions.
