

DATE: 30 April 2024
MY REF: Planning Committee
YOUR REF:
CONTACT: Democratic Services
TEL NO: 0116 272 7638
EMAIL: committees@blaby.gov.uk

To Members of the Planning Committee

Cllr. Lee Breckon JP (Chairman)
Cllr. Mike Shirley (Vice-Chairman)

Cllr. Cheryl Cashmore
Cllr. Tony Deakin
Cllr. Richard Holdridge

Cllr. Dillan Shikotra
Cllr. Bob Waterton
Cllr. Bev Welsh

Cllr. Neil Wright

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber - Council Offices, Narborough on **THURSDAY, 9 MAY 2024** 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 - 10)

To approve and sign the minutes of the meeting held on 4 April 2024 (enclosed).

4. Applications for Determination (Pages 11 - 40)

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, 4 APRIL 2024

Present:-

Cllr. Lee Breckon JP (Chairman)
Cllr. Mike Shirley (Vice-Chairman)

Cllr. Cheryl Cashmore
Cllr. Tony Deakin
Cllr. Richard Holdridge

Cllr. Dillan Shikotra
Cllr. Bob Waterton
Cllr. Bev Welsh

Cllr. Janet Forey

Substitute:-

Cllr. Janet Forey (In place Cllr. Neil Wright)

Officers present:-

Louisa Horton	- Executive Director - Communities and Monitoring Officer
Jonathan Hodge	- Planning & Strategic Growth Group Manager
Kristy Ingles	- Development Services Manager
Ian Davies	- Development Services Team Leader
Stephen Dukes	- Development Services Team Leader
Helen Wallis	- Senior Planning Officer
Sandeep Tiensa	- Senior Democratic Services & Scrutiny Officer
Nicole Cramp	- Democratic & Scrutiny Services Officer
Isaac Thomas	- Democracy Support Officer

Apologies:-

Cllr. Neil Wright

268. DISCLOSURES OF INTEREST

- Cllr. Mike Shirley** - 22/0048/FUL, Lychgate Lane, Aston Flamville
- Nature of Interest** - Other Registerable Interest
- Extent of Interest** - Aston Flamville is part of Cllr. Shirley's ward. Cllr. Shirley has arrived at the meeting with an open mind and will take part in the discussion and vote on the item.
- Cllr. Mike Shirley** - 23/0740/FUL, Highfields Farm, Stoney Stanton
- Nature of Interest** - Other Registerable Interest
- Extent of Interest** - Cllr. Shirley was involved in the production of the Fosse Villages Neighbourhood Plan. Cllr. Shirley has arrived at the meeting with an open mind and will take part in the discussion and vote on the item.

269. MINUTES

The minutes of the meeting held on 7 March 2024, as circulated, were approved and signed as a correct record.

270. APPLICATIONS FOR DETERMINATION

Considered – Report of the Senior Planning Officer.

22/0048/FUL

Elgin Energy EsCo Ltd

Ground mounted photovoltaic solar farm with an electrical generating capacity of approximately 20MW together with associated equipment, infrastructure and ancillary works.

Land North and South of Lychgate Lane, Aston Flamville

Public Speaking

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

- Mr Jonathan Legg – Agent

DECISION

THAT APPLICATION 22/0048/FUL BE APPROVED SUBJECT TO THE REVISED CONDITIONS SET OUT IN THE SUPPLEMENTAL AGENDA ITEM 4:

1. Statutory 3 year condition.
2. Development to be built in accordance with approved plans and documents.
3. Permission granted for a period of 40 years from first export of electricity and site decommissioned and restored after this period.
4. Decommissioning Scheme to be submitted and approved no later than 39 years from the date of the first export of electricity and implemented as approved.
5. In the event of site is no longer required for purposes of electricity generation or ceases to operate for a continuous period of 12 months prior to the expiry of the 40 year period; a Decommissioning Scheme shall be submitted and approved.
6. Prior to the commencement of development full details of final location, design, materials (including colour) and construction methods to be used for the panel arrays, substation, inverters, fencing, access tracks and CCTV cameras to be submitted and approved.
7. Landscape and Ecological Management Plan (LEMP) to be submitted to and approved and to be adhered to for the lifetime of the development.
8. Detailed scheme for landscaping the site to be submitted and approved, including details of replacement hedgerow at Parcel B access.
9. Landscaping to be completed by end of first planting season following first export of electricity from the site.
10. Biodiversity Management Plan to be submitted and approved. Strategy to be based on submitted Biodiversity Net Gain metric and consistent with approved LEMP and adhered to for lifetime of the development.
11. Development to proceed in accordance with the recommendations of the submitted Ecology Report.
12. Tree and hedges on the site to be protected in accordance with the methods outlined in Arboricultural Impact Assessment and the Tree Protection Plan and adhered to during construction and decommissioning periods.
13. Details of any external lighting to be submitted and approved prior to its installation.
14. Construction Environmental Management Plan (CEMP) to be submitted and approved and development implemented in accordance with the approved details.
15. Updated Construction Traffic Management Plan, including construction

traffic routing, to be submitted and agreed and subsequently adhered to.

16. Construction works and operation of solar farm to be carried out in accordance with the submitted Noise Impact Assessment.
17. Methodology for soil stripping, storage and replacement to be submitted and agreed.
18. Details of surface water drainage to be submitted and approved.
19. Details of management of surface water during construction to be submitted and approved.
20. Details of long-term maintenance of surface water drainage system to be submitted and approved.
21. All electrical installations to be located within Flood Zone 1.
22. Scheme for treatment of Public Rights of Way V30 and U63 to be submitted and agreed.
23. Full design details of access to Parcel B to be submitted and approved and implemented prior to construction of substations, inverters or panel arrays.
24. Visibility splays of 2.4m by 65 metres to be provided in each direction at the access to Parcel B prior to the commencement of main construction works.
25. Surfacing of access to Parcel B with hard bound materials for 15 metres behind highway boundary.
26. Highway dilapidation survey to be submitted and approved.
27. Archaeological written scheme of investigation (WSI) for a programme of Stage 1 Archaeological Evaluation to be submitted and approved and evaluation undertaken in accordance with the WSI. If required, further Stage 2 Archaeological mitigation to be undertaken in accordance with a supplementary WSI.
28. Details of sufficient design mitigation to be submitted to and approved for any development in identified Archaeological Exclusion Zones.

Considered – Report of the Senior Planning Officer

20/1373/FUL

Venture Properties Group

Erection of 13 dwellings with associated infrastructure, landscaping and access

Land To Rear Of 27 To 45, Avon Road, Braunstone Town

Leicestershire

Application 20/1373/FUL was deferred from consideration prior to the meeting and agreed to be reported back in due course.

Considered – Report of the Senior Planning Officer

21/1110/LBC

Venture Properties Group

Demolition of existing building

Land To Rear Of 27 To 45, Avon Road, Braunstone Town Leicestershire

Application 21/1110/LBC was deferred from consideration prior to the meeting and agreed to be reported back in due course.

Considered – Report of the Development Services Team Leader

23/0740/FUL

Clowes Developments

Proposed development comprising the erection of 4 buildings (7687 sq.m. total) to house 8 industrial/warehouse units (Use Class B2 and B8) with associated access, parking and landscaping.

Highfields Farm Enterprise Centre, Huncote Road, Stoney Stanton

Public Speaking

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

- Chris Stubbs – Parish Councillor

DECISION

THAT APPLICATION 23/0740/FUL BE APPROVED SUBJECT TO:

The applicant entering into an agreement pursuant to Section 106 of the Town and Country Planning Act to secure the following developer contributions:

- **Travel Packs**
- **Travel Plan Monitoring fee (£11,337.50)**

AND SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1. Statutory time limit.
2. Development to be built in accordance with approved plans.

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3. Materials in accordance with approved details.
4. Individual units to be constructed in accordance with the acoustic specifications outlined in the Noise Assessment.
5. Prior to commencement, Construction Method Statement to be submitted, agreed and subsequently adhered to.
6. Approved finished floor levels of Units to be implemented.
7. The Units restricted to uses and activities falling within Classes B2 and B8 only.
8. Hours of use restricted.
9. Approved landscaping to be carried out.
10. Buffer zone and bund to be provided in accordance with the submitted plans and the details contained in the Noise Assessment and thereafter retained.
11. Reporting of any unexpected contamination encountered during construction and any remedial works necessary.
12. Details of surface water management on site during construction to be submitted and agreed.
13. Surface water drainage to be implemented in accordance with submitted details.
14. Prior to development commencing the submission of a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) to safeguard nearby ecological sensitive areas and on-site species/habitats.
15. Prior to development commencing the submission of a Landscape and Ecological Management Plan (LEMP).
16. Prior to development commencing the submission of a Reasonable Avoidance Measures Method Statement (RAMMS) document.
17. Ecological measures to be implemented in accordance with recommendations set out in the approved Ecological Assessment.
18. Trees and hedges to be protected during construction.
19. No unit shall be first occupied until such time that a "Bat Friendly" external lighting scheme has been submitted to, and agreed in writing by, the District Planning Authority and subsequently implemented in accordance with those approved details.
20. Prior to installation CCTV details to be submitted and agreed.
21. No additional mezzanine levels to be installed in any unit without planning permission.
22. No subdivision of any unit hereby approved without planning permission.
23. No external plant or machinery etc. without planning permission.
24. No external work, assembly or fabrication shall be carried out.
25. Fire doors in rear of units to be kept closed unless in use during an emergency and the loading/delivery doors serving each unit shall be kept closed whilst machinery is being operated within the individual unit.
26. An amended framework Travel Plan to be submitted and agreed prior to first occupation of any unit.
27. Internal access road, off street parking (including HGV parking) and turning facilities and cycle parking to be provided in accordance with approved details.
28. No unit to be first occupied until the site access with Huncote Road (and

internal footway provision) has been constructed in accordance with the submitted details.

29. No unit to be first occupied until vehicular visibility splays provided at site access in accordance with approved plans.
30. Drainage to be provided to prevent water entering the highway.
31. No gates etc to be provided to the site access.

THE MEETING CONCLUDED AT 5.59 P.M.

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**Blaby District Council
Planning Committee**

Date of Meeting **9 May 2024**
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 **26 February 2024** 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
	23/0891/FUL	13	Former Smarties Day Nursery, West Street, Enderby	APPROVE
	24/0143/FUL	32	Unit D, Optimus Way, Glenfield	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

23/0891/FUL

Registered Date
9 November 2023

Morro Partnerships

Erection of 21 dwellings with ancillary car parking, landscaping, drainage and amenity space including demolition of existing nursery buildings.

Former Smarties Day Nursery, West Street, Enderby

Report Author: Max Heagin
Contact Details: Council Offices. 0116 272 7621

RECOMMENDATION:

THAT APPLICATION 23/0891/FUL BE APPROVED SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 AGREEMENT TO ENSURE THE DWELLINGS REMAIN AS AFFORDABLE DWELLINGS AND TO SECURE THE FOLLOWING:

1. A contribution towards off-site open space provision;
2. A contribution towards healthcare provision;
3. A contribution towards library services;
4. A contribution towards education provision;
5. A contribution towards civic waste facilities;
5. Section 106 monitoring contribution

AND SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1. 3 year time limit.
2. Approved plans.
3. Materials in accordance with plan.
4. Details of solar panels to be agreed and provided prior to first occupation.
5. Details of bin collection point to be agreed and provided prior to first occupation.
6. Details of cycle store to be agreed and provided prior to first occupation of plots 12, 13, 14 & 15.
7. Removal of Permitted Development rights for extensions/additions to any of the dwellings or any further buildings within their curtilages without prior approval from the District Planning Authority.
8. No further openings/windows without prior approval on side elevation of plots 1, 6 & 21.
9. Obscure glazing to bathroom windows
10. Finished floor levels and land levels to be agreed.
11. Tree & hedge protection in accordance with Arboricultural Impact Assessment.
12. Soft landscaping scheme to be submitted.
13. Landscaping scheme to be carried out and retained/replaced as necessary.
14. Land and contamination ground investigation to be agreed and to be carried out prior to commencement.
15. Provision of Construction Management Plan (to include a Traffic Management Plan and piling method statement (if applicable)) to be submitted and agreed prior to commencement.

16. Provision of pedestrian visibility splays prior to first occupation.
17. Provision of vehicular visibility splays prior to first occupation.
18. Access arrangements & removal of gates prior to first occupation.
19. Parking and turning facilities as shown to be provided prior to first occupation and retained.
20. Access road surfacing prior to first occupation.
21. No walls or gates to be erected fronting highway.
22. Foul water drainage details to be submitted.
23. Provision of surface water drainage scheme to be submitted and agreed prior to commencement.
24. Provision of details of surface water management during construction to be submitted and agreed prior to commencement.
25. Long-term maintenance plan of the surface water drainage system within the development to be submitted and approved.
26. Infiltration testing to be carried out and agreed prior to commencement.
27. Landscape Ecological Management Plan to be agreed prior to commencement then implemented prior to first occupation and monitored in accordance with approved details.
28. Provision of Bat survey prior to commencement.
29. Provision of lighting plan prior to installation.
30. Provision of Environmental Management Plan prior to commencement.
31. Badger walkover prior to commencement.
32. Submission of Biodiversity Enhancement Management Plan including landscape plan prior to commencement then implemented prior to first occupation and monitored in accordance with approved details.

NOTES TO COMMITTEE

Relevant Planning Policy and Legislation

Blaby District Local Plan (Core Strategy) Development Plan Document (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 CS10 – Transport Infrastructure
 Policy CS11 – Infrastructure, Services and Facilities to Support Growth
 Policy CS12 – Planning Obligations and Developer Contributions
 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 (Adopted February 2019)

Policy DM1 – Development within the Settlement Boundaries
 Policy DM4 – Connection to Digital Infrastructure

Policy DM8 – Local Parking Standards and Highway Design
Policy DM13 – Land Contamination and Pollution

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Other Supporting Documents

Blaby District Council Supplementary Planning Document “Planning Obligations and Developer Contributions” (Feb 2010)

Consultation Summary

Blaby District Council, Environmental Health – No objections subject to the imposition of conditions for ground contamination investigation, construction management plan and piling method statement.

Blaby District Council, Housing Strategy Team – Support the application and proposed housing mix providing data regarding current need within the district. This is discussed in greater detail later in the report.

Blaby District Council, Neighbourhood Services – No objection following provision of swept path analysis for refuse vehicles within the site.

Enderby Parish Council – Comments as follows:

“The Enderby Parish Council is, in principle, in favour of the proposal to utilise this Brownfield site which is within settlement boundaries, to provide residential accommodation with 100% affordable housing starter homes acknowledging this type of housing is needed in the area.

Although noted the Developer has submitted a Construction Plan, the Council does not feel the amendments address the Parish Council’s concerns in respect of Highway Safety, Parking, Green Space and Tactile Paving.

Enderby Parish Council therefore does not believe the amendments made to Planning Application 23/0891/FUL address its previous concerns and would re-iterate the following observations: -

- *Site Access*

The ingress/egress to the site is on a blind bend. West Street/Shortridge Lane already have significant traffic problems caused by parked cars close to the blind bend which reduce the roads to a single lane leading to poor visibility. The applicant should consider measures to mitigate the traffic problems in this area caused by parked cars / tightness of the bend such as stop sign, priority board, Give Way signs, particularly as this forms part of a school route into the Village.

- *Parking*

Although now numbered, tandem parking bays remain proposed within the development site. These are not considered practical and will exacerbate on-street

parking issues. In addition, it is noted there is no provision for visitor parking. It is therefore requested the external layout is re-visited to improve the parking provision on site.

- *Cycle Parking*

The proposal includes a cycle store for the apartments but not for the houses. It is requested a communal cycle shelter is provided in a central location wherever possible (Leicestershire County Council's Highways 6Cs Design Guide).

- *Site Entrance*

Attention should be given to the ingress/egress of the site to improve this for pedestrianised access. The current proposal does not provide a safe pedestrian access and a footpath onto the site should be constructed to Highway standards to provide safe passage for pedestrians.

- *Open Space*

The current proposal provides no meaningful open space. The location of the open space renders it virtually unusable and concerns are raised this may increase anti-social behaviour. It is requested the site layout is revisited to make the open space more central and accessible/usable.

- *Solar Panels*

Enderby Parish Council would strongly encourage the use of solar panels and suggest that this forms a condition of the development.

- *Swift/Bat Boxes*

A request is made for the inclusion within the development site for Swift and Bat boxes to improve wildlife habitats.

- *S.106 Developer Contributions*

Should Blaby District Council be minded to approve this planning application the Enderby Parish Council would seek S.106 contributions from the Developer towards the Enderby New Cemetery extension, The King George V Playing Field Charitable land, Mill Lane and other open space provision within the area."

Leicestershire County Council, Archaeology – No objections, no further archaeological investigation required.

Leicestershire County Council, Developer Contributions – Requested contributions in respect of Libraries, Waste and Education.

Leicestershire County Council, Ecology – No objections subject to the imposition of conditions for Landscape Ecological Management Plan, Biodiversity Enhancement Management Plan, Construction Environmental Management Plan, lighting plan, badger walkover and bat survey.

Leicestershire County Council, Highways – Has not objected subject to the imposition of conditions.

The Highway Authority has also provided the following comments:

“The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework (December 2023), subject to the conditions and/or planning obligations outlined in this report.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been re-consulted on a planning application at the Former Smarties Day Nursery West Street Enderby. This application is for the erection of 21 dwellings with ancillary car parking, landscaping, drainage and amenity space including demolition of existing nursery buildings.

The LHA previously responded to this application on 19th March 2024 advising that further information would be required to fully assess the impact of the proposed development on the highway network.

The additional information requested was as follows:

- To provide a revised drawing which demonstrates the tactile paving in line in accordance with Leicestershire Highway Design Guide ((LHDG) available at: resources.leicestershire.gov.uk/lhdg); Standard Drawing SD/11/20A.*

The LHA understands that the Applicant has now submitted the following information:

- WSEL-BSP-XX-XX-D-H-0002 PO8 Visibility splays and Geometries*
- WSEL-BSP-XX-XX-D-H-0001 P08 Swept Path Analysis*
- 223066-IMA-ST-XX-DR-A-050104 PO6 Proposed Materials plan*
- 223066-IMA-ST-XX-DR-A-050103 PO5 External Finishes and Boundary Treatment*
- 223066-IMA-ST-XX-DR-A-050102 PO5 Rendered Site Plan*

Tactile Paving

The LHA note that the tactile paving has been provided on all of the site plan drawings listed above, however the paving modules do not line up with one another in accordance with Leicestershire Highway Design Guide ((LHDG) available at: resources.leicestershire.gov.uk/lhdg); Standard Drawing SD/11/20A.

The tactile paving exact position and orientation can be amended during the detailed design stage of the Section 278/ Section 184 Agreement. And therefore the LHA have no further comments on this application.”

Leicestershire County Council, Lead Local Flood Authority – No objections subject to the imposition of conditions for surface water drainage scheme, management of surface water on site during construction, long-term maintenance of the surface water drainage system and infiltration testing.

Leicestershire County Council, Tree Officer – No objection subject to protection of existing trees & hedges in accordance with Arboricultural Impact Assessment and provision of a landscape design & management plan be ensured by condition.

Leicestershire Fire & Rescue Services – No comments received.

Leicestershire Police – No objection.

Severn Trent Water Ltd – No comments received.

Sport England – No objection.

Ward Councillors – Comments received from Cllr Gill advising whilst there is a need for small homes in the area there are concerns with the current proposal around demand on services such as dentists & schools, highways issues, parking, waste collection, cycle storage, loss of trees and lack of open space.

Third Party Representations

A total of 23 objections were received across 2 consultations regarding the following issues:

- Access to the site on congested corner including blocking of neighbouring access
- Access should be provided from Salts Close
- Dwellings should be for local people
- Traffic from provision of 21 dwellings site particularly on West Street
- Disruption during construction from noise, dust & traffic
- Onsite parking provision
- Provision of parking for existing residents
- Bin storage details and refuse access.
- Lack of communal cycle store
- Lack of open space
- Loss of trees
- Capacity for GP, schools & dental practises
- Provision of affordable housing not available to first time buyers
- Retention of nursery or provision of community facility
- No need for additional houses

Relevant Planning History

81/0080/1/R	Retention of access to factory	Approved 24.02.1981
83/1486/1/R	Retention of access to factory	Approved 20.12.1983
87/0549/1/R	Retention of access to factory	Approved 29.05.1987
91/0375/1/P	Change of use to general industry (Class B2)	Refused 23.05.1991

92/0528/1/PX	Change of use to children's day nursery (Class D1)	Approved 16.07.1992
97/0688/1/PX	Temporary siting of portable building for day nursery	Approved 14.08.1997
98/0387/1/PX	Temporary siting of portable building for day nursery	Approved 27.07.1998
01/0422/1/PY	Siting of a portable building to provide childcare Accommodation	Approved 13.07.2001
03/0559/1/PY	Extension to existing portable building	Approved 12.11.2003

EXPLANATORY NOTE

The Site

The application site is a brownfield site located on the former Smarties Day Nurseries site within the settlement boundary of Enderby as identified within the Blaby District Local Plan Proposals Map (2019). The south eastern boundary of the site forms part of the defined settlement boundary of Enderby and is characterised by a substantial tree line separating the edge of Enderby from the Green Wedge encompassing Enderby Golf Course to the east and Carlton Park key employment site as identified in policy SA5 of the Blaby District Local Plan (Delivery) Development Plan Document (2019).

To the east of the site the development bounds the rear of Danemill County School with this part of the boundary being characterised by substantial boundary treatments. The remaining boundaries face onto the built up residential area of Enderby with Salts Close bending around to the site to the north which includes a number of affordable dwellings whilst to the west of the site West Street features various terrace and infill residential developments.

Access is from the west of the site off a bend on West Street close to the junction with Salt Close where the road becomes Shortridge Lane. The access is split with the western part of the access serving Hayes House bending around the rear of 2 West Street. To the north west of the site is a historic landfill located approximately at the end of Salts Close for which the whole of the development site falls within the buffer zone. A utilities line which cannot be built over runs across the east corner of the site close to the rear of the site close to the rear of 39, 41, 43 & 45 Salt Close.

Within the site, hard standing for parking has historically been accommodated to the front and north of the main building with detached outbuildings to the south corner of the site. Fencing either side of the main building transects the site separating the car parking from the grassed amenity space. The site was previously occupied as a factory prior to planning permission being granted for use as a children's day nursery in 1992 though the site is currently not in use following the closure of Smarties Day Nursery.

The Proposal

The proposed development is for the erection of 21 dwellings with associated parking and landscaping served from the existing access off West Street including demolition of the existing buildings. All 21 dwellings would be social rented properties.

The development would consist of a block of x4 one bed maisonettes close to the site access, with a mix of x10 three bed and x7 two bed dwellings set in blocks of 2, 3 & 4 served off an access road transecting the centre of the site. The access road provided within the site is to be a private road at a width of approximately 6m where it transects the site. Provision of a bin collection point is proposed within the middle of the site for which swept path analysis has been provided to demonstrate accessibility for waste collection vehicles which was accepted by Neighbourhood Services.

The dwellings have taken their design inspiration and features from the historic terraces on West Street with a brick string course along the principle elevation and detailing around the windows. The dwellings will also feature porch canopies with an intention to install solar panels on the south facing roof slopes of each dwelling.

The proposal will necessitate the removal of 6 trees within the site with a further 5 recommended to be removed due to their poor condition mostly from the row of trees on the south west boundary. The trees and hedges along the south east boundary with the Green Wedge will be retained preserving the defined settlement boundary. The proposal will also see the planting of trees within the site lining the private road to intersperse the proposed parking bays at a ratio of 2 trees to every 1 being removed.

At the site access the proposal include the provision of tactile paving for the pedestrian crossing in line with County Highways advice.. As this falls outside of the site on County Highways land it will be addressed separately through the detailed design stage of the Section 278/ Section 184 Agreement with Leicestershire County Council as Highway Authority.

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

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.

Paragraph 8 states that 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

Paragraph 11 states that for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; (paragraph 11c) 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 (paragraph 11d)

Footnote 8 indicates that the policies which are most important for determining the application are out-of-date for applications involving the provision of housing in situations where (a) the local planning authority cannot demonstrate a five year supply of deliverable housing sites; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.

In September 2023, the District Planning Authority indicated that it's housing land supply position was 3.69 years. As such, paragraph 11d of the NPPF would apply.

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. The policies which are the most relevant to the proposed development are listed below. However, as the Council cannot currently demonstrate a five year housing land supply, paragraph 11d of the NPPF is engaged, and those policies which relate to the supply of housing are considered out-of-date.

The following policies of the Core Strategy are relevant to the proposed development:

Policy CS1 – Strategy for locating new development

Policy CS1 states a strategic objective to ‘provide the appropriate quantity and mix of housing’ and for ‘provision of affordable housing’ additionally stating ‘encouragement will be given to the use of previously developed land and underused land and buildings’ with development outside of the Principal Urban Area (PUA) being focussed within the ‘Larger Central Villages’ of which Enderby is one.

The site would consist of 21 affordable dwellings being built on a brownfield site within the settlement boundary of Enderby providing a mix of 1, 2 & 3 bed dwellings for social rent so is considered to comply with the policy.

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 including the need to design out crime.

The proposal has incorporated design features from the traditional terraced dwellings featured on West Street in addition to use of materials sympathetic to the surrounding residential development. Apart from some minor issues with the relationship between certain plots within the site (the details of which are discussed later in this report under the section relating to “The Impact on Residential Amenity”) the design of the development is considered to be broadly compliant with the policy.

Policy CS5 – Housing Distribution

Policy CS5 seeks to ensure that new development is focussed in the most appropriate locations, where housing is distributed by settlement hierarchy with a strategic objective to ‘optimise the provision of affordable housing’. Policy CS5 identifies Enderby as one of the ‘Larger Central Villages’ as having a minimum housing requirement of 155 dwellings.

At 31 March 2023, 220 houses have been completed with a further 7 committed to be built within Enderby, some 72 dwellings over the minimum requirement set out in the Local Plan Core Strategy.

However, as the District Council can no longer demonstrate a five year housing land supply, the “tilted balance” is engaged weighing in favour of the provision of new dwellings within the district.

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 is a scheme for 21 dwellings which are proposed to be 100% affordable and as such, would go above and beyond any requirements of this policy and great weight should be given in favour of the proposal as a result.

Policy CS8 – Mix of Housing

Policy CS8'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 CS8 states that residential proposals for developments of 10 or more dwellings should provide an appropriate mix of housing types, tenures and sizes to meet those needs.

Blaby District Council's Housing Strategy Officers have commented and agreed the proposed mix of 1, 2 & 3 bed dwellings to meet the districts social rented accommodation needs so the proposal is considered to have complied with the aims of the policy.

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).

The proposal includes provision of cycle storage for the block of maisonettes and is in a sustainable location being walkable to amenities and bus routes within Enderby so is considered compliant with the policy.

Policy CS11 – Infrastructure, Services and Facilities to Support Growth

Policy CS11 seeks to ensure that all new development is supported by good access to infrastructure, services and facilities and to maximise sport and recreation opportunities in order to meet the growing needs of the District's population.

The site is within a sustainable location with access to amenities including Enderby Leisure Centre and bus routes. It was discussed with the agent if it would be possible to open up the north east boundary to improve pedestrian accessibility through the site however as the land outside of the site was not in the applicants ownership this was not feasible. The proposal would not incorporate any on-site open space for recreation so developer contributions are being secured for the provision of off-site open space to be secured by a Section 106 agreement. The proposal is therefore considered to be compliant with the policy.

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. This development is for

21 Dwellings and as such, contributions have been requested in regards to Public Open Space, Education, Libraries & the NHS Clinical Commissioning Group to fund GP Practices.

The applicant & agent are aware of the requested contributions with work on-going towards the production of a Section 106 agreement to secure these contributions which should be ensured by condition to comply with the policy.

Policy CS19 – Bio-diversity and geo-diversity

Policy CS19 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 prominent tree line bounding the Green Wedge is to be retained with 10.51% habitat units and 30.43% hedgerow units Biodiversity Net Gain to be achieved with the proposal. The impact of the proposal has been accepted by County Ecology with a number of recommended conditions which are included within the proposed conditions. It is therefore considered the proposal complies with the policy.

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 proposal is located on a sustainable brownfield site within the defined settlement boundary of Enderby and is proposed to incorporate solar panels to each dwelling. The proposal is therefore considered to be supported by the policy.

Policy CS22 – Flood Risk Management

This Policy seeks to ensure that all new development minimises flood risk vulnerability, providing resilience to flooding by directing new development to locations at the lowest risk of flooding within the District, using sustainable drainage systems (SuDS) and managing surface water run-off.

The development is located within Flood Zone 1 and following amendment to the drainage strategy to reduce the discharge rate to 5 l/s (95% betterment) Leicestershire County Council as Lead Local Flood Authority has not objected to the proposal subject to conditions. Following this it is considered the proposal complies with the requirements of the policy.

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.

The site is within a sustainable location with an ‘appropriate quantity and mix of housing’, incorporates solar panels, provision of cycle provision for the maisonettes and access to public transport. The proposal is therefore considered to comply with the policy.

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

Policy DM1 – Development within the Settlement Boundaries

The development site sits within the settlement boundary of Enderby where the principle of development is acceptable and will be supported, subject to certain criteria being satisfied.

Policy DM4 – Connection to Digital Infrastructure

This policy seeks to deliver digital infrastructure, services and facilities required to meet the needs of the population.

Policy DM8 – Local Parking and Highway Design Standards

Seeks to provide an appropriate level of parking provision which complies with Leicestershire Local Highway Guidance in addition to promoting use of more sustainable forms of transport.

The number of spaces provided has been accepted by the Highway Authority with the site additionally benefiting from cycle storage for the maisonettes and access to public transport. The access road provided within the site would not be to an adoptable standard as confirmed in the consultation response from County Highways and the agent has confirmed this is intended to be a private road. The Highway Authority have formally confirmed that they have no objections to the proposal subject to the imposition of planning conditions. The proposal is therefore, on balance, considered sufficient to comply with the policy however highways issues are discussed in greater detail later in the report.

Policy DM13 – Land Contamination and Pollution

Policy DM13 requires the proposal to clearly demonstrate that any unacceptable adverse impacts related to land contamination, landfill, land stability and pollution (water, air, noise, light and soils) can be satisfactorily mitigated.

The site is located adjacent to a former landfill site with the site having been historically used as a factory. A Phase 1 Geo-Environmental Assessment has accompanied the application which outlines a recommendation for further ground investigation. Environmental Services have requested provision of the ground investigation recommended within Phase 1 Geo-Environmental Assessment though advised the former landfill site be included within the scope. It is proposed to impose a planning

condition to secure the undertaking and submission of the further ground investigations.

Planning Obligations and Developer Contributions Supplementary Planning Document (2010)

This document outlines Blaby District Council's strategy for securing relevant developer contributions in relation to a new development.

Housing Mix and Affordable Housing Supplementary Planning Document (2013)

This document outlines Blaby District Council's strategy for securing relevant and appropriate housing in terms of mix and affordable provision.

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.

In addition to the policy considerations set out above, there are a number of substantive material considerations that relate to the development of this site, which are:

- The impact on residential amenity
- Highway and parking implications
- Housing mix and affordability
- Developer contributions and Section 106 Agreements

The impact on residential amenity

Policy DM1 of the 'Delivery DPD' supports new development within settlement boundaries where proposals are consistent with certain criteria. This includes requirements for new development to have satisfactory relationships with nearby uses that would not be significantly detrimental to the amenities enjoyed by the existing or new occupiers, including but not limited to, considerations of privacy, light, noise disturbance and overbearing effect.

The layout and orientation of the proposed dwellings within the site is considered to largely protect the amenity of neighbouring dwellings. The rear windows of plots 12 to 21 face onto a car parking area of limited amenity value whilst the rear amenity space of 23, 25 & 27 Salts Close at the north corner of the site is largely screened by trees. The side elevation of plot 21 is set facing the rear amenity space of 29 Salts Close and shared amenity space of the neighbouring block of flats however the dwelling is not considered to be overbearing or result in significant loss of light nor does this elevation feature a window, and the insertion of any windows in the future can be prohibited by the imposition of suitable planning conditions. The side elevation of plot 1 does feature a window facing shared amenity space however this serves a bathroom, and the window will be obscurely glazed which can be ensured by condition

along with restricting further openings at first floor level.

The most significant impact to residential amenity arises from the relationship within the site between the rear facing windows serving plots 14 & 15 which are only approximately 6m from the side boundary of plot 16. This is considered to not represent good design overall as these windows serve bedrooms and obscurely glazing them is not considered to be a suitable resolution. Whilst being considered to constitute a poor relationship between these plots, it is acknowledged that there are similar relationships near the site between the rear facing windows of 23 & 25 Salts Close to the garden of 27 Salts Close. Given the benefits of the provision of a fully affordable scheme and applying the tilted balance in favour of the development, it is considered on balance that a reason for refusal of the application on this issue alone could not be supported.

Also, within the site plot 6 is set back relative to plot 5 projecting approximately 4m past the rear of plot 5. Given its setting to the south of plot 5 there is considered to be some impact in respect of loss of light to the rear windows of plot 5 particularly in the evenings. However, this impact is not considered detrimental enough to warrant refusal of the application. The side elevation of plot 6 also features a window however it serves a bathroom and can be conditioned to be obscurely glazed with a further condition applied to ensure no further openings in the first floor elevation.

Concerns have been raised by existing neighbours in regard to disturbance during the construction phase in respect of noise, dust and construction traffic. A Construction Management Plan was submitted with the application which outlines how the impact on the amenity of neighbours is proposed to be managed. However, your Officers consider that further information and safeguards are needed to protect residential amenity during the construction phase, so it is proposed to impose a condition that requires the submission of a revised Construction Management Plan which addresses the concerns of the Council's Environmental Services Officer. It is noted that the access to the site for construction vehicles is proposed via West Street & Stuart Avenue which has raised issues regarding the congested nature of this road due to on street parking. The nature of the access route is acknowledged however this is considered by your Officers to still be the most practical route with any alternative routes via John Street & King Street towards Mill Lane being considered more disruptive.

The Construction Management Plan also contains an undertaking (so far as is practical) to manage deliveries to avoid the peak traffic & school commuter hours of 7:30am to 9:30am and 3:00pm to 5:00pm with deliveries being by "rigid" vehicles and with all offloading being on site. The measures in the initially submitted Construction Management Plan were considered acceptable by the Environmental Services Officer but with additional information being requested for a method statement for any proposed piling works. A condition will be imposed to finalise details of the construction methodology to ensure that minimal disturbances are caused to the local residents.

Apart from some limited and short term disturbance during the construction phase (something which all developments generate), the proposed development is considered to have, on balance, an acceptable relationship with existing dwellings and an acceptable relationship with the internal layout and siting of the proposed dwellings.

Highway and parking implications

Policy DM8 of the Delivery DPD requires new development to provide an appropriate level of parking and to meet the highway design standards set out in the most up-to-date Leicestershire Local Highway Guidance. A number of highways issues have been raised with respect to the scheme around access, traffic, parking and cycle storage.

As part of the application a Trip Generation Assessment was provided within the Transport Statement which outlined that the former nursery use would generate 36 AM peak hour vehicle trips and 37 PM peak hour vehicle trips. The proposal by contrast would generate 12 AM peak hour vehicle trips and 11 PM peak hour vehicle trips. The County Highway Authority have accepted the assessed trips rates and the predicted reduced use of the access and have further advised that 'where there is no intensification of use of a substandard access it would be unreasonable for the LHA to seek to resist such proposals.

A number of comments received have highlighted issues with regards to the existing access particularly with regards to visibility, existing congestion preventing access and blocking of the adjoining residential access to the west of the site. It is acknowledged that by virtue of the accesses location on a tight bend in conjunction with known traffic and congestion issues that the existing access is substandard. However, it needs to be acknowledged that this access has historically served an industrial factory and more recently a day nursery. The access therefore needs to be considered in terms of whether the proposal would intensify its use and if so, would this result in demonstrable harm. The information provided with the application which has been accepted by the Highways Authority demonstrates decreased use of the access at peak times so represents a betterment to the current lawful use of the site. The issues with the access raised are existing issues which would be demonstrably worse should the lawful use of the site as a nursery recommence for which no permission is required.

Improvements to the access were discussed with the applicant in respect of pedestrian accessibility which were in line with the comments received from the Highways Authority and it was agreed to provide tactile paving across the access of the site. It was suggested in some comments that a new access be provided with an access off Salts Close suggested. It was discussed with the applicant about the possibility of opening the site up onto Salts Close for pedestrians however this was not possible as the land was outside of the applicant's ownership. The same issue would be applicable to a vehicular access where this would only be feasible through the demolition of an existing dwelling on Salts Close.

It is considered that as the Highway Authority cannot demonstrate the unacceptability of the existing access by virtue of the lack of intensification of the use, the Council cannot insist on the provision of an alternative access. As such, a reason for refusal on the grounds of the use of the existing access is not considered defensible.

Further comments were received in respect of traffic generation from the site and the potential impact of the proposal on congestion within Enderby. As with the access, it is acknowledged that this is an issue particularly on West Street however this also needs to be assessed against the current lawful use of the site. The proposal has

demonstrated that the impact on the local highway network at peak times would be less than the current lawful nursery use. Given the lack of any County Highway Authority objection it is therefore considered that a reason for refusal on the grounds of traffic generation is not defensible.

The proposal includes the provision of 2 off street parking spaces per dwelling and 1 off street parking space per maisonette. The provision of 2 off street parking spaces per dwelling is compliant with the Leicestershire Local Highways Design guidance, however this would also require 2 spaces per maisonette resulting in an overall shortfall of 4 spaces. The County Highway Authority have advised that they can accept 1 space per one bed maisonette *'where car ownership may be low, such as town centres and other locations where services can easily be reached by walking, cycling or public transport'* hence this shortfall of 4 spaces is accepted due to the size of the individual properties and the sustainable location of the site.

The Parish highlighted concerns regarding the provision of tandem parking spaces and lack of visitor parking spaces with the potential to compound on street parking issues outside of the site (an issue also raised by residents). Whilst tandem parking is not the preferred option, it is not uncommon an approach and can be managed by the individual occupants. It cannot be substantiated that it would be preferable for residents to park on surrounding roads rather than utilise the spaces provided. In this instance it is noted that dwellings on Salts Close and Hayes Garden already feature tandem parking. Additionally attempts to alter the parking layout within the site would necessitate the removal of the interspersing soft landscaping which is considered to be beneficial to the appearance and biodiversity enhancement of the site.

Given the sustainable location of the site, limited size of development and transient nature of visitor parking need it is not considered reasonable to insist on its provision for the site. Whilst it is acknowledged that there are local issues with on street parking particularly on West Street, in the absence of a technical objection from the County Highway Authority, it is difficult to substantiate that the proposal would lead to a significant increase in on street parking in the immediate area.

The proposal includes the provision of cycle storage for the maisonettes however comments from the Parish and public consultation have requested provision of communal cycle storage. In the case of the individual dwellings which have secure amenity space, the need for dedicated cycle storage is not considered to be required as cycles can be stored within the secure garden areas. Your Officer consider that the provision of a communal cycle store would be less secure than the current dedicated cycle store or secured amenity spaces of each dwelling. Given the size of the development it is not considered necessary for a communal cycle store to be provided beyond provision to the maisonettes which do not possess individual secure amenity space and is considered sufficient to comply with relevant policies.

Housing mix and affordability

Blaby District Council's Housing Strategy team supports the application on the basis that the District has an essential need for new affordable dwellings. The recent Leicestershire wide Housing Needs Survey – HENA (finalised in June 2022) suggests a requirement for 536 additional affordable properties provided per annum until 2039.

This represents a 34% increase from the 399 affordable properties per annum recommended in the Blaby Housing Needs Survey finalised in early 2021. Between 01/11/2022 to 16/11/2023 a total of 2,792 bids were received for 233 available properties with an average of 66.1 bids for each two bed property being the most severe need. Of those applications which were successful 97% were characterised as 'Priority' need even though this group made up 13% of applications received. This highlights the worsening situation regarding affordable housing supply within the district and the acute need to enable new affordable housing from all available opportunities.

Within Enderby itself, only 10 properties became available between 01/11/2022 to 16/11/2023 with 7 of those being over-55's properties. Amongst these availabilities was only 1 family house which amassed 115 bids. Bids for one and two bed homes made up 71% of the total demand across all property types in Enderby Parish. Although other issues were raised by Enderby Parish Council it was advised that they are in favour of the principle of the development "acknowledging this type of housing is needed in the area".

The proposed housing mix of x4 one bed maisonettes, x10 three bed and x7 two bed dwellings is considered acceptable by the Council's Housing Strategy Team.

As such it is considered that the provision of the proposed fully affordable housing scheme more than complies with the requirements of Policy CS7 and weighs heavily in favour of the proposal.

Developer contributions and Section 106 Agreement

Policy CS12 of the Core Strategy seeks to ensure that the requirements for infrastructure, services and facilities arising from any development will be sought in accordance with Blaby District Council's Planning Obligations and Developer Contributions Supplementary Planning Document (2010). This application is for 21 affordable dwellings and as such, would meet the threshold for developer contributions. A request for funding towards libraries, waste & education was subsequently received from Leicestershire County Council. The NHS Clinical Commissioning Group has also made a request for contributions towards local GP services. In addition to this, the Council has requested an off-site open space contribution to meet the increased demand for open space facilities which will result from future occupiers of the new development.

In addition to this, your Officers also consider that in order to recommend this application favourably there needs to be a mechanism put in place to ensure that the dwellings to be provided are genuinely "affordable units" and should remain so thereafter. That mechanism is proposed to be a Section 106 Agreement with the applicants/developer to ensure that the dwellings are constructed as affordable units. The Section 106 agreement will also be used to secure the contributions to meet increased demand for education, library and health care services, and the contribution to fund off-site open space improvements.

Overall Planning Balance and Conclusion

The provision of 21 dwellings on a brownfield site complies with the relevant policies of the Development Plan whilst also contributing to the Districts five year housing supply shortfall. It is acknowledged that Enderby has met and exceeded its minimum housing targets (as set out in the Core Strategy), however it is also recognised that these are minimum targets and further residential development is needed in the most sustainable settlements to help meet the housing supply shortfall.

There is also a local need for additional affordable dwellings within Enderby, whilst given the lack of allocated sites or alternative brownfield sites within the parish of Enderby, the likelihood of other 100% affordable schemes coming forward is considered to be low. It is therefore considered that the affordable nature of the proposed dwellings is a significant benefit of the proposal and is supported by policies CS5, CS7 and CS8.

There are no overriding environmental constraints to preclude this proposed sustainable development, which would deliver significant affordable housing provision to the District of Blaby. No objections have been received from statutory consultees having particular regard to implications for local ecology, flood risk and highway safety. It is acknowledged that the existing access off West Street features existing issues with congestion and there is on street parking in the wider vicinity, however the existing lawful use of the site as a nursery (for which it was operating as up to 2022) is considered to have had a greater impact particularly at peak times. Regardless of the benefits of the scheme in the absence of a technical objection from the Highway Authority a reason for refusal on Highways grounds cannot be substantiated.

The proposed development is in conformity with the Development Plan. The three dimensions of sustainable development have been considered (economic, social and environmental) as set out in the NPPF, and taking into account the adopted Development Plan considerations and all other material considerations your Officers are of the view that the proposal is acceptable and accordingly it is recommended that planning permission is granted subject to the stated conditions and the applicants entering into the required Section 106 Legal Agreement.

24/0143/FUL

Registered Date
13 February 2024

Geary's Bakeries Ltd

Extension to front of existing Geary's Bakery (Class E (g) iii / B2 / B8) for additional bakery production space, together with additional car parking.

Unit D, Optimus Way, Glenfield

Report Author: Ian Davies, Development Services Team Leader

Contact Details: Council Offices. 0116 272 7688

RECOMMENDATION:

THAT APPLICATION 24/0143/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1. Time limit.
2. Approved plans.
3. Materials as specified.
4. Approved drainage strategy to be implemented.
5. Lighting scheme and CCTV provision to be agreed and subsequently implemented.
6. Approved Construction Method Statement to be implemented.
7. No additional vents, external plant or machinery etc to be installed without planning permission.
8. Off street HGV and car parking and associated turning facilities as shown on approved plans to be provided prior to first use and thereafter retained.

NOTES TO COMMITTEE

Relevant Planning Policy and Legislation

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

Policy CS1 – Strategy for locating new development

Policy CS2 – Design of new development

Policy CS6 – Employment

Policy CS10 – Transport Infrastructure

Policy CS11 – Infrastructure, services and facilities to support growth

Policy CS12 – Planning obligations and developer contributions

Policy CS14 – Green Infrastructure

Policy CS19 – Bio-diversity and geo-diversity

Policy CS20 – Historic Environment and Culture

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 (Adopted Feb 2019)

Policy SA5 – Key Employment Sites and Other Existing Employment Sites
Policy DM1 – Development within the Settlement Boundaries
Policy DM8 – Local Parking and Highway Design Standards

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Consultations

Blaby District Council, Environmental Health – No objections subject to the imposition of conditions.

Glenfield Parish Council – Comments awaited.

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

Leicestershire County Council, Lead Local Flood Authority – No objections subject to the imposition of conditions.

Third Party Representations

None.

Relevant Planning History

10/0118/1/OX	Outline application for employment development B1, B2 and B8) (maximum 30 ha), residential development (maximum 250 dwellings), provision of a local retail / community facility (maximum 1400sq.m), associated landscaping, open space and infrastructure with vehicular accesses off Kirby Road and Ratby Lane.	Refused 17.05.10 Appeal allowed 24.10.11
12/0457/1/VY	Variation of condition 3 attached to planning permission 10/0118/1/OX to read: "The development hereby permitted shall be carried out in accordance with the details shown on both the development Parameters Plan (Drawing No. BIR.1481_32-17) and those within the Design and Access Statement (BIR.1481_86). The building heights, widths, lengths and floor levels as specified shall not be exceeded" and variation of condition 19 to read: "Prior to the occupation of the local centre and any employment unit on the western part of Area B, as indicated on Drawing No. A052733-35-18-070 Rev A, a shared footway/cycleway shall be completed along Kirby Road as shown on Drawing No.	Approved 27.09.12

A052733-35-18-06 Rev B. where this crosses carriageway, a crossing point shall be provided in accordance with an agreed access design."

14/0797/1/MX	Infrastructure and site preparation works to include central estate road, drainage works, balancing lagoons and creation of development plateaux and Phase 1 landscaping provisions, earth bunding/ earth works and cycleway/footway provision	Approved 17.10.14
16/0766/RM	Erection of Class B2 general industrial unit for manufacture of bakery products and associated plant, machinery, parking, access road and retaining walls; and erection of an Enterprise Centre comprising 7 Class B1, B2 & B8 industrial/warehouse units and associated parking, servicing and landscaping.	Approved 27.09.16
23/0028/FUL	Addition of external container unit to house a gas powered combined heat & power system and associated equipment.	Approved 21.06.23

EXPLANATORY NOTE

Members will note that in October 2011, outline planning permission was allowed on appeal by the Secretary of State for the Glenfield Park employment and residential development. The outline planning permission granted approval for the following;

- Employment development incorporating a mix of B1(a), B1(b), B1(c), B2 and B8 up to a maximum of 30 ha,
- Residential development up to a maximum of 250 dwellings,
- Local Centre up to a maximum of 1400 sq.m,
- Public open space,
- Green infrastructure including wildlife area, and
- Ancillary infrastructure and ground re-modelling.

The outline planning permission was subsequently re-issued in 2012 following the submission and determination of an application for the rewording/variation of two of the original planning conditions which allowed the agreed development parameters to be varied (application 12/0457/1/VY refers).

Subsequent Reserved Matters approvals and planning permissions have enabled the housing estate and the majority of the industrial/warehouse units to be built and occupied. Reserved Matters approval for the host unit was granted in 2016 under application 16/0766/RM.

The Site

The application site is an existing unit currently occupied by Geary's Bakery and is bounded by previously approved industrial units and the linear public open space/buffer zone approved as part of the residential element of the original

permission and Master Plan for the overall site. Residential dwellings on May Drive lie approximately 50 metres to the north east of the proposed building.

The Proposal

This current planning application proposes the erection of an extension to the front of the existing bakery unit with a floor area of approximately 1080 sq.m and will provide for an increase in production floor area. The extension will have an internal height of 7 metres with a ridge height of 9.2 metres and will sit lower than the ridge height of the main building.

The extension is proposed to be sited on an existing hard surfaced external yard area and the existing dock loading areas will remain unaffected. All HGV activities will continue to be contained within the retained service yard area. The extension will also act as a “shield” to the residential properties to the rear from any noise or other disturbance.

An additional 15 car parking spaces are proposed to be created to provide for the expansion in staff numbers.

The building’s design has been worked-up using the approved site-wide ‘Employment Design Code’ and the design ensures that the building will fit within the established street-scene of this successful employment development and add to the ‘family’ of buildings across the site.

Materials have been selected in keeping with and appropriate for Character Area 1, set out in the approved Design Code, and incorporates profiled built up wall & roof cladding that matches and ties in with the existing building. The elevations are articulated with the use of cladding colour and the orientation and panel depths match the existing bakery and it is considered they provide a harmonious connection to the existing building.

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

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.

Development Plan

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

The following policies of the Core Strategy are relevant to the proposed development:

Policy CS1 – Strategy for locating new development

Most new development will take place within and adjoining the Principal Urban Area (PUA) of Leicester and encouragement will be given to the use of previously developed land and underused land and buildings. The proposed development is consistent with this policy as the PUA includes the built-up area of Glenfield.

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 the design of new development should also be appropriate to its context.

The design of the building has been designed to reflect a high quality industrial use and conforms with the “Employment Design Code” negotiated and approved as part of the initial Outline approval and is appropriate to its context. As such it is considered that the scheme accords with Policy CS2.

Policy CS6 – Employment

This policy seeks to ensure the District has a range of employment opportunities, allowing for growth of existing businesses and for inward investment.

The wider Optimus Point development is identified as a Strategic Employment Site given the outline planning permission for a variety of commercial uses, and the current proposal will enable the growth and expansion of an existing and successful local company with the associated economic and social benefits.

Policy CS10 – Transport infrastructure

The preferred approach is to reduce the need to travel by private car. In order to maximise modal shift, safe, sustainable and accessible transport modes are to be promoted and existing facilities have been enhanced as part of the wider Optimus Point development.

Policy CS11 – Infrastructure, services and facilities to support growth

Policy CS12 – Planning obligations and developer contributions

There is a requirement for new developments to be supported by the necessary physical, social and environmental infrastructure at the appropriate time.

Significant new infrastructure has been put in place under the terms of the existing S106 Agreement, for example, new road layouts, improvements to off-site highways and construction of the approved Enterprise Centre.

Policy CS14 – Green infrastructure

This policy seeks to protect existing and provide new ‘networks of multi-functional green spaces’ and improved access to the Rothley Brook corridor and the network of Green Wedges.

The proposed development of the wider Optimus Point estate includes significant landscaping and the provision of a landscaped corridor linking the southern part of Optimus Point with open space to the north, including the Rothley Brook corridor.

Policy CS19 – Bio-diversity and geo-diversity

The strategic objective is to protect the important areas of the District’s natural environment (species and habitats), landscape and geology and to improve biodiversity, wildlife habitats and corridors. Appropriate buffering and mitigation measures should be put in place to avoid / reduce any adverse impacts resulting from the proposal.

The approved outline scheme included the creation of a large area of landscaped open space to the north and the strengthening and integrating natural habitat networks within the wider development through extensive landscaping, the provision of attenuation lagoons/SuD features and various protected species mitigation.

Policy CS20 – Historic environment and culture

Various heritage assets such as Scheduled Monuments, Listed Buildings, Conservation Areas and archaeological remains will be protected, preserved and enhanced where possible. The proposal is sufficiently distant from any designated heritage assets to avoid conflict.

Policy CS21 – Climate change

Development should be focused in the most sustainable locations and layout and design should reduce energy demand and increase efficiency. The location of the application site within the PUA is sustainable and the proposed building has been designed to minimise energy consumption. Ecological and environmental measures were also included in the wider Optimus Point development.

Policy CS22 – Flood Risk Management

The objective being to ensure all development minimises vulnerability and provides resilience to flooding. The application site is entirely within Flood Zone 1, which has a low probability of flooding.

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 employment delivery - with the golden thread running through the decision making process being the presumption in favour of sustainable development.

The application site is located within the PUA and is well integrated into the local community and beyond. Furthermore, it is well served by the strategic road network and has provision for safe and sustainable transport modes as well as a number of ecological and environmental measures embedded into the wider Optimus Point development which were secured through the original S106 agreement.

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

The adopted Delivery DPD (February 2019) is part of the Development Plan for the District of Blaby. It is an up-to-date plan that is consistent with National Policy and as such, the policies of the Delivery DPD should be given full statutory weight. The following policies are the most relevant to the proposed development:

Policy SA5 – Key Employment Sites and Other Existing Employment Sites

This policy identifies the Optimus Point development as being classified as a Key Employment Site. This application offers the opportunity to sustain and develop jobs and this proposal is fully compliant with Policy SA5.

Policy DM1 – Development within the Settlement Boundaries

Following the adoption of the Delivery DPD, the Optimus Point development now sits within the settlement boundary of Glenfield where the principle of development is acceptable and will be supported, subject to certain criteria being satisfied.

Policy DM8 – Local Parking and Highway Design Standards

The Highway Authority have confirmed that they have no objections to the extension of this unit subject to the imposition of specific conditions. Accordingly, the proposal accords with Policy DM8.

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.

In addition to the policy considerations set out above, it is considered that there is only one substantive material consideration that relates to the development of this site, which is:

- Safeguarding Residential Amenity

Safeguarding Residential Amenity

There are no immediately neighbouring properties considered to be adversely affected by the proposed development. The nearest dwellings are located approximately 50m away and separated by an area of public open space which also forms part of a linear greenway which runs through the wider Optimus Point/Glenfield Park development. Members should also note that the nearest dwellings were also approved either as part of the original planning permission or after the Optimus Point development was under construction.

The relationship of the new dwellings and the new commercial units has already been considered as part of the original planning permission and found to be acceptable given the spatial separation between the respective housing and employment sites. A similar conclusion was reached when the residential development on the former Glebe Farm was proposed and subsequently approved. Furthermore, air quality effects and noise should be no worse than previously envisaged and previously consented. However, and in order to safeguard the nearest residents it is proposed that a condition be imposed to control the future installation of any external plant or machinery in order to minimise any potential for issues arising from noise and odours.

Overall Planning Balance and Conclusion

The application site already benefits from outline planning permission 10/0118/1/OX (and subsequent granting of 12/0457/1/VY) for employment uses as well as the Approval of Reserved Matters for the existing bakery use that this extension will serve. The site also forms part of the wider Optimus Point development, which is designated as a Strategic Employment Site within the Blaby District Local Plan (Core Strategy)

Development Plan Document (2013) and identified as a Key Employment Site within the Delivery DPD.

There are no overriding environmental constraints to preclude this proposed sustainable development, which would enable the expansion of an existing successful business and will aid in the continued delivery of economic benefits to the District of Blaby and where necessary, existing mitigation measures have ensured that any impacts are minimised. No objections have been received from statutory consultees having particular regard to implications for local ecology, flood risk and highway safety.

The proposed development is in conformity with the Development Plan. The three dimensions of sustainable development have been considered (economic, social, and environmental) as set out in the NPPF, and taking into account the adopted Development Plan considerations and all other material considerations your Officers are of the view that the proposal is acceptable and accordingly it is recommended that planning permission is granted subject to the stated conditions.
