

**Blaby District Council  
Planning Committee**

**Date of Meeting** 20 August 2018  
**Title of Report** **Applications for Determination**  
**Report Author** Development Services Manager

**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 **09 August 2018** 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
	<b>18/0441/FUL</b>	<b>13</b>	<b>14 – 21 Central Close, Whetstone</b>	<b>Approve</b>
	<b>18/0550/FUL</b>	<b>27</b>	<b>The Food Court Fosse Park Avenue Enderby</b>	<b>Approve</b>
	<b>18/0614/RM</b>	<b>67</b>	<b>H M Y O I Glen Parva Tigers Road Glen Parva</b>	<b>Approve</b>
	<b>18/0620/FUL</b>	<b>79</b>	<b>Land At Bradgate Mental Health Unit Leicester Road Glenfield</b>	<b>Approve</b>



18/0441/FUL

Registered Date  
26 April 2017

MJE Contracts Limited

Two storey extensions to No's. 14 – 21 Central Close and  
erection of 2no. two storey buildings to create 8 apartments

14 – 21 Central Close, Whetstone

Report Author: Lloyd Bird, Senior Planning Officer

Contact Details: Council Offices. 0116 272 7518

#### **RECOMMENDATION:**

**THAT APPLICATION 18/0441/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:-**

1. Statutory 3 year condition.
2. Approved plans.
3. Materials to be agreed.
4. Scheme for foul and surface water drainage to be submitted.
5. Finished floor and site levels to be agreed.
6. Landscaping scheme to be submitted and agreed.
7. Landscaping works to be carried out within 1 year of completion of the development.
8. Protect existing trees with fencing.
9. Vegetation to be cleared outside of bird nesting season.
10. Mitigation for protected species to be implemented in accordance with approved Ecological Appraisal.
11. Further survey of protected species to be undertaken should the development be delayed.
12. Construction traffic management plan to be submitted (i.e. contractor parking, timetable for provision) and implemented.
13. Drive and turning space to be surfaced in bound material.
14. Access arrangements to be implemented in accordance with approved plan.
15. Parking to be provided and retained in perpetuity.
16. Obscure glazing to certain specified windows.
17. Removal of permitted development rights – no additional new windows.
18. Details of external lighting scheme to be submitted and agreed.
19. Details of CCTV to be submitted and agreed.

#### **NOTES TO COMMITTEE**

##### **Relevant Planning Policies**

**National Planning Policy Framework (NPPF) (2018)**

**Planning Practice Guidance (2014)**

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

Policy CS1 Strategy for Locating New Development  
Policy CS2 Design of New Development  
Policy CS5 Housing Distribution  
Policy CS8 Mix of Housing  
Policy CS19 Biodiversity and Geo-diversity  
Policy CS24 Presumption in Favour of Sustainable Development

### **Blaby District Local Plan (BDLP) (1999) (Saved Policies)**

Policy R1 Residential Development Within Primary Residential Areas  
Policy T6 Parking and Servicing  
Policy CE21 Existing Trees and Woodlands  
Policy CE22 Landscaping  
Policy CE25 Crime Prevention  
Policy CE26 Light Pollution

### **Consultation Summary**

**Blaby District Council, Environmental Services** – Have not objected to the proposal and have commented that they are satisfied with the means of treating foul and surface water drainage.

**Blaby District Council, Neighbourhood Services** – Have commented that the proposed layout appears to be satisfactory on the provision that the turning areas are to Highway standard. Should these areas not meet this standard, the bins would need to be presented kerbside.

**Blaby District Council, Open Space** – Have not made comments.

**Leicestershire County Council, Ecology** – Raised a holding objection to the proposal based on the principle that emergent surveys for bats had not been undertaken. Following the submission of these surveys, the County Ecologist has confirmed that the proposed approach and recommendations made are satisfactory.

**Leicestershire County Council, Forestry** – Is in agreement with the observations made by RJ Tree Services in the submitted arboricultural report. In addition, the County Council's Forestry Team Leader also provided the District Planning Authority with advice concerning the existing trees along the former railway embankment/turning head of Central Close, commenting that there would be merit in making a Tree Preservation Order to protect a large Common Ash.

**Leicestershire County Council, Highways** – Have not objected to the proposal and have commented that appropriate visibility can be achieved from the proposed accesses given the likely approach speeds on Central Close. In addition, they have commented that the proposed parking and turning areas are adequate and in accordance with the Leicestershire Highways Design Guide. Conditions have been recommended in the event of approval being granted in order to mitigate potential impacts pertaining to off-street parking during and after the construction phase.

**Leicestershire County Council, Lead Local Flood Authority** – Have not made comments.

**Severn Trent Water** – Have not objected to the proposal and have recommended the imposition of a condition requiring the submission and approval of drainage plans for the disposal of surface and foul sewage.

**Whetstone Parish Council** – Have raised the following objection:-

*“The application is **objected** to based on the following material considerations: Over development of plot, loss of light and overbearing impact on affected and neighbouring properties, loss of green space that is not within the applicants ownership ( LCC ground is raised in an online document) , insufficient parking for the proposed development, three storey dwellings are not fitting with street scene and finally environmental impact on Whetstone Way owned by BDC.”*

Following the submission of amended drawings, Whetstone Parish Council maintains their objection based on the following comments:-

*“The application is objected based on the following material considerations:*

- *Over development of plot ;*
- *Loss of light and overbearing impact on affected and neighbouring properties*
- *Loss of green space*
- *Insufficient parking for the proposed development*
- *Environmental impact on Whetstone Way owned by BDC. The two independent blocks proposed do not sit effectively with the location of the Whetstone Way and will inhibit and impinge heavily on this natural asset for users.”*

### **Third Party Representations**

After the initial consultation period, 22 letters of objection were received raising various concerns towards the proposed development. Following the submission of amended drawings, 23 further letters of representation have been received, objecting to the proposed development on the following grounds:-

- Opposed to the principle of development;
- Overdevelopment of the site;
- Unsightly and out of keeping with the character and appearance of the area.
- Overlooking and loss of privacy;
- Loss of light;
- Increase in noise and disruption during the construction phase;
- Impact on existing trees and local wildlife;
- Loss of visual amenity provided by existing trees;
- Central Close is too narrow for vehicles to pass each other and will not be wide enough to cope with construction vehicles, delivery vehicles and refuse vehicles.

- Central Close will experience a significant increase in vehicular traffic giving rise to an increase in localised pollution;
- Insufficient parking leading to on-street parking problems and blocking up accesses for existing residents;
- General highway safety;
- Location of proposed bin stores;
- Proposed buildings are too close to the embankment;
- Existing sewage and drainage systems unable to cope;
- Potential damage to existing properties;
- Downturn in property values;
- Delays in displaying the plans on Public Access.

### **Relevant Planning History**

None.

## **EXPLANATORY NOTE**

### **The Site**

The application site comprises 2no. two storey apartment buildings at 14 – 12 Central Close along with an associated parking courtyard, including an area of land located immediately to the west of the existing apartments. The site is situated within a Primarily Residential Area as designated on the Proposals Map of the Blaby District Local Plan (1999) at the end of a cul-de-sac on Central Close in Whetstone.

Central Close is characterised by detached chalet style bungalows, all of which benefit from single storey garages and elements of landscaping within the frontage. Further detached bungalows are situated at Old Station Close and on land to the rear of 32 Victoria Road. Two storey detached dwellings are located to the south of the site at Blackthorn Gardens and a two storey apartment block exists to the south east at Osbourne Court.

The site is constrained to the west by a former railway embankment which hosts a variety of mature trees and vegetation, providing a soft backdrop to the end of the turning head. At the time of preparing this report, a Tree Preservation Order was made to protect the immediate future of a large Common Ash within the area between the turning head and the embankment. At the top of the embankment is a public walkway. The remaining site boundaries to the north and south are bound by the garden areas of existing residential dwellings on Victoria Road, Blackthorn Gardens and Old Station Close.

### **The Proposal**

This application seeks full planning permission for a residential development to provide accommodation for 8no. one bedroom apartments by proposing a two storey rear extension to each of the existing apartment buildings identified as A and B on the submitted plans, including the erection of 2no. two storey apartment buildings.

The proposed extension to Building A would provide two of the 8no. one bedroom apartments, projecting off the rear wall of the original building by some 8m and a width of approximately 7.5m. The proposed extension would have a hipped roof resulting in a ridge height of some 8m and would be situated to the west of the boundary of No. 12 Central Close by some 4.2m and approximately 5.3m and 5.9m to the north of No's. 6 and 7 Old Station Close.

High level glazing and roof lights are proposed within the eastern flank elevation of a first floor bedroom. A first floor hallway window within this elevation is proposed to be obscurely glazed. Kitchen windows serving either apartment would face south, however the principle windows serving the open plan kitchen/dining area would be located in the western flank elevation.

The proposed extension to Building B would provide a further two apartments and would be of the same size, scale and design to that of Building A. In this instance the proposed extension would be approximately 5.4m to the west of the boundary of No. 11 Central Close and some 1.4m to the south of the boundary of a bungalow being constructed in the rear garden of No. 32 Victoria Road under planning permission: 14/0720/1/PX.

Building C would be located to the west of Building A and would consist of a two storey apartment block providing a further 2no. one bedroom units. The proposed building would have an overall length of some 12.4m, a width of approximately 6.3m and would consist of a pitched roof with an overall height of approximately 8.1m. The new building would be situated approximately 14.5m to the north of the boundaries serving No's. 2 and 3 Blackthorn Gardens and would be bound to the west by the presence of the railway embankment.

Building D is to be sited to the west of Building B and seeks to provide a second two storey apartment block of 2no. one bedroom units. The proposed building would be of the same size, scale and design to Building C, but with an alternative internal arrangement. The proposed building would be situated approximately 7m to the south of the boundary of a bungalow being constructed in the rear garden of No. 32 Victoria Road.

Overall, 19 off-street car parking spaces are proposed. The existing parking area to the north west of Building A is to be retained and accessed at the end of the cul-de-sac. Additional car parking is proposed to the front of Buildings A and B, including landscaping and new planting.

Bin stores to serve the existing and extended elements of Buildings A and B are proposed immediately to the east and west of the proposed extensions. Buildings C and D will both house their own internal bin stores within the front elevations.

### **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 sustainable and the effective use of land by reusing land that has been previously developed is encouraged.

## **NATIONAL PLANNING GUIDANCE**

### **National Planning Policy Framework (NPPF) (2018)**

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.

**The National Planning Practice Guidance (NPPG) (2014)** 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 including employment in the most sustainable locations in the district, primarily within and adjoining the Principal Urban Area (PUA) of Leicester, however, provision is made for the development needs of settlements outside the PUA.

The site is located in the village of Whetstone which is identified in the Council's Core Strategy as one of the Larger Central Villages. Although not within the PUA, it is considered that the proposal would be small scale in nature and therefore would not compromise the strategic aims of the policy and will contribute towards the delivery of new residential accommodation in areas outside of the PUA.

#### **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. Following the submission of amended drawings, it is considered that the design of this new development is now appropriate to the scale and local context of the character and appearance of the area. In addition, the proposal also seeks to enhance the existing landscaped areas around the proposed buildings and parking areas with an appropriate planting scheme.

#### **Policy CS5 – Housing Distribution**

Policy CS5 aims to focus new development in the most appropriate locations, the District Council seeks to distribute housing by settlement in accordance with the figures contained within the Core Strategy.

The housing requirements for the District derive from the Core Strategy (Policy CS1) which seeks to ensure housing needs are met in the most sustainable way through a principle of 'urban concentration'. New development should be focused within and adjoining the Principal Urban Area of Leicester (PUA), however, provision is made for the development needs of settlements outside the PUA.

Policy CS5 (Housing Distribution) of the Council's adopted Core Strategy identifies Whetstone as a Larger Central Village which has a minimum housing requirement of providing 365 dwellings between 2006 and 2029. At 1 April 2018, 481 homes were either built or committed to be built in the village of Whetstone.

Notwithstanding this position, the housing requirement in Policies CS1 and CS5 are identified as a minimum. Taking this into account including the level of existing completions and commitments, it is acknowledged that the minimum requirement has been met for Whetstone but this development would provide much needed one bedroom accommodation and would demonstrate a level of sustainability in accordance with the guidance contained in the NPPF. Given the limited scale of this development any conflict with Policy CS5 is minor and could not realistically form the basis of a robust reason for refusal.

#### Policy CS8 – Mix of Housing

Policy CS8 requires proposals for development of 10 or more dwellings to provide an appropriate mix of housing types. This is guided by the Housing Mix and Affordable Housing SPD.

Whilst this current number of dwellings would usually fall outside of the scope of the aforementioned SPD, the proposal seeks to deliver a total of 8 no. one bedroom dwellings to this site. It is considered that this proposal would go some way to providing much needed accommodation suitable for single people and couples. Therefore, it is considered that the proposal would be acceptable with regard to the requirements of Policy CS8.

#### Policy CS19 – Bio-diversity and Geo-diversity

Policy CS19 outlines a strategic objective is to protect the important areas of the Districts natural environment (species and habitats), landscape and geology and to improve biodiversity, wildlife habitats and corridors.

An Ecological Survey and Bat Emergence/Re-entry Survey has been prepared by ecologists on behalf of the applicant. The report identifies that the site and adjacent railway embankment hosts a variety of mature vegetation and trees which could provide suitable habitats for protected species, in particular bats, birds, badgers, amphibians and reptiles.

Following the submission of the ecological report and emergent bat surveys, no evidence of bats were found to be entering/exiting the existing buildings however bats were present in the area at the time the emergent surveys were undertaken. In addition, it was noted that the adjacent railway embankment hosted bird activity. No evidence of badgers or badger setts were found at or within 30m of the site boundary. Furthermore, the site was considered to be suboptimal for amphibians and reptiles.

The County Council Ecologist has accepted the findings detailed within the reports prepared by the applicant's ecologists and has confirmed that the proposed recommendations/mitigation measures are satisfactory and should be adhered to throughout the development.

#### 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, 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 with the applicant to ensure that the development has been amended and revised so that it accords with adopted policies and thus the development is in accordance with Policy CS24.

### **Blaby District Local Plan (BDLP) (1999)**

Although the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) has been adopted a number of policies from the Blaby District Local Plan (1999) continue to be saved. The following policies are of relevance to this application.

#### **Policy R1 – Residential Development Within Primarily Residential Areas**

The application site is located within the Primarily Residential Area of Whetstone as identified on the Proposals Map of the Blaby District Local Plan (1999). Saved Policy R1 allows for new residential development in such locations, subject to the criteria set out in the Policy. Your Officers consider that the development will accord with this saved policy and will not be out of keeping with the character of the area nor will it be significantly detrimental to the amenities of adjoining occupiers.

#### **Policy T6 – Parking and Servicing**

Saved Policy T6 states that new residential development should accord with the adopted car parking standards of the District Council.

#### **Policy CE21 – Existing Trees and Woodlands**

Saved Policy CE21 states that planning permission will not be granted for development which would result in the destruction of trees subject to a Tree Preservation Order, or woodlands of significant amenity value unless it can be demonstrated that the need for the proposed development overrides the special amenity value of the trees.

Following a request from members of the public, a Tree Preservation Order has been made in order to protect the immediate future of a mature Common Ash situated at the top of the turning head of Central Close. In liaison with the County Council's Forestry Team Leader, this Order was made on the basis of the tree's overall size and visual importance as it is considered to make a positive contribution to the amenity of Central Close.

The applicant has lodged an objection to the imposition of this Tree Preservation Order. Therefore, the matter of confirming the Order is to be determined by the District Council's Planning Committee (and is reported elsewhere in this Agenda) in the light of the evidence put forward by the County Council's Forestry Team Leader and the applicant.

### Policy CE22 – Landscaping

Saved Policy CE22 states that development is required to take existing landscape, ecological and geological features into account and incorporate appropriate landscaping.

### Policy CE25 – Crime Prevention

Saved Policy CE25 states that development is required to incorporate any design measures aimed at reducing the potential for crime. Your officers are satisfied that the proposed development has been designed in such a way that the main parking areas would be overlooked by future occupiers that would introduce an element of natural surveillance. In addition, any proposed CCTV would provide additional surveillance to help to limit crime.

### Policy CE26 –Light Pollution

Saved Policy CE26 states that development should not be of nuisance to nearby residents and/road users, create unnecessary levels of lighting or be significantly out of keeping with the area. In the event that planning permission is granted for the scheme, it is considered that it would be appropriate to impose a condition requiring details of an external lighting scheme prior to installation in order to protect and safeguard the amenity of nearby residents and wildlife.-

### **Other Material Considerations**

Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise, and whether those material considerations are of such weight that the adopted policies of the Development Plan should not prevail in relation to any proposal.

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

- Impact on Residential Properties
- Design, Layout, Character and Appearance
- Highways

### Impact of Residential Properties

The original proposal subject to this planning application was for two storey extensions to No's. 14 - 21 Central Close and erection of 2no. three storey buildings to create 9 apartments. During the consideration of this proposal, concerns relating to overbearing effect, loss of light and issues of overlooking leading to loss of privacy have been raised by Whetstone Parish Council as well as occupiers of neighbouring residential dwellings.

The proposed amendments requested by your Officers have removed the three storey elements from the new apartment buildings and have reduced the depth to the extension to Building A which in turn, led to a reduction in residential units.

Further amendments included alterations to the internal arrangement of both Buildings A and B, the relocation of bin stores and changes to the parking layout.

### Extensions to Buildings A and B

The proposed extensions to Building A would have a ridge height of some 8m and would be set to the west of the boundary serving No. 12 Central Close by some 4.2m and approximately 5.3m and 5.9m to the north of No's. 6 and 7 Old Station Close. However, due to the proposed roof design of the extension it is understood that the critical height of the extension to Building A would be set some 8m from No. 12 and approximately 18m from No's. 6 and 7 Old Station Close.

The inclusion of a high level window and roof lights within the first floor bedroom of the eastern flank elevation should be sufficient to mitigate overlooking on No. 12. In addition, internal alterations within the existing building would result in a ground floor and first floor bedroom window being re-located to the eastern flank elevation. By virtue of this window's position, it is considered unlikely that it would unacceptably overlook No. 12. Furthermore, a condition would be imposed to ensure that the window serving the first floor hallway will remain obscurely glazed in perpetuity.

The first floor kitchen/living area would be served by two windows; one situated over a sink/washing area and a second, larger lounge window in the western elevation. The distance between the proposed kitchen window and existing bedroom windows in the rear elevation of No. 6 and 7 Old Station Close would be approximately 14.5m.

Due to the kitchen window's size, location and function above a sink, your Officers do not consider that this window would lead rise to an unacceptable level of overlooking. Furthermore, the existing boundary treatment is substantiated by timber fencing, detached outbuildings and vegetation which would screen some of the views into the garden. However, should concerns remain regarding privacy, it is possible to impose a condition requiring this window to be obscured/frosted.

Having regard to Building B, the proposed extensions would be situated approximately 5.4m to the west of the boundary serving No. 11 Central Close and some 1.4m to the south of the boundary of a bungalow being constructed to the rear of No. 32 Victoria Road. Similarly to Building A, the proposed roof design of Building B would result in the critical height of the extension being set further away. In this instance, approximately 9m from No. 11 and 5.4m from the boundary of No. 32 Victoria Road.

Given that the size, scale and design of this proposal would mirror that of Building A, it is considered that the inclusion of a high level window and roof lights within the first floor bedroom of the eastern flank elevation would sufficiently mitigate overlooking. Similarly, it is considered that the altered positions of the ground floor and first floor bedroom windows are unlikely to lead rise to a loss of privacy at No. 11 and a condition will be imposed ensuring obscure glazing in perpetuity to a first floor hallway window.

The extended element to Building B also proposes a first floor kitchen window that would have an outlook over the rear gardens serving a new bungalow and No.1

Woodway. However, your Officers consider that due to the window's size, location and function, including neighbouring boundary treatments, this window is unlikely to impinge on the privacy of neighbouring occupiers. However, as is the case with the proposed extension to Building A, should concerns remain regarding privacy, it would be possible to impose a condition requiring this window to be obscured.

### Buildings C and D

Buildings C and D would be sited at opposite ends of the turning head against the slope of the existing railway embankment. The respective living and dining areas of each respective apartment block would face one another and would be separated by a distance of approximately 16m. However, given their staggered position it is not considered that there would be an undesirable relationship between either unit in terms of privacy and light.

Building C would propose a bedroom and bathroom window in the southern elevation, approximately 22 metres from the rear elevations of No's. 2 and 3 Blackthorn Gardens. Occupiers of these dwellings have raised concerns that the first floor windows would have an impact in terms of overlooking and loss of light, but based on the intervening distances and boundary treatments, your Officers do not consider that Building C would have an unsatisfactory impact on these neighbouring properties. Furthermore, the bathroom window would be conditioned to be obscurely glazed.

An existing occupier to one of these dwellings has requested that the existing wall enclosing the boundary of the car park be retained. Whilst it is understood that the wall would screen the rear gardens at No's. 2 and 3 Blackthorn Gardens, it does not benefit from any special protection and could be removed without planning permission. In addition, in the event of approval being granted for this scheme, the applicant will be required to submit a full hard and soft landscaping scheme whereby boundary treatments will be given full consideration.

In similar fashion, Building D would propose bedroom and bathroom windows in the northern elevation. This elevation would overlook the western edge of the rear gardens serving a new bungalow, including the dwellings of No's. 1 and 2 Woodway. It is considered that the proposed extension to Building B would screen views of the private amenity areas to the newly constructed bungalow. In addition, it is considered that the first floor bedroom window to Building D would be located in such a position that it would not offer direct views to the private amenity areas or the rear windows to properties at Woodway, which are some 50 – 70m to the north east.

Based on the submitted amendments which have attempted to address some of the concerns raised by the Parish Council and local residents, it is considered that the resulting development by virtue of its scale, mass, siting, design, fenestration and proposed boundary treatments would not have an unduly harmful impact on neighbouring occupiers in terms of overbearing effect, loss of privacy or light.

In addition, it is also considered that the design and arrangement of the proposed apartments would not unduly compromise the living conditions of future occupiers to

the extent that they would be unable to enjoy a reasonable level of residential amenity.

### Design and Layout

It is considered that the original proposal of 2no. three storey apartments were of unsatisfactory design that would have resulted in overdevelopment of the site due to their excessive size and scale. In addition, concerns were also raised regarding the removal of existing trees, vegetation and green spaces to the front of the existing buildings and within the turning head in place of substantial areas of hard surfacing, as it was considered that such dramatic changes in these locations would have a detrimental impact on the character and appearance of the area.

It is considered that the revised layout and reduction in height to the detached apartment blocks are now commensurate with the scale of the existing two storey apartment buildings. In addition, the separation distances between the existing and proposed buildings have increased. It is considered that the proposed amendments appear less intensive in nature and are in keeping with the character and appearance of the built up area.

Furthermore, your Officers consider that the reduction in the amount of hard standing and the inclusion of planting in between the proposed parking spaces on Central Close is consistent with existing frontages in the streetscene. Additionally, it is considered that the proposal in its current form, along with a quality landscaping scheme, intends to present a 'fair face' at street level and would remain in keeping with the existing vegetation and green spaces afforded by the backdrop of the railway embankment. Consequently, it is considered that the proposed design and layout of the proposal is satisfactory.

### Highways

Concerns have been raised by local residents and members of the public regarding the narrow width of the carriageway on Central Close. In addition, further concerns have also been raised concerning construction vehicles driving on the carriageway, insufficient off-street parking spaces and the impact that displaced vehicles may have by parking on the highway.

In their assessment of the revised drawings, the County Highway Authority has acknowledged the relatively narrow width of Central Close as well as the possibility of there being some level of disruption during the construction period in the event planning permission is granted. The County Highway Authority has confirmed that any disruption caused during the construction period would only be for a temporary period and that the impacts of this could be mitigated via the imposition of a suitably worded condition.

Having regard to parking and turning, the County Highway Authority considers that the proposed off-street car parking arrangements to be adequate and welcomes the allocation of parking bays and has confirmed that the turning area within the parking courtyard to the rear of Building A to be sufficient.

Given the site's location at the end of a cul-de-sac within Whetstone village, its access to services and public transport, including the relatively low traffic density to be generated by the proposal on Central Close, the County Highway Authority does not consider the cumulative impacts of the proposed development to be severe in accordance with Paragraph 32 of the NPPF (paragraph 109 of the 2018 NPPF) and can be sufficiently mitigated via the imposition of conditions.

## **Conclusion**

The application site is situated within the context of a Larger Central Village as defined by the Blaby District Local Plan (Core Strategy) Development Plan Document (2013), will utilise previously developed land and would be located close to the centre of Whetstone village where it would have access to local services, amenities and public transport links. Although the minimum residual housing requirement for Whetstone has been achieved, it is considered that the release of 8 additional one bedroom units would provide much needed accommodation suitable for single people and couples.

It is considered that by virtue of its siting, scale, layout, design and landscaping, the proposal will not have a negative impact on the streetscene and would be acceptable in context to the character and appearance of the surrounding area. In addition, the scheme has been amended in light of the initial concerns raised by local neighbours and residents and is considered to have an acceptable relationship with existing neighbouring properties and future occupiers.

The three dimensions of sustainable development have been considered (economic, social and environmental) as set out in the NPPF and the proposal will also provide housing contributing to the quality and choice of housing in Whetstone. The proposed development is in conformity with the Development Plan and it is supported by the relevant policies of the NPPF. In light of the above, the proposal is considered to be acceptable and accordingly it is recommended that planning permission is granted subject to the stated conditions.

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**18/0550/FUL**

**Registered Date  
17 May 2018**

**Wexford Retail Ltd Partnership  
And Fosse Park West**

**Redevelopment of existing food court including demolition of existing building and erection of new building comprising of A1 and A3 use with new management suite, pedestrian link, car parking, servicing areas, landscaping and associated works**

**The Food Court, Fosse Park Avenue, Enderby**

**Report Author: Matt McConville, Major Schemes Officer**

**Contact Details: Council Offices, Tel: 0116 272 7688**

**RECOMMENDATION:**

**THAT APPLICATION 18/0550/FUL BE GRANTED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:**

1. Development Commenced within 3 years.
2. Built in accordance with the approved plans and documents.
3. Samples of materials to be submitted and agreed.
4. A1 retail floorspace not to exceed 325sqm and no more than 6 individual A1 units.
5. A3 floorspace must be used as A3 and for no other purpose.
6. A3 floorspace shall not exceed 2,605sqm (excluding ancillary seating areas) and there shall be no more than 14 units.
7. Submission and approval of an external lighting scheme prior to installation.
8. Provision of off street parking facilities prior to occupation and retained thereafter.
9. The pedestrian link between Fosse Park and Castle Acres must be provided before the building is open for trade and retained thereafter.
10. Submission and approval of foul drainage plans prior to commencement.
11. No works during bird breeding season without a suitably qualified ecologist being on site.
12. Carried out in accordance with sections 6.2 and 6.3 of the submitted Geo-Environmental Desk Study and the submission of a Verification Statement.
13. Submission and approval of a Waste Management Strategy prior to demolition.
14. Submission and approval of a Construction Environmental Management Plan prior to demolition.
15. Submission and approval of a detailed surface water drainage scheme prior to commencement.
16. Details of the maintenance of the proposed surface water drainage system submitted and approved prior to commencement

**Note:** The pre-commencement conditions have been accepted by the applicant.

## **Relevant Planning Policies**

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

Policy CS2 – Design of New Development:  
Policy CS10 – Transport Infrastructure  
Policy CS11 – Infrastructure and Facilities to Support Growth  
Policy CS12 – Planning Obligations and Developer Contributions  
Policy CS13 – Retailing and Other Town Centre Uses  
Policy CS19 – Bio Diversity and Geo Diversity  
Policy CS20 – Historic Environment and Culture  
Policy CS21 – Climate Change  
Policy CS22 – Flood Risk Management  
Policy CS23 – Waste  
Policy CS24 - Presumption in Favour of Sustainable Development

### **Blaby District Local Plan (BDLP) (1999)**

Policy T1 – Public Transport Provision to Serve Major New Development  
Policy T2 – Off Road Layby Provision for Public Transport  
Policy T3 – New Highways Schemes  
Policy T6 – Off-Street Parking Provision  
Policy T8 – Off Road Facilities for Loading, Unloading and Servicing  
Policy T10 - Car Parking and Servicing Areas Design  
Policy T12 – Access and Mobility Needs; Open Spaces  
Policy S5 – Food and Drink Uses  
Policy S9 – Blaby Central Area  
Policy S12 – Motorways Retail Area (MRA):  
Policy CE1 – Scheduled Ancient Monuments and Archaeological Sites  
Policy CE22 – Landscaping  
Policy CE25 – Crime Prevention  
Policy CE26 – Light Pollution

### **National Planning Policy Framework (2018)**

Section 6 -Building a Strong, Competitive Economy:  
Section 7 - Ensuring the Vitality and Viability of Town Centres:  
Section 9 - Promoting Sustainable Transport:  
Section 12 - Achieving well-designed places  
Section 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change  
Section 15 - Conserving and Enhancing the Natural Environment:  
Section 16 - Conserving and Enhancing the Historic Environment:

## **Consultation Summary**

Set out below is a summary of all of the responses from the statutory consultees in relation to the Application.

## **Blaby District Council, Environmental Health:**

*I have considered the documents submitted with regard to the following potential planning constraints: Air Quality, Noise and disturbance, Land Contamination, Waste Management*

*This application proposes the complete demolition of the existing food court, followed by the construction of a new building, incorporating A1 and A3 uses, and associated infrastructure. There are no residential premises close to the application site and so the potential for off-site impacts is low.*

*The proposed development forms part of the larger extension to Fosse Park which has already been approved. No new public car parking is proposed as part of this application; car parking for staff is indicated. There is unlikely to be any significant off-site impact from traffic generation. This is supported by the outcome of the submitted Transport Impact Assessment prepared by ttp consulting (dated April 2018). As a consequence, there are unlikely to be any significant impacts on the existing levels of air pollution in the locality.*

*I would recommend that provision is made in any approved scheme for sustainable travel, consistent with that which is provided for in the section 106 agreement for planning permission 15/0577/FUL. This is consistent with the comments submitted by the Highways Authority.*

*There is some potential for the demolition and construction works for the proposed scheme to give rise to off-site impacts from dust and noise. A Construction Environmental Management Plan (CEMP) should be used to control this aspect, as per condition 17 on planning permission 15/0577/FUL.*

*Given the previous uses of the site, there is potential for land contamination to have an impact on the proposed development. A Geo-Environmental Desk Top Study has been submitted with this application, prepared by RPS (dated February 2018, reference RCEI60987-002 R). The Study concludes that an intrusive investigation should be carried out prior to development, with associated monitoring and risk assessments being prepared.*

*The intended uses of the units within the proposed development are likely to generate significant quantities of waste. The submitted Design and Access Statement (page 43) refers to a strategy for the management of waste. The implementation of such a strategy should be required by a suitably worded condition.*

*I have no objections to make in respect of the application.*

*Although the proposal is acceptable in principle, I recommend that the following requirements are attached to any consent granted:*

- A condition to implement the recommendations of the Geo-Environmental Desk Study, sections 6.2 and 6.3, followed by any necessary remediation and a verification statement;*
- A condition requiring the submission of a waste strategy for prior approval and implementation;*

- *A note to applicant: "In order to be able to advise further on the suitability of the proposed redevelopment of Fosse Park Food Court, please provide detailed plans showing the layout, design and construction and the facilities of the units to Blaby District Council's Environmental Health Team. This will ensure that appropriate advice can be given prior to occupation of the units to ensure compliance with all Food Safety/ Health and Safety Legislation"*

**Blaby District Council, Neighbourhood Services:** No impact on services. We have one trade customer the Modern Mobility store, serviced by our two trade vehicles.

**Blaby Parish Council** - No comments.

**Braunstone Town Council** - No objections to the proposal.

**Enderby Parish Council** - No objections

**Environment Agency** - The comments of the LLFA should be taken into account.

**Fire and Rescue** - Comments awaited.

**Glen Parva Parish Council** - Comments awaited.

**Harborough District Council** - Comments awaited.

**Highways England (Formerly Highways Agency)** - No objection.

**Hinckley and Bosworth Borough Council** - *"The proposal is for the redevelopment of the existing food court at Fosse Park and includes the demolition of an existing building and the erection of a new one comprising of Class A1 and Class A3 uses with associated works.*

*A key focus of concern for HBBC would be any potential impact from the proposals on the vitality and viability of Hinckley town centre, given that there is a finite level of expenditure capacity within the retail and food and beverage sectors in any given area. However, upon reviewing the proposals it appears the application does not propose an increase in Class A1 or Class A3 floorspace than that which is already consented or certified as lawful on the site. This is confirmed within the submitted planning statement and therefore HBBC have no further comments to make in relation to this matter.*

*A second key area of concern for HBBC would be the potential impact from such development on the strategic road network, given the proximity of the site to the M69/M1 corridor in the context of its important role in the local and wider economy. However, the submitted transport assessment finds that, given the quantum of Class A1 and Class A3 on site will remain broadly the same as existing or consented, there would be no change in traffic conditions as a result of the proposed development nor any change in demand for parking or trip generation. In view of this, HBBC have no further comments to make in relation to this matter".*

**Leicester City Council Planning and Highways** - *“This application involves the redevelopment of the existing food court, including the demolition of existing food court and erection of new building that would comprise of both A1 and A3 uses, a new management suite, pedestrian link to the current Fosse Park development as well as car parking, servicing areas, landscaping and associated works.*

*If approved, the amount of A3 floorspace in this scheme would total 2,604.5sqm. This is 50sqm less than the amount of existing or “certified” floorspace, which totals 2654.5sqm. The existing or “certified” floorspace is made up from:*

- *565.8 sqm of A3 uses in the existing food court.*
- *1224.7sqm from internal alterations that could be made to the existing food court to provide extra A3 units mainly at upper floor level. This principle was established in a Certificate of Lawful Proposed Development (17/1750/CLP)*
- *864sqm from units 14, 15 and 16 in the consented in application 15/0577/FUL. These units would be reconfigured in this scheme.*

*The above A3 floorspace (existing and “certified”) would be reconfigured to create a new pedestrian link. The proposed scheme would create a total of 14 new food and beverage units (class A3) ranging in size from 66sqm to 367sqm. It would also include 4 relocated retail units (class A1) ranging in size from 34sqm to 105sqm.*

*As you will recall our two local authorities (along with various retail consultants) previously had extensive discussions in respect of the potential level of retail impact that the new retail development at Everards Brewery, Enderby, would have on the City centre. This was given thorough consideration as part of the planning application 15/0577/FUL. A number of conditions were added to that consent to help manage the anticipated level of impact in respect of how much trade would be diverted from the City centre to the new retail development.*

*Some important principles were established as part of the 15/0577/FUL application and consent and are relevant in the consideration of this current application 18/0550/FUL. In particular, condition 4 of consent 15/0577/FUL restricted the number of units in the main retail terrace that could have a ground floor gross internal area of less than 929sqm (no more than 3 units). In addition, it established that no individual class A1 retail unit should have a ground floor gross internal area floorspace of less than 393sqm.*

*The purpose of condition 4 is to control the future subdivision and size of units in order to ensure that development remains broadly similar to what was assessed (in the retail impact assessment) as part of the original application. At the time of the application the City Council raised the minimum size of units as an important issue and Blaby’s own retail consultants (WYG) raised this as a key concern to BDC in their letter dated 27<sup>th</sup> October 2016.*

*“Should the proposed development evolve such that a greater number of smaller units are provided, then we would have significant concerns that the development would have greater appeal to retailers who may not have a requirement to locate at both Fosse Park and*

*Leicester City centre. Furthermore, without a condition relating to sub-division and minimum unit size, the nature of the Everards Brewery scheme could evolve such that one of the City centre's key differentiators i.e. it provides a range of different types of shops, including relatively small specialist retailers is diluted."*

*Application 18/0550/FUL proposes 14 new food and beverage units (class A3) which would all be less than 367sqm at ground floor level. It is important therefore that if Blaby District Council is minded to approve this planning application that a condition needs to be attached to retain all of the 14 proposed food and beverage units in class A3 use (i.e. removing permitted development rights). The City council has consistently sought the exclusion of smaller retail units at both Fosse Park and within the new Everards Brewery development. The principle behind condition 4 is non-negotiable for the City Council and without such a measure the proposed development would not be acceptable. The Council may seek further legal action on this matter.*

*The City Council asks that that you keep us informed of progress on this application and also share with us the proposed conditions if you are minded to approve the proposed development".*

**Leicestershire County Council, Arborist** - *"There would be little diminution in amenity (from any external viewpoint) from the proposed removal of the small trees and the part of the tree group for the development works".*

**Leicestershire County Council, Archaeology** - The application has been assessed against the Leicestershire and Rutland Historic Environment Record (HER), the latter indicating the presence of the former line of the Roman Fosse Way (HER ref.: MLE1380) in close proximity to the development site. However, owing to the extensive previous development works on site, it is considered that there is a low potential for archaeological remains to survive within the application area, and a limited risk of any significant archaeological loss in the event that fragmentary remains were to be affected. It is therefore advised that the application warrants no further archaeological action.

**Leicestershire County Council, Ecologist** – *"The ecology report (TSA Ecology, April 2018) submitted with this application is satisfactory. I have no objections to this proposal; however I would draw the applicants' attention to the recommendations in the report".*

**Leicestershire County Council Highways Department** - *"The Local Highway Authority advice is that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the Condition as outlined in this report".*

#### *Advice to Local Planning Authority*

#### *Background*

*The Local Highway Authority (LHA) understands the Applicant is seeking full planning permission for the redevelopment of the existing food court including*

demolition of existing building and erection of new building comprising of A1 and A3 use with new management suite, pedestrian link, car parking, servicing areas, landscaping and associated works.

The Applicant has submitted a Transport Statement (TS), Planning Statement and Design and Access Statement in support of the Application. The proposed development is part of the existing Fosse Park shopping park and will tie in with the new development known as Castle Acres approved under LPA ref: 15/0577/FUL which has been subject to a number of non-material amendments to meet design and new tenants requirements.

#### Site Access

As part of this Application there are no plans to change the current site access arrangements to the existing Fosse Park or any site access improvements associated with the approved Castle Acres application.

#### Trip Generation

The proposed development is unlikely to generate a significant number of new trips in the peak hours but will enhance the shopping experience for existing Fosse Park shoppers or new visitors already accounted for as part of the Castle Acres application.

#### Internal Layout

There are no plans to change the number of customer car parking spaces across the Fosse Park Shopping area (North and South) and Castle Acres development, therefore there will still be 3,157 spaces.

The impact on customer parking of the proposed development is that visitors to the Shopping Parks may stay longer than is currently the case due to the improved facilities on site which may result in fewer spaces being available at busier times. However the figures above do take into account the additional customer parking approved as part of the other non-material applications on the Castle Acres site. Following a request from the LHA the Applicant has confirmed the parking arrangements for employees if the LPA are minded to grant planning permission for this application.

The previously approved plans would result in a overall loss of 46 employees parking spaces from 210 to 164 across Fosse Park North and South and the Castle Acres developments.

The proposals as part of this application would result in an additional 42 car parking spaces for employees i.e. 185 proposed overall therefore there will be a net increase of 21 employee car parking spaces across the whole site compared to the consented position. The proposed layout including the employee and HGV parking spaces in the reconfigured service yard are shown on DunnetCraven Ltd drawing number: CRO001\_DCR\_A\_LP\_0003.

#### Transport Sustainability

As part of the previous Castle Acres planning application the Applicant has agreed to provide S106 contributions towards sustainable travel options to the Castle Acres

development. Therefore it is reasonable to presume that some employees especially those from the local community will be able to use other sustainable modes of transport to the site.

#### Condition

1. The development hereby permitted shall not be occupied until such time as off street car and HGV parking provision (with turning facilities) has been provided, hard surfaced and demarcated where appropriate in accordance with DunnetCraven Ltd drawing number: CRO001\_DCR\_A\_LP\_0003. Thereafter the onsite parking provision shall be so maintained in perpetuity.

#### *Reason:*

*To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Paragraphs 32 and 35 of the National Planning Policy Framework 2012”.*

**Leicestershire County Council Lead Local Flood Authority (“LLFA”)** - No objections to the proposal subject to 2 conditions requiring the submission and approval of a surface water drainage scheme and the agreement of a maintenance regime for the approved scheme.

**Leicestershire County Council Planning Obligations** - No contribution towards Education, Libraries and Civic Amenities is required.

**Leicestershire Police** - *“Leicestershire Police have no formal objections in principle to the application however we would like to make the following observations.*

*I have reviewed the plans and from a crime and disorder perspective there are some vehicle crime issues within this area but not related to this site.*

*In respect to the proposed redevelopment of existing food court including demolition of existing building and erection of new building comprising of A1 and A3 use with new management suite, pedestrian link, car parking, servicing areas, landscaping and associated works.*

*I have reviewed access points leading into the site and found they have taken account of existing access points required for staff, customers and other potential users of the location. The existing management suite, which is part of the demolition will temporarily re locate to a vacant unit, as will some provision for customer’s food requirements. On completion of the new build there are no concerns re safety, security and footfall.*

*The existing CCTV system is proposed to be replaced with a new on site network and additional ANPR (Automatic number plate recognition) cameras will be erected at key vehicle entry points monitored by on site security. This will provide improved safety and security for users of the new site. Appropriate signage to comply with the Data Protection Act is required and would also deter potential offenders.*

1. *Street lighting columns to BS 5489 are recommended.*
2. *Appropriate fencing should be used to enclose the perimeter and is recommended to be 1.8m in height. This can be via planting or manufactured fencing.*
3. *Key access points leading into the development should be considered for CCTV coverage supported by lighting to allow identification during day and night. This would allow vehicle and facial recognition in key areas. Appropriate signage should be in place to be compliant with the Data Protection Act.*
4. *Natural surveillance should be possible via ground level foliage being trimmed to 1m high and trees to have no foliage lower than 2m from the ground to allow a clear field of vision.*
5. *Vehicular parking will be in designated parking area with appropriately marked spaces per vehicle. Communal parking should be supported by natural observation, lighting and be set in clearly defined areas to deter unauthorised access.*
6. *Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.*
7. *Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate”.*

**Natural England** - No comment to make. Published standing advice can be used.

**Narborough Parish Council** - Comments awaited.

**Natural England** - No comments to make on this application.

**Oadby and Wigston Borough Council** - Comments awaited.

**Severn Trent Water** - Comments awaited.

### **Third Party Representations**

None.

### **Relevant History**

#### **Food Court:**

##### 99/0664/1/PX

The application proposed the redevelopment of part of Unit 1 and the former garden centre to provide Food Court (Class A3) and Retail Unit (Class A1) together with alterations to existing servicing and staff car parking and new landscaping to Everard Way. The decision was issued on 14<sup>th</sup> January 2000.

##### 00/0163/1/PX

Revision to the scheme approved by application 99/0664/1/PX. The application was approved on 17<sup>th</sup> August 2000.

### 17/1750/CLPD

The Certificate of Lawfulness application for the proposed use of the food court involved the reconfiguration of the floorspace within the food court including increasing the amount of A3 (Food and Beverage or F&B) units within the building through internal layout changes and the infilling of the first floor void with extended mezzanine flooring.

The scheme proposed:

- No change to the existing A1 kiosks in size or location
- An increase in the size of some of the ground floor Class A3 F&B units and 7 new A3 units on the 1<sup>st</sup> floor causing the A3 floorspace to rise from 566sqm to 1,790sqm
- The removal of the 740sqm ancillary seating area on the ground floor (separate to the F&B units) and the creation of 264sqm on the 1<sup>st</sup> floor.
- Increases in other uses (offices etc.) from 1,438sqm to 1,649sqm.

The scheme proposed to remove the ground floor ancillary seating area to allow for an increase in the size of a number of the A3 F&B units themselves. Additional floorspace within the building was also to be created by infilling the currently open void at first floor level with a mezzanine creating approximately 870sqm of additional floorspace.

The internal layout shown on the drawings corresponds with the alignment of the pedestrian link joining the Castle Acres development to the existing Fosse Park retail scheme on 18/0198/NMAT.

### Other History:

The following history does not relate to the Application Site its self but to the adjacent MRA with particular reference to Castle Acres and Fosse Park and provides a background to the approval of the retail extension to which the Application will be linked.

### **Castle Acres:**

#### 15/0577/FUL

The approval of this application on the 21<sup>st</sup> March 2017 allowed the Castle Acres development comprising of Demolition of existing buildings and erection of a non-food shopping park (Class A1) and complementary A3 uses together with access and servicing arrangements, car parking and landscaping and associated works including closure of Everard Way to create new pedestrian link into Fosse Shopping Park.

This planning permission includes 3 x A3 units (Units 16-18) which are included in the current planning application. Planning permission was granted on the basis that there would be a link between Castle Acres and Fosse Retail Park. Condition 14 states:

*“The approved Class A1/A3 units shall not open for trade until a scheme demonstrating pedestrian connectivity to Fosse Park via the pedestrian link (as*

*shown on plan 14173-0306-01 Proposed Block Plan Linkway Mall) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation and maintained in perpetuity unless otherwise agreed in writing.”*

Since this time there have been a number of other applications which have amended the approved scheme and established the existing position: These are:

#### 17/1101/NMAT

This submission proposed a Non Material Amendment to application 15/0577/FUL which involved the replacement of the previously approved conservatory and garden centre to Anchor Unit 1 with a restaurant. It was considered that this proposal was non material on the grounds that it would not materially alter the appearance of the development, change the nature of the use as it was originally approved or have any materially detrimental highways or environmental impact above that already established by the approval.

#### 18/0198/NMAT

The application sought consent to amend the alignment of the pedestrian link joining the Castle Acres Development to the existing Fosse Retail Park through the existing food court. This included changing the footprints, positions and relationship of the 4 A3 units (13, 14, 15 and 16) which abut the link approved under application 15/0577/FUL. The floor area of each of the 4 units remained as approved ensuring that this amendment would not lead to any additional A3 food retail floorspace being provided. The changes also proposed the creation of additional access, circulation and surfacing zones to be placed to the north of units 15 and 16. The most significant change was that the frontage to unit 13 would extend out into the linkway by approximately 3m.

The application also proposed amendments to the walkway to the front of the main retail terrace which would see its width between the units and parking area increase from 5/6m to approximately 7.5 metres. The increased width resulted in a minor realignment of the main car-parking area to the south. Whilst the layout of the parking area would be very similar to that already approved under application 17/1658/NMAT it would result in a reduction in the extent of the landscaping strip around the south of the site. The amendments also include changes to the location of the cycle parking.

In addition to the above the application brought together the non material changes approved by other NMATs to create one single permission which includes all non material amendments other than application 17/1101/NMAT. The submission included the following changes approved by applications:

#### 17/1656/NMAT

##### Unit 2

- Minor changes to rear service yard area including provision of 2 x scissor lift, compactor area and plant area.
- Customer service doors changing from bi-parting to swing.
- Change to position of transom – alignment with first floor level.

- Increase in height of faced glazing.
- Potential external seating area denoted.
- Additional double fire escape door to eastern elevation.
- Relocation of loading door and new canopy.
- Replacement of 2 single doors with double doors.
- New service openings to northern elevation and window inserted.

#### Unit 6

- Changing double doors to single in side elevation.

#### Units 10 / 11

- Realignment of internal wall and provision of new doors to rear elevation – neither unit is to result in an internal floorspace of less than 393 sqm.

#### 17/1658/NMAT

- A minor reconfiguration of the car parking.
- The redistribution of accessible and parent and child spaces across the car park areas.
- Minor alterations to the access / egress to the Park from Grove Way.
- An additional 25 car park spaces.
- Minor alterations to the works to Grove Way including extending the east side footpath, increase lane widths and introduce a staggered crossing.
- Upgrading of pedestrian and cycle routes into the site from Soar Valley Way.
- Minor change to design of the overflow egress to Soar Valley Way.
- Minor alterations to the service yard to meet tenant requirements including confirmation of the location of the set back of gates from Narborough Road South (29 metres) and Grove Way / Everard Way (5 metres), exclusion of ramp from the north service yard and the relocation and provision of additional staff cycle storage areas.

#### **Fosse Retail Park:**

##### 86/1429/1/OX

An outline application for a retail park was submitted in October 1986 which was subsequently called in by the Secretary of State for the Environment. Planning permission for a retail park and garden centre was granted subject to conditions in 1988.

The conditions were:

1. Approval of details – siting, design, external materials and access
2. Submission of reserved matters application within 3 years
3. Commencement of development within 5 years of the application or two years from the date of the last reserved matters approval – whichever is the later.
4. Submission of landscaping scheme.
5. Submission and approval of access details, carpark details (for at least 1280 cars), drainage of an existing pond and culverting watercourses and managing underground springs.
6. Buildings not occupied until the internal access and internal roads provided.

7. Buildings not occupied until external highways alterations have been achieved.
8. Buildings not occupied until internal road drainage provided.
9. No outside storage of waste materials.
10. Bunding and drainage around any oil installation.
11. Only uncontaminated water to be discharged into any water course
12. Any development below 60.78 AOD within the washlands area shall be limited to car parking.
13. No raising of ground levels within washland area.
14. Floor levels not less than 60.70 AOD
15. The gross retail floorspace of the development hereby permitted shall not exceed 265,000 sq. ft exclusive of any garden centre, restaurant or petrol filling station.
16. The development hereby permitted shall include at least 2 units of more than 35,000 sq. ft gross floorspace and without the prior written consent of the District Planning Authority no individual unit will be less than 10,000 sq ft gross.
17. No buildings shall be used for the sale of food other than confectionary and such food that may be sold within ancillary snack bars, restaurants and coffee shops other than those specified in condition 18.
18. Not more than 20,000 sq. ft shall be used for the sale of food other than those specified in condition 17.
19. Access roads to allow access to the Severn Trent Water Authority pumping station and possible gravel deposits in the river valley.

#### 88/1498/1/MX

A detailed reserved matters application was then submitted and approved by Blaby District Council in October 1988. The reserved matters approval contained the following 3 conditions:

- Details of outstanding reserved matters to be submitted by 30<sup>th</sup> June 1991.
- Development to commence by the 30<sup>th</sup> June 1993 or no later than 2 years after the approval of the final reserved matters whichever is the later.
- Compliance with outstanding outline conditions.

Work started in May 1989 and the park commenced trading in 1989.

#### APP 96/1304/1/VX

Application to develop land without complying with the condition to limit the floorspace to 265,000 sq. ft exclusive of any garden centre, restaurant or petrol filling station. It proposed 237 sq. m mezzanine floorspace at the Sports Division unit (Unit 9). It was granted consent in the knowledge that extensions were proposed (Burton had submitted a Mezzanine proposal & M&S had submitted a proposal for an extension) and upcoming (Next and ASDA).

The subsequent planning history of the Fosse Park retail area is extensive and has included a number of applications since the original approval for increases to the size of units through physical external additions, the incorporation of neighbouring units in whole or part or the creation of mezzanines. The most relevant applications are set out below:

93/1340/1/OX

Outline app for Fosse Park South called in by the Secretary of State who granted permission (June 1995) for non-food retail development subject to conditions. These included minimum size criteria of 929 sq. m and that the premises shall not be used for the sale of food (other than confectionary), clothing, shoes, toys or fashion accessories.

06/0412/1/VX

Variation of Condition 5 of application 98/0531 to allow extension of mezzanine floor by 630 sq. m. The application approved an additional 237 sq. m of mezzanine with the condition that it was used for retail purposes. A condition was attached which required the mezzanine area to be used for sale of bulky sports goods only (in accordance with a list to be agreed). This was on the basis that an equivalent space within the store is used for this already. The decision was issued on the 12<sup>th</sup> May 2008.

06/0725/1/UY

Certificate of Lawful Development relating to interpretation of condition (xv) on the original outline approval (86/1429) which read:

*The gross retail floorspace of the development hereby permitted shall not exceed 265,000sqft [approx. 24,600sqm] exclusive of any garden centre, restaurant or petrol filling station.*

Also relating to the assertion by the applicants that this condition only governed the scope of the reserved matters application and was of no continuing effect.

The decision was issued on the 6<sup>th</sup> October 2006 after it had been accepted that the wording only applied to the reserved matters application. This allowed the principle of future expansion of the retail park.

06/0729/1/UY

Certificate of Lawful Development relating to condition (xvi) on the original outline approval (86/1429) which read:

*The development hereby permitted shall include at least 2 units of more than 35,000sqft (approx. 3,550sqm) gross floorspace and without the consent of the local planning authority no individual unit shall be less than 10,000sqft gross.*

Also relating to the assertion by the applicants that this condition only governed the scope of the reserved matter application and was of no continuing effect.

It was accepted that the first limb of the condition requiring the minimum of two units of at least 35,000 sq. ft did only apply to the reserved matters application.

It was not accepted that this was the case with the second limb (no unit less than 10,000 sq. ft (approx. 929 sq. m)) as this element did not engage upon the reference to "*the development hereby permitted*". The element of the proposal relating to the first limb of the condition was agreed on the 7<sup>th</sup> October 2006.

06/1029/1/UY

Certificate of Lawful Development relating to condition (xvi) on the original outline approval (86/1429) which read:

*The development hereby permitted shall include at least 2 units of more than 35,000sqft gross floorspace and without the consent of the local planning authority no individual unit shall be less than 10,000sqft gross.*

Also relating to the assertion by the applicants that this condition only governed the scope of the reserved matter application and was of no continuing effect

Advice from Counsel was sought on both sides and reached different conclusions. As seen with 06/0729 Blaby District Council did not agree with the assertion that the second limb had no continuing effect.

Prior to the determination of application 06/1029 application 08/0833 was submitted which proposed a compromise. App 06/1029 was withdrawn on the 2<sup>nd</sup> March after expiry of the Judicial Review period following approval of the 2008 application (see below).

08/0833/1/VY

Variation of condition xvi of planning permission 86/1429 to allow the subdivision of specified units to create up to 6 smaller units of less than 929 sq. m (10,000 sq. ft).

The application proposed new controls over units 1, 2, 3a, 3b, 4, 5, 6, 7a, 7b, 9, 10 and 20 (shown as yellow on plan 06/191A/P21(7)). Unit 11 (BHS), Unit 8 (JJB), 1A (Sports World) and the food court are controlled by their own separate consents.

It was put forward as a result of the disagreement between Counsel representing Blaby District Council and the applicant respectively over the 2006 application to remove the size restriction on individual units (06/1029). It appears that unit 3 had already been split at this time and both units were below the threshold. No planning permission appears to have been sought for this. The application was approved on the 20<sup>th</sup> November 2008.

12/0997/1/VY

Removal of conditions 2 (A list of the bulky sports goods equipment to be displayed and sold from the unit), 3 (Floor plan showing the area/areas to be used for the sale of the bulky sports goods) and 4 (no additional mezzanine floorspace shall be used for the sale and display of retail goods) attached to planning permission 06/0412/1/VX to be replaced by a single condition "*The floorspace hereby permitted shall not be used for the sale or display of food, other than as an ancillary use.*"

The application was approved on the 25<sup>th</sup> March 2013 subject to the following conditions:

- 1 The mezzanine floorspace hereby permitted shall not be used for the sale or display of food, other than as an ancillary use and not involving more than 10% of the retail sales area.

- 2 Within 90 days of the date of this permission, a Travel Plan shall be submitted to and approved in writing by the District Planning Authority. The Travel Plan shall include:
- i. Proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for journeys to and from the development
  - ii. Measures to secure increases in car sharing, public transport use, cycling and walking and details of on-site facilities to promote alternative modes of travel to and from the site
  - iii. Details of how the Travel Plan will be monitored and kept under review. The approved Travel Plan shall be implemented and subsequently reviewed in accordance with the approved details and timescales for implementation and review.

The reason behind the decision related firstly to the fact that there had been a number of consents which had approved elements of the mezzanine subject to less restrictions, secondly legal advice indicating that the conditions were not enforceable, and thirdly the business had closed and there were only a limited number of sporting goods shops selling bulky sports equipment that could now use the unit.

#### 14/0667/1/PX

External alterations, reallocation of existing mezzanine floorspace and addition of new mezzanine floorspace, installation of sprinkler tank and pump house, reconfiguration and provision of additional car parking spaces and enhancement of public realm.

This application proposed external and internal alterations to unit 8 (former BHS) and unit 11 (former JJB) to create a Primark store. It included the incorporation of a large section of the rear of unit 11 into unit 8 at first and mezzanine level as well as the splitting of the remainder of unit 11 into 2 small units below the 929 sq. m threshold and providing additional mezzanine floorspace of around 1,886 sq. m. It was subject to a Section 106 obligation which controlled the provision of the small units if the approved scheme were delayed and other approved applications for smaller units below the threshold had been implemented. The application was approved on the 18<sup>th</sup> November 2014.

#### 15/1137/FUL

Refurbishment of front, side and part of the rear elevations, alterations and improvements to the public realm including hard and soft landscaping and alterations to vehicular and pedestrian routing and other ancillary works. Approved on 23<sup>rd</sup> October 2015

## **ASDA:**

### 74/1152/1/P

The first application for a superstore with associated car parking was submitted in 1974. Following the refusal of 2 applications planning permission was granted in December 1978. There are no conditions attached to the planning permission restricting the type of goods that can be sold. The store was completed in 1980 and planning permission was granted for a 2,206 sq. m extension in May 1987 (87/0145/1/PX).

## **Other Relevant Applications:**

### **New Everards Brewery and Ancillary Uses**

#### 12/0865/1/OX

Outline application for construction of brewery, visitor centre and ancillary uses, brewery tap, restaurants and outdoor sport and recreation facilities, erection of footbridge over River Soar, provision for erection of temporary marquee (approx 5 times per year), construction of food & drink preparation units (with ancillary retail trade counters) associated parking & landscaping, pedestrian access and detailed proposals for vehicular access from Soar Valley Way (A563) & Narborough Road South (B4114). Approved on 22<sup>nd</sup> June 2015

#### 15/0888/VAR

Variation of conditions 4, 25, 26, 27, 28, 29 and 32 attached to planning permission 12/0865/1/OX to include revised access and highway details, updated flood management details, changes to land uses and floor areas, positioning of marquees and over flow parking areas. Approved on 27<sup>th</sup> November 2015.

#### 15/1524/RM

Reserved Matters application (relating to application 15/0888/VAR) for construction of brewery, visitor centre and ancillary uses, brewery tap, restaurants and cycle hire facility, erection of footbridge over River Soar, provision for erection of temporary marquee (approx 5 times per year), construction of food & drink preparation units (with ancillary retail trade counters) associated parking & landscaping, pedestrian access and vehicular access from Soar Valley Way (A563) & Narborough Road South (B4114) – Phase 1. Approved on 8<sup>th</sup> April 2014.

## **EXPLANATORY NOTE**

### **Site and Surroundings:**

The 0.94 ha site comprises of the existing food court buildings, areas of the existing service yards and other land to the south and west of the building (some of which was part of the approved Castle Acres site) and a section of Everard Way which is to be stopped up. Much of the site is located within the Motorway Retail Area (MRA) within the existing Fosse Park North development adjacent to the site of the old Everards Brewery (now cleared of buildings) to the south. The MRA includes Fosse Park North and Fosse Park South as well as the ASDA Supermarket to the north and

the development in the Grove Triangle development to the west across Narborough Road South, which contains a number of units including a Sainsbury's Supermarket. The 60ha Grove Park is located to the south west of the Application Site and comprises of offices, production and distribution space together with a hotel. Meridian Business Park is also located in close proximity to the Application Site.

The application site lies approximately 4.5km to the North of Blaby Town Centre, which contains Blaby District's only designated town centre, and 6.5km South of Leicester City Centre accessed via the main arterial routes of Soar Valley Way and Narborough Road South. It is also located within close proximity to the M1 and M69. The large scale of the neighbouring commercial units and proximity to popular transport links means the surrounding road network is highly trafficked.

The closest open countryside is located to the east of Fosse Park South and on the opposite side of Soar Valley Way to the north (the closest section of which is being developed as part of the Everards Meadow development). The closest ecologically sensitive sites comprise of Aylestone Meadows Local Nature Reserve 0.7km to the north east of the Application Site, Enderby Warren Quarry Site of Special Scientific Interest (SSSI) located approximately 1.2km to the west and Narborough Bog SSSI sited approximately 2km south of the Application Site. The closest residential properties are approximately 500m to the north of the Application Site.

A limited section of the east side of the existing food court and the existing service area to the south falls within Flood Zone 2.

### **The Proposed Development**

The application proposes the demolition of the existing Fosse Park Food Court and the erection of a new food court which effectively links the existing Fosse Park Retail Area to the new Castle Acres development (as required by condition 14 of the Castle Acres planning permission). Entrance to the new building from Fosse Park North would be in the same position as the existing food court entrance with the Castle Acres entrance / exit sited off the approved pedestrian link. It would also provide an external side exit and new route to the crossing linking the site with the Grove Triangle Development to the west. The new food court would comprise a two storey building with food and beverage (F&B) units and retail kiosks on the ground floor and eating areas (for approximately 5 ground floor units) and staff areas on a smaller mezzanine level. There would also be an improved pedestrian environment and public realm.

The new building would have a gross external area of 4930Sqm and measure 114m in length by 49m in width (widest point) and 12.5m in height. The indicative plans submitted with the proposal detail 14 Class A3 F&B units and 4 A1 retail units sited along two sides of a central walk way. The building would also replace the food and beverage units 14, 15 and 16 of the consented Castle Acres Scheme to create a more effective link. The internal layout of the A3 units is indicative on the grounds that *"the final position of the dividing walls between the Class A3 units will be dependant on specific tenant interest and therefore, we would ask that the Council treat the layout of the units as indicative only at this stage, but on the basis that no*

*more than 2,605 sqm GIA (not including ancillary seating areas will be used for class A3 purposes.”*

The modern design would incorporate large glazed openings and quality material palette in keeping with the approved Castle Acres development and the upgraded facades in the existing Fosse Park North retail park.

The proposal also includes a reconfiguration of the service yard consented as part of the Castle Acres scheme to incorporate a section of Everard Way that is being stopped up to create additional parking spaces for staff. This will offset the staff spaces to the rear of the food court that will be lost as a result of the larger building footprint and would in fact offer a small net gain of 21 spaces over the current position with the approved Castle Acres Scheme. The proposals do not propose any changes to the customer car parking.

### **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.

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 sustainable.

### **National Planning Guidance**

#### **National Planning Policy Framework (NPPF) (July 2018)**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be dealt with in accordance with the development plan unless material considerations indicate otherwise. The relevant provisions of the development plan are set out below. Paragraph 12 of the National Planning Policy Framework (“NPPF”) is clear that the NPPF does not change the statutory status of the development plan as the starting point in decision making.

It is however necessary to consider the relevant provisions in the NPPF as a material consideration.

The NPPF sets out the planning policies for England and how they are expected to be applied. At the heart of the NPPF is a presumption in favour of sustainable development so that sustainable development is pursued in a positive way. Paragraph 11 states that in relation to decision taking this means:

- Approving development proposals that accord with the 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 the NPPF 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 NPPF taken as a whole.

The NPPF indicates 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):

- a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF contains a number of planning objectives including;

#### Building a Strong, Competitive Economy:

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

#### Ensuring the Vitality and Viability of Town Centres:

Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to

become available within a reasonable period) should out of centre sites be considered.

When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

#### Promoting Sustainable Transport:

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

#### Achieving well-designed places

The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

#### Meeting the Challenge of Climate Change, Flooding and Coastal Change:

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

### Conserving and Enhancing the Natural Environment:

Planning decisions should protect and enhance valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

### Conserving and Enhancing the Historic Environment:

Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

## **DEVELOPMENT PLAN**

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

The Core Strategy was adopted in 2013. It contains at its heart the same Social, Economic and Environmental objectives which make up sustainable development, within the NPPF, with a more localised and focused aim. The Core Strategy replaced a number of the policies of Blaby District Local Plan 1999 (“the 1999 Local Plan”), however a number of those policies were “saved”, and those that are relevant are set out below.

At part 3 of the Core Strategy, Spatial Portrait, it states that (paragraph 3.12) *the area around Junction 21 of the M1 experiences severe traffic congestion at peak hours (particularly the southbound exit in the morning peak hour) and, as a result of this, air and noise pollution is an issue in this area. Five Air Quality Management Areas (AQMAs) have been designated (primarily resulting from vehicular emissions) two of which are in the M1 corridor.*

**NOTE:** The AQMA which previously covered the site has now been removed from the list.

Paragraph 3.14 relates to the Motorways Retail Area (“the MRA”) and states *the District contains Fosse Park, one of the most successful out of town retail parks in the country (in terms of rental values and visitor numbers) attracting approximately 100,000 shoppers each week. Notwithstanding this, the economic success of Fosse Park introduces some challenges in terms of traffic generation / congestion, increased pollution and an impact on other retail centres.*

At paragraph 4.18 the Core Strategy states *one of the key obstacles affecting the economic success of the District is its transport network. Some of the District’s key employment and retail facilities are located close to junction 21 of the M1. The road network around junction 21 experiences severe congestion, particularly at peak times from traffic entering the City of Leicester from the motorway network, and those accessing the large employment and retail facilities at Grove Park and the Motorways Retail Area. Recent improvements to the motorway junction and traffic island have increased its capacity. Proposals to provide a direct link from the M1 to the M69 via a new ‘flyover’ are uncertain, it is not included in any committed*

*transport programme and unlikely to be delivered during the plan period.*

At paragraph 4.20 it goes on to say *Fosse Park and the Motorways Retail Area (MRA) is located on the northern boundary of the District. It is a highly successful out of town retail park, and is the highest ranked centre in the District (355 in the UK index). Whilst the MRA is commercially successful, it has an impact on surrounding centres and is mainly accessed by car borne custom, thus contributing to traffic problems in the vicinity of junction 21.*

The strategic objectives of the Core Strategy include:

- To improve the design quality of all new developments in the District including the need to design out crime.
- To protect the important areas of Blaby District's natural environment (species and habitats), landscape and geology and to improve bio-diversity, wildlife habitats and corridors through the design of new developments and the management of existing areas by working with partners
- To preserve and enhance the cultural heritage of Blaby District, recognising its contribution to local distinctiveness and to seek design solutions which preserve and enhance heritage assets where they are impacted by development.
- To minimise the risk of flooding (and other hazards) to property, infrastructure and people.
- To provide the appropriate quantity, quality and mix of employment opportunities to meet the needs of Blaby District's current and future populations, and to meet strategic employment, education and training needs;
- To deliver the transport needs of Blaby District and to encourage and develop the use of more sustainable forms of transport (including walking, cycling, other forms of non-motorised transport and public transport).
- To maintain, and where appropriate improve, the position of retail centres within the retail hierarchy. To make sure that the existing centres, primarily Blaby Town Centre, have opportunities to grow in order to enhance their vitality and viability and to prevent expansion of out of town centres (including the MRA) where this would result in an unacceptable impact on existing centres.

The final Strategic Objective specifically refers to the MRA. The supporting text to the objective states that *Access to services and facilities forms a key part of Blaby and Leicestershire SCS. Retail services are important to allow the successful functioning of communities within the District. The District of Blaby has: a large and successful out of town retail facility (Motorways Retail Area – including Fosse Park); a town centre (Blaby); and, numerous local retail centres. Seeking to balance the needs of these competing centres, whilst maintaining good service levels, is a key objective.*

## **Core Strategy Policy Context:**

### Policy CS2 – Design of New Development:

This Policy 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. It promotes the development of safe and inclusive places which are appropriate in their context and which take account of the needs of people with disabilities. It promotes the use of Building for Life 12 as a tool to encourage good design.

### Policy CS10 – Transport Infrastructure

This Policy seeks to direct new development towards sites where people can access services and facilities without reliance on private motor vehicles in order to limit its impact on levels of vehicular movements, congestion and the environment. It supports this by encouraging the protection and enhancement of local services and facilities (including retail and employment) and promoting and prioritising sustainable transport modes.

### Policy CS11 – Infrastructure and Facilities to Support Growth

This Policy requires new development to be supported by the required physical, social and environmental infrastructure at the appropriate time. Co-operation between the relevant providers will ensure the delivery of the necessary infrastructure, services and facilities to meet the needs of the community and mitigate any adverse impact of the development.

### Policy CS12 – Planning Obligations and Developer Contributions

The aim of this Policy is to ensure that the impacts of development on infrastructure and services and facilities is sufficiently mitigated through planning obligations.

### Policy CS13 – Retailing and Other Town Centre Uses

This Policy mirrors the sequential approach to site selection set out in the NPPF which requires main town centre uses to be located within town centres, then edge of centre locations and then, only if suitable sequentially preferable sites are not available, in out-of-centre locations.

The Policy contains the Blaby District Retail Hierarchy which sets out the sequential list of centres both inside and outside the Blaby District boundary which have a functional relationship to the Blaby District.

Leicester City Centre is placed at the top of the retail hierarchy as this is the closest regional centre to Blaby District. The Policy describes Leicester City Centre as *“a regional centre serving a wide catchment. The centre of Leicester is a major centre of employment. It is large, highly ranked (in a sub-regional context) and embraces a wide range of activities including retail, office, leisure, higher education, and health*

*services. It offers many 'higher order' functions not provided in the smaller centres within the District of Blaby."* It stands alone as the only City Centre in the hierarchy.

The second tier in the hierarchy is made up of designated Town Centres. Only one of the 6 designated Town Centres, Blaby Town Centre, is sited within Blaby District. The other designations are made up of Beaumont Leys, Hinckley, Wigston, Market Harborough and Lutterworth. The Policy indicates that Town Centres, including Blaby Town Centre, would be the focus of new retail development where it would accord with the Blaby Town Centre Master Plan and sustain or increase the vitality and viability of Blaby Town Centre. The important role the other centres play in providing shops, services and employment opportunities to their local communities is acknowledged. Further retail development in these areas is encouraged provided it is appropriate to the role, scale and character of the centre.

The third tier in the hierarchy comprises of designated District Centres. In addition to Enderby, Glenfield and Narborough within Blaby District external designations include South Wigston, Oadby, Broughton Astley, Anstey and Narborough Road.

The Policy also makes specific reference to the MRA indicating that within this area (comprising of Fosse Park, ASDA, and the Grove Farm Triangle Retail Development) managed growth will be facilitated in a form which is complementary to the achievement of the Blaby Town Centre Master Plan. The majority of the site lies within the MRA with only the south section falling within the Castle Acres site from the point at which it reaches Everard Way.

It is clear from the inclusion of the external centres within the hierarchy that the Policy offers protection to a number of areas outside of the Blaby District boundary including Leicester City Centre and the Narborough Road District Centre. This means that the impact of any application for applicable retail development on the vitality and viability of these external centres will have to be considered.

In relation to retail impact assessments Policy CS13 states:

*New retail and leisure developments should not have an unacceptable adverse impact on the vitality and viability of any other existing centre. All applications for new retail and leisure developments in excess of 929 sq. m (10,000ft) gross and not within an existing town, district, rural, or local centre will be required to provide impact assessments.*

*Assessments will be required to demonstrate:*

- *The impact of the proposal on the vitality and viability of any centre, including local consumer choice and trade in the centres; and*
- *The impact of the proposal on existing, committed and planned public and private investment in any centre.*

In order to manage impacts on existing centres, including Leicester City Centre, it suggests that any future growth of Fosse Park should not undermine the principles

established in the original planning permission which sought to deter high street style development.

The importance of the MRA in meeting the needs of certain retailers in terms of floorspace requirements is recognised as is the need to explore opportunities to make improvements to facilities and the environment within the area.

#### Policy CS19 – Bio Diversity and Geo Diversity

This Policy indicates that Blaby District Council will refuse planning permission for development that would impact upon sites of ecological or geological importance and will work with local and national wildlife organisations, local communities and landowners to preserve and enhance existing sites or where possible create new ones. Policy CS19 recognises that brownfield sites can offer significant biodiversity or geological interest and indicates that opportunities to build in enhancements will be explored.

#### Policy CS20 – Historic Environment and Culture

Policy CS20 sets out Blaby District Council's positive approach to the conservation of heritage assets and the wider historic environment. These assets, which include Scheduled Ancient Monuments, Listed Buildings, Conservation Areas and archaeological remains, will be preserved, protected and where possible enhanced.

#### Policy CS21 – Climate Change

Policy CS21 sets out the commitment to tackling climate change and flooding by focusing new development in the most sustainable locations, utilising sustainable design principles to minimise energy demand and using renewable low carbon technologies.

#### Policy CS22 – Flood Risk Management

Policy CS22 Indicates that Blaby District Council will ensure all development minimises vulnerability and provides resilience to flooding, taking into account climate change. This will be achieved by:

- Directing development to locations with the lowest risk of flooding
- Using Sustainable Drainage Systems to manage and improve natural forms of drainage
- Managing Surface Water Run Off
- Closely Consulting the Environment Agency

#### Policy CS23 – Waste

Blaby District Council will seek to encourage waste minimisation ensuring the design of proposals consider waste collection/management and new technologies and

follows a hierarchy of waste management.

#### Policy CS24 - Presumption in Favour of Sustainable Development

Policy CS24 reflects the principle of applying a presumption in favour of sustainable development set out in the NPPF which should be seen as the golden thread running through the planning process. It states that when considering development proposals Blaby District Council will take a positive approach and will always work proactively with applicants to find solutions and secure improvements to the economic, social and environmental conditions in an area.

#### **Blaby District Local Plan (BDLP) (1999) (“the 1999 Local Plan”)**

Although the Core Strategy has been adopted a number of Policies from the 1999 Local Plan continue to be saved. The following policies are of relevance to this proposal.

#### **Transport Policy:**

##### Policy T1 – Public Transport Provision to Serve Major New Development

Requires the internal road layout of a major new development to be designed to accommodate public transport where appropriate.

##### Policy T2 – Off Road Layby Provision for Public Transport

Suitable layby provision is required for a development which involves concentrated public activity to facilitate public transport use.

##### Policy T3 – New Highways Schemes

Development involving a new access, road scheme or improvement will only be granted if it incorporates appropriate facilities for pedestrians and cyclists and would not impact on the amenities of an area.

##### Policy T6 – Off-Street Parking Provision

Requires the provision of sufficient parking for the vehicles of employees, residents and visitors in accordance with Appendix 2 of the plan to Policy T6. Provision below the maximum standard may be acceptable where there is good access by public transport.

##### Policy T8 – Off Road Facilities for Loading, Unloading and Servicing

Acceptable development will provide safe and adequate off road facilities for loading, unloading, servicing and manoeuvring of goods and vehicles.

##### Policy T10 - Car Parking and Servicing Areas Design

Requires any new areas of car parking to be

- Appropriately surfaced, landscaped and illuminated,
- Designed to maximise safety and
- Enable surveillance in the interests of crime prevention.

#### Policy T12 – Access and Mobility Needs; Open Spaces

Development involving the creation of areas to which the public have access such as carparks must incorporate adequate provision for access by persons with restricted mobility.

#### **Shopping Policy:**

##### Policy S5 – Food and Drink Uses

Planning permission would not be granted for food and drink uses if it would unduly impact on the amenities of adjoining or nearby properties.

##### Policy S9 – Blaby Central Area

Development which would have a significant impact on, or affect the vitality or viability of, the central area of Blaby will only be granted permission if:

- It is in-keeping with the scale, character and role of the area
- It would have good pedestrian links with the existing area
- It would be significantly detrimental to the amenities of adjoining occupiers.

##### Policy S12 – Motorways Retail Area (MRA):

Within the MRA planning permission will only be granted for retail development and complementary and ancillary non-retail development providing that the development does not result in any of the following;

- A unit with a floorspace contrary to the conditions placed on the original condition;
- The creation of any new individual unit with a floorspace less than 929 sq. m gross.

The explanatory text to this Policy explains that the conditions placed on the original permission were as a result of the impact assessment which considered its likely impact on the vitality and viability of the surrounding retail centres. Most of the conditions are still considered relevant and particular attention is drawn to the conditions controlling the balance of retail and non-retail uses and the floorspace restrictions for individual units.

#### **Conservation and Environment Policy:**

##### Policy CE1 – Scheduled Ancient Monuments and Archaeological Sites

Development which would adversely affect the preservation or setting of a SAM or

other important archaeological site will be refused. All planning applications affecting such sites must be accompanied by the relevant appraisal.

#### Policy CE22 – Landscaping

Indicates that new development must take into account, and retain where appropriate, the value of the sites landscape, ecological and geological features and assimilate itself into the landscape.

#### Policy CE25 – Crime Prevention

This Policy requires the design of any scheme to incorporate design measures to reduce the likelihood of crime.

#### Policy CE26 – Light Pollution

Requires new development which incorporates a new lighting scheme to avoid any undue impact on residential amenities, highways safety, limit the light spillage, or be significantly out of keeping with character and appearance of the area.

#### **Other Documents:**

#### Emerging Blaby Local Plan Delivery DPD

The Delivery DPD is the second part of the Blaby District Local Plan and will sit alongside the adopted Core Strategy. It was submitted to the Secretary of State on 23 March 2018 for Examination purposes. Once adopted it will form part of the development plan for the District. It includes an updated core strategy policy on open space, sport and recreation, site allocations and development management policies. The Delivery DPD is accompanied by a Policies Map that shows the policies and proposals of the Core Strategy and Delivery DPD in map form. Of relevance to this application is a revised boundary for the Motorways Retail Area. The proposed revised boundary includes the land of the former Everards brewery (known as Castle Acres) to take account of the approved planning permission 15/0577/FUL.

Development Management Policy 13 also states that

*Development proposals will be required to clearly demonstrate that any adverse impacts related to land contamination, landfill, land stability and pollution (water, air, noise, light and soils) can be satisfactorily mitigated.*

*For the following circumstances, development proposals will be supported where it is accompanied by a detailed investigation of the issues and appropriate mitigation measures are identified to avoid any adverse impact upon the site or adjacent areas:*

*c) Close to or within an air quality management area or key transport corridors that may be affected by air quality;*

At the time of writing, the Delivery DPD has not yet reached a stage where full weight can be given to the emerging site allocations and policies. However, the

weight that can be given to the Delivery DPD increases as the Plan moves towards adoption.

### Leicester & Leicestershire Housing and Economic Needs Assessment 2017 (HEDNA)

The Study assesses the future housing needs, the scale of future economic growth and the quantity of land and floorspace required for B-class economic development uses between 2011 and 2031/36. It provides evidence to inform the preparation of statutory local plans by individual local planning authorities, a non-statutory Strategic Growth Plan for Leicester and Leicestershire and a refresh of the LEP's Strategic Economic Plan.

### Blaby Retail Study Update (2012)

The study updates the Blaby Retail Study 2008 by, amongst other things, providing updated retail forecasts in line with the Core Strategy plan period taking account of the NPPF. It also considers changes to retailer representation and retail commitments and proposals.

### Town Centre and Retail Study (2015)

The Town Centre and Retail Study 2015 was commissioned to, amongst other things, identify the quantitative and qualitative need for retail and other town centre uses up to 2031 for Leicester City and Blaby District. This will act as an evidence base to inform future development plan policy and provides baseline information to assist in determining planning applications for development.

### Joint Strategic Flood Risk Assessment (2014) ("SFRA")

The SFRA provides the latest flood risk information from a range of sources for Blaby District. It is used to inform decision making and inform development plan policy.

### The Blaby District Character Assessment (2008)

The study looks at the landscape and settlement character of Blaby District, identifies features and characteristics of the landscape and is used to aid development control decisions. It identifies how well the landscape character areas and settlements could adapt to change without severe detrimental effect on their character and integrity. Particular emphasis was placed on the edges of settlements and the transition into to the wider countryside.

### The Blaby Town Centre Master Plan (2008)

This document was produced as an aid to guiding transformational change in Blaby Town Centre over the period 2008 to 2023. Its purpose was to:

- Provide a clear and robust urban design framework to guide future development
- Identify sites in Blaby Town Centre to accommodate a mixture of uses

- Improve linkages with Blaby Town Centre
- Address sustainable transport issues
- Provide clear practical advice on delivery and possible funding sources.

It was produced with local stakeholders to provide a shared vision for Blaby Town Centre. The impact of Fosse Park on Blaby Town Centre is recognized although the document indicates that *“the existence of the high number of independent retailers and good base of local services provides excellent opportunities to develop a unique brand for Blaby Town Centre which seeks to counterbalance the offer provided by Fosse Park”*. It considers that the attractiveness of Blaby Town Centre could be improved by, among other things, improving its car parking provision, footfall and retail offer.

#### Blaby District Council Air Quality Strategy 2018:

Blaby District Council’s Air Quality Management Plan (“AQMP”), adopted in May 2014 set out Blaby District Council’s objectives for managing air quality within the Blaby District. It set out the policy context, actions in relation to monitoring air quality and a hierarchy of mitigation measures. The AMAP has been superseded for district – wide elements by the Air Quality Strategy, which was adopted by Council on the 24<sup>th</sup> July 2018. The document includes a number of Themes.

Theme 2, “Air Quality and Planning in Blaby District” includes links to planning policy. Theme 4, relates to “Air Quality in the Junction 21 Area of Blaby District”. The Actions listed for this Theme are:

1. Complete the Feasibility Study required by Ministerial Direction by the 31st July 2018 of measures that would bring forward compliance with the Limit Value in the Ambient Air Quality Directive. Undertake any actions that result from this.
2. Continue to recognise the importance of this area including traffic and air quality issues and work with others to effectively address them
3. Actively work with Leicestershire County Council to improve the congestion issues in the Fosse Park Area, focusing on the Castle Acres development. This includes partnership working relating to an increased role for the existing Park and Ride Site

A revised Air Quality Action Plan will be produced later in 2018, focussing on measures to address the air quality problems in the declared AQMAs.

#### The Conservation of Habitats and Species Regulations 2010 (“the Habitats Regulations”)

These Habitats Regulations provide for the designation and protection of European sites, the protection of European protected species as well as the conservation of natural habitats and habitats of species and protected species themselves.

The Habitats Regulations also allow for the control of potentially damaging planning applications. Planning permission may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect

any protected species or ecologically valuable sites. It requires the precautionary principle to be applied which means that consent cannot be given unless it is ascertained that there will be no adverse effect on habitats or species. The Habitats Regulations make it an offence to deliberately capture, kill, disturb, or trade in the animals or pick, collect, cut, uproot, destroy, or trade in the plants listed in the schedules to the Habitats Regulations.

## **Other Material Considerations**

### **Environmental Impact Assessment (EIA)**

The application proposes the replacement of a food court on an extensively developed brownfield site with a building of the same use class and similar scale to that of surrounding commercial buildings. There is nothing to suggest that the developments demolition, construction and operational phases would result in any likely significant environmental effects. Indeed modern construction techniques and materials may see a betterment in environmental impact such as the use of resources and drainage capacity. The location of the site, the extent of previous development and the character of the surrounding area limit any impacts on any ecologically or historically significant areas.

Taking into account the characteristics of the development, its location, context, environmental effects and the characteristics of the potential impact in terms of extent, magnitude, complexity, probability, duration frequency and reversibility, it is considered that an Environmental Statement is not required in support of this application. It is considered that the submitted details are sufficient to adequately assess the impact of the proposal and there is no need to request additional information in this instance. This assessment has been made in the light of the Screening Pro-forma completed in relation to application 18/0550/FUL, the guidance set out in Schedule 3 of the Regulations and, where possible, the comments of the statutory consultees.

For the reasons set out above, and on the basis of the information available at the time of writing, it is not considered that the proposal would have a environmental impact which would be considered significant in the context of the Environmental Impact Assessment Regulations 2017.

### **The Application**

The Application was made valid on the 17<sup>th</sup> May 2018, accompanied by the following documents:

- Design and Access Statement
- Planning Statement
- Plans and Elevations
- Transport Statement
- Ecological Impact Assessment
- Arboricultural Impact Assessment
- Flood Risk Assessment
- Geo-Environmental Desk Study Risk Assessment

- Supplemental retail note

### **Food Court Floorspace History and the Current Application:**

Fosse Park Food Court is currently made up of the following uses (Square Metres):

Table 1

<b>Use</b>	<b>Total GIA (sqm)</b>
Class A1 retail	324.6
Class A3 "F&B"	565.8
Kiosks/Stall	79.4
Seating Area Ancillary to F&B	740
Other (e.g. toilets, Management Suite, etc)	1,438
<b>TOTAL (GIA)</b>	<b>3,147.8</b>
<b>TOTAL GEA</b>	<b>4,520</b>

As a result of the Certificate of Lawful Proposed Development it was established that the following amount of floorspace within the existing building would be lawful and could be included in the current building without the need for planning permission:

Table 2

<b>Use</b>	<b>Total GIA (sqm)</b>
Class A1 retail/Kiosks	324.6
Class A3 "F&B"	1,790.5
Seating Area Ancillary to A3 F&B	264
Other (e.g. toilets, management Suite, public realm, etc)	1,649.3
<b>TOTAL (GIA)</b>	<b>4,028.4</b>
<b>TOTAL GEA</b>	<b>4,520</b>

Therefore, as a result of planning permission 15/0577/FUL (as amended) and the existing and lawful certified planning position relating to the Food Court, the total floorspace existing/consented within the application site is as follows:

Table 3

<b>Use</b>	<b>Total GIA (sqm)</b>
Class A3	2654.5
Seating Area Ancillary to A3 F&B	264
Class A1 (in no more than 6 units)	324.6

NB: includes 864 sqm for 3 x Castle Acres Shopping Park Class A3 units (i.e. 1,790.5 + 864 sqm = 2,654.5 sqm)

The above does not include other associated facilities (e.g. toilets, management suite, public realm, etc).

While the works authorised by the Certificate have not yet been carried out, they have been certified as lawful and represent a genuine 'fall back' position which is a

material consideration in the decision-making process. The Planning Statement notes that, in the event that planning permission is not granted for the scheme hereby submitted, the applicants could move forward with a scheme based on the consented proposals. The 'fall-back' position established by the Certificate, therefore, is that it would be lawful to reconfigure and extend space within the existing building envelope, without planning permission, such that: (i) the A1 retail floorspace would remain the same; (ii) the amount of total A3 floorspace including kiosks and ancillary seating would increase by 669sqm; and other facilities would increase by 211sqm. The biggest change is as a result of the reduction in ancillary A3 seating areas within the existing scheme and an increase in A3 unit floorspace of 1,224.7sqm.

The details submitted with the application confirm that the current application would comprise of:

- *The same amount of Class A1 retail floorspace (324.6 sqm) as existing (both existing and lawful use). The submitted drawings indicate a reduction in the number of Class A1 units from No. 6 to No. 4, although the applicants propose to maintain flexibility for up to 6.*
- *2,605 sqm of Class A3 floorspace (not including ancillary seating areas). This is a net increase of 1,176 sqm (or 1,096 sqm if include kiosk/stall) compared with the existing and consented position (i.e. No. 3 X Class A3 units forming part of the Castle Acres Shopping Park). However, this is a net reduction of 50 sqm compared with the certified lawful position, inclusive of the No. 3 X consented Class A3 units (as shown by Table 3 above).*
- *An improved pedestrian environment and public realm.*
- *Improved customer facilities are proposed. This includes toilets and baby changing facilities designed to the latest DDA standards and providing flexibility for extension in the future should the need arise.*
- *A new Management Suite fit for purpose and designed to meet the needs of the combined retail areas and providing meeting rooms available for staff training and other needs of occupiers across the park.*

### **Principle of the Development:**

The application proposes the demolition of the existing food court structure and its replacement with a new larger food court building which would extend across the existing building footprint and incorporate the floorspace of three A3 units approved as part of the Castle Acres Development to the South. The new building has been designed to replace the existing dated food court with a more attractive offer which would provide a quality link between the existing Fosse Retail Park and the new Castle Acres Development in accordance with the principles established by the Castle Acres planning permission and having regard to condition 14 of that permission. The principle of having a food court on the site is established by the presence of the existing building and the Certificate of Lawfulness for its reconfiguration and refurbishment. Whilst the building would have a larger footprint

the unit would still be in-keeping with the character of the area. Provided there are no other material considerations which indicate that the development is unacceptable the development of a food court in this location is considered acceptable in principle.

### **Retail Issues:**

By way of their Supplemental Note, the applicants have provided commentary in relation to the retail issues arising from the application including the application of the sequential test and consideration of impact.

The application proposes an alternative to the scheme established as lawful by the Certificate of Lawfulness. It proposes a building with a larger footprint than is currently on site at the present time. It would also provide 2,605 sqm of class A3 floorspace (not including ancillary seating) compared to the existing (at present) position of 645 sqm (including kiosks), an increase of 1960sqm of A3 space (864sqm of this would be the incorporation of the three A3 units approved as part of the Castle Acres development).

However, the Certificate of Lawful Proposed Development established that the existing food court could incorporate 1790.5sqm of A3 units which when added to the 864sqm of A3 floorspace that would be generated by the replacement of the three A3 units approved as part of the Castle Acres scheme equates to 2,654.5 sqm of floorspace which equates to approximately 50sqm more than that proposed pursuant to the current application (as demonstrated by Table 3 above). In other words, in the event that the application is not granted, the applicants could (and have indicated in the Planning Statement that they would) 'fall back' on a scheme which encompasses the same amount of Class A1 floorspace and marginally more Class A3 floorspace than that which is proposed pursuant to the current application. Furthermore, condition 14 of the Castle Acres planning permission requires the establishment of a pedestrian link between the two schemes. While, within the envelope of the existing food court, a range of potential layouts could be achieved without the need for further planning permission, it is considered that any alternative 'fall back' would nevertheless be comparable to the current application in terms of A1 and A3 floorspace and unit size. It is within this context, therefore, (and taking into account matters considered in connection with the planning application for the Castle Acres Scheme) that the sequential test and impact issues should be considered.

Core Strategy Policy CS13 requires development for retail, leisure and other main town centre uses to be subject to a Sequential Test and sets out the Retail Hierarchy for surrounding centres. The hierarchy has Leicester City Centre at the top as the main regional centre followed by Blaby Town Centre which is the principle centre in the District and the closest Town Centre to the proposal. Below this are District Centre, which include Enderby, Rural Centres, Local centres and lastly Out of Centre locations. The Motorways Retail Area is identified as out of centre. Policy CS13 indicates that proposals for retail, leisure and other town centre uses will be subject to a sequential test. Such proposals should be located within town centres, then edge of centre and then, only if suitable sequentially preferable sites are not available, in out-of-centre locations.

The National Planning Policy Guidance (NPPG paragraph 11) acknowledges that the Sequential Test needs to recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.

In this particular case it is considered that the proposed food court would replace an existing food court (with no increase in A1 / A3 floorspace relative to the existing and lawful position) and would provide a purpose built attractive link between the existing Fosse Retail Park site and the new Castle Acres Development. The establishment of a strong link between both sites was a material consideration in granting planning permission for the Castle Acres Development, as reflected by the imposition of condition 14 which requires such a link to be established. In addition to the retail and leisure uses the building would provide facilities specifically for both the Fosse Retail / Castle Acres shopping park (e.g. the link, the public realm, customer toilets, management suite etc). The proposed A3 floorspace is clearly complementary to and integrated with the existing and proposed shopping offer as concluded by the Castle Acres shopping park proposals retail assessment. It is therefore considered that the application proposal is inextricably linked to the application site/wider retail park and its nature, function scale and form mean that it can only be accommodated in this specific location (per paragraph 11 of the NPPG). Furthermore, in practice, a refusal of planning permission in favour of an alternative site would not result in the development transferring to that site given the existing and lawful retail/A3 floorspace existing on the park (which establishes a genuine 'fall-back' position) and its specific locational requirements. Therefore, on the basis that the proposal utilises existing and lawful floorspace; seeks to serve Fosse Retail / Castle Acres shopping park as a whole and seeks to meet the specific requirements of the Castle Acres Shopping Park planning permission, it is considered that the proposal can only be accommodated at the application site and therefore the Sequential Test is satisfied.

Policy CS13 also indicates that new retail and leisure development should not have an unacceptably adverse impact on the vitality and viability of any other existing centre. All applications for new retail and leisure developments in excess of 929sqm gross and not within an existing town, district, rural or local centre will be required to provide impact assessments. The purpose of the assessment is to ensure that the impact over time of certain out of centre and edge of centre proposals on existing town centres is not significantly adverse.

The A1 retail floorspace and the number of A1 units proposed as part of this application will remain the same as is currently in situ within the existing food court building and therefore the impact on surrounding centres is not anticipated to change. The applicants have accepted the imposition of a condition restricting the total A1 floorspace to no more than 325 sqm across no more than 6 units. Even in the event that the replacement retail floorspace proposed by this application were to achieve an increased sales density/turnover as a result of the new facilities it is not considered that any increase (given that the 324.6 sqm of Class A1 retail comprises only 0.4% of the Class A1 sales area of the combined Fosse Park / Castle Acres Shopping Centre) would be material or such an extent to warrant refusal of the application.

The amount of A3 floorspace is greater than the existing position on the ground at present, representing a net increase of 1,176 sqm compared to the existing and consented position but a net reduction of 50 sqm compared with the certified lawful position. The Castle Acres Shopping Park proposals retail assessment review determined that the A3 uses put forward as part of the application *“will principally meet needs arising from the retail element of the proposal. Accordingly, our appraisal focuses on the retail floorspace associated with the proposal, as we consider this to be the key attraction and the driver of the majority of trips to the development. The principal impacts arising from the development in our view therefore relate to the retail floorspace.”* This conclusion that the Class A3 element was ancillary/secondary such that no assessment was required was reached in the context of proposals for up to 5,130 sqm of Class A3 floorspace (circa 50% more than the 2,605 sqm proposed as part of this application). Therefore, it is considered that the same approach is appropriate in this instance.

Blaby Town Centre contains a number of F&B units comprising of public houses, takeaway uses (A5), a limited number of national operators and independent A3 operators. The offer of the Fosse Park Food court when considered in relation to the retail area as a whole is considered to be different to that of Blaby as are the reasons behind the attractiveness and reasons to visit each location. On the basis that the proposed floorspace has been established by the Certificate of Lawful Proposed Development / Castle Acres approval and could be incorporated into the existing food court / Castle Acres Development; the nature and size of the development; and the findings of the Castle Acres Retail Assessment, it is not considered that any impact on Blaby Town Centre above the established position would be sufficient to warrant the refusal of the application.

Leicester City Council have assessed the proposal and have raised no objections but consider that the proposal would not be acceptable without a condition which removes permitted development rights from the A3 units to ensure that they can not be converted to A1 uses (and, specifically, smaller Class A1 retail uses) without the need for a planning application and the due consideration that comes with it. This is on the basis of their concerns over the potential for the A3 units to be used as smaller Class A1 retail units which would introduce a new type of specialist retail offer which is one of the City Centre’s key differentiators.

It is considered that the condition controlling future use changes is a worthwhile approach to help limit the impact of any future changes and this is acknowledged and accepted by the applicants. In addition further conditions controlling the number of units and total floorspace would further reduce any impact on the City Centre.

Ultimately, while the amount of additional Class A3 floorspace (1,176 sqm compared to the existing and consented position but a net reduction of 50 sqm compared with the certified lawful position) is above the locally set threshold of 929sqm for an Impact Test (but below the threshold of the NPPF of 2,500m) it is not considered that an impact test is required in this instance. This conclusion is based on:

- the fact that no additional A1 floorspace and no additional A1 units are proposed; and

- the fact that the Castle Acres Retail impact concluded that the Class A3 element was an ancillary use, not meriting specific consideration in terms of impact, in the context of proposals for up to 5,130 sqm of Class A3 floorspace (circa 50% more than the 2,605 sqm proposed as part of this application) with the total Class A3 floorspace across Fosse Park (on the basis of the proposed development and the other existing and consented Class A3 units across Fosse Park) representing less than 5% of the total floorspace.

Furthermore, any potential impact is mitigated by the imposition of conditions restricting the amount of A1 and A3 floorspace and removing permitted development rights in respect of the A3 floorspace.

For the reasons set out above it is not considered that the proposed development would result in any significant adverse retail impact on surrounding centres which would be sufficient to warrant the refusal of the application.

### **Highways Implications:**

The County Council's Highways Department has considered the application along with the Transport Statement, Planning Statement and Design and Access Statement submitted with the application. It was acknowledged that;

- the scheme does not propose to make amendments to the site access arrangements to either Fosse Park or those approved under the Castle Acres Scheme and that the number of customer parking spaces across the Fosse Park / Castle Acres site will not change.
- the development was unlikely to generate a significant amount of new trips in peak hours and that it would enhance the shopping experience for existing Fosse Park Shoppers or new visitors already accounted for as part of the Castle Acres Development.
- the scheme would also lead to an increase in 21 employee parking spaces across the entire site compared to the consented position
- it was reasonable to assume that employees would have access to the sustainable travel options secured as part of the Castle Acres Approval.

The County Council's Highways Department raised no objections to the proposal subject to a condition requiring the implementation of the parking scheme prior to occupation. It is not therefore considered that the proposed development would have an undue impact on the highways network or highways safety. It would be in accordance with Policy CS10 of the Core Strategy and Policy T6 of the Local Plan 1999.

### **Flood Risk and Drainage:**

A small part of the north east corner of the application site falls within flood zone 2 which would cause a small section of the east side of the building to be located within a flood zone. The application was accompanied by a Flood Risk Assessment

which considered that the site is positioned within an appropriate location for the proposed land use in accordance with the relevant vulnerability classifications. The report concludes that the surface water discharge rate of the new development will provide a betterment of 50% on the existing brownfield discharge rates. The assessment also considered the foul and surface water drainage.

The Lead Local Flood Authority have assessed the proposal and have raised no objections to the proposal subject to 2 conditions requiring the submission and approval of a surface water drainage scheme and the agreement of a maintenance regime for the approved surface water drainage scheme. It is therefore considered that the proposal is acceptable in this regard and complies with Core Strategy Policy CS22.

### **Ecology:**

The application was submitted with an ecological assessment which concluded the site has negligible conservation value and contains no suitable habitat for legally protected species except birds. The report suggests that any works should be carried out outside of bird breeding season or that any works during this time should be preceded by the evaluation of a suitably experienced ecologists. This can be secured by condition. The County Council's Ecology Department and Arborist has assessed the application and raised no objections. The proposal is therefore considered to comply with Core Strategy Policy CS19 and Local Plan Policy CE22.

### **Historic Environment and Archaeology (Heritage Assets):**

The closest heritage asset is the Application Site of St Johns Church Scheduled Ancient Monument sited approximately 900m away from the Application Site at its closest point. This separation distance added to the presence of other buildings between the monument and the Application Site reduce the impact of the Proposed Development on this important area to a degree that would not be considered unduly detrimental. This is also the case with the Enderby Conservation Area (and associated listed buildings within it) and the Lubbethorpe Medieval Settlement which are also sited further away from the Application Site.

The Proposed Development would not harm the significance of any heritage assets and is therefore considered to comply with the requirements of Core Strategy Policy CS20 and the NPPF in this respect.

### **Landscape and Visual Impact:**

The proposed development would replace an existing food court building with a more attractive modern construction. Whilst the new building would have a larger footprint it is considered that it would be in-keeping with the scale and character of the surrounding buildings within the retail park, the upcoming castle acres development and Grove Triangle. Whilst it would be positioned in a prominent location alongside Narborough Road the principle of this type of building in this location would have been established. It is therefore considered that the proposed development would not unduly impact on the character and appearance of the area and would comply with Core Strategy Policy CS2.

**Residential Amenities:**

The closest residential properties are sited approximately 550m away from the Application Site to the north. The properties located 600m to the east of Fosse Park South which itself is sited to the east of the Application Site are situated at a higher ground level and are likely the dwellings which will have the greatest view of the Proposed Development. Such separation distances would avoid any undue detrimental impact on the residential amenities of the neighbouring properties given the substantial separation distance and the impact of the existing commercial area. The Proposed Development is therefore considered to comply with Policy CS2 of the adopted Core Strategy 2013.

**Conclusion:**

The application proposes the demolition of the existing food court building and of its replacement with a new food court building designed with the purpose of providing improved facilities and a purpose built attractive link between the existing Fosse Park Site and the upcoming Castle Acres Development. As set out above it is considered that the proposed development would be in-keeping with the established character and appearance of the area, would not have significant highways impacts and would not result in undue impacts on the biodiversity, historic assets or residential amenities. In addition, in the event that the planning application is not granted, there is a genuine fall-back position established by the Certificate of Lawfulness and the most up to date planning permission for the Castle Acres Development which is a material consideration in the context of this application.

The building would be a fundamental part of the Fosse Park / Castle Acres retail area both in terms of use and the provision of the management facilities and could not reasonably be sited in an alternative location. Furthermore, it is not considered that the application triggers the need to carry out a retail impact assessment.

In conclusion the Proposed Development complies with the three objectives of sustainable development as set out in the NPPF (social, economic and environmental) and there should therefore be a presumption in favour of it. On the grounds that there are no material considerations which outweigh the benefits of the development and all impact can be adequately mitigated the Application is recommended for approval subject to the stated conditions.

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18/0614/RM

Registered Date  
5 June 2018

Interserve

Reserved Matters application following outline planning permission 16/1672/OUT for: Demolition of existing HMYOI Glen Parva and construction of new prison (Use Class C2A) (maximum floorspace 62, 437 sq.m) with security fence, access, parking, energy centre, landscaping and associated engineering works.

HMYOI Glen Parva, Tigers Road, Glen Parva

Report Author: Peter Gibson, Senior Planning Officer

Contact Details: Council Offices. Tel: 0116 272 7697

**RECOMMENDATION:**

**THAT APPLICATION 18/0614/RM BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:**

1. Approved plans.
2. Notwithstanding approved plans, wall / fence to CASU (Building 110) to be agreed.
3. No cell windows to be installed in southern end-wing elevations of residential houseblocks.
4. Details of the MUGAs and their hours of use to be agreed.
5. Noise survey of fixed plant / equipment to be agreed.
6. Details of any kitchen (Block 107) extraction plant to be agreed.
7. Details of the workshop (Blocks 108 L and 108 H) plant, building insulation and hours of use to be agreed.
8. Details of the dog kennels to be agreed.
9. Details of energy centre (Block 109) plant and building insulation to be agreed.
10. Waste management arrangements for site to be agreed.

**NOTES TO COMMITTEE**

**Relevant Planning Policy**

**National Planning Policy Framework (NPPF) (July 2018)**

**The National Planning Practice Guidance (NPPG)**

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

Policy CS1 – Strategy for locating new development

Policy CS2 – Design of new development

Policy CS10 – Transport Infrastructure

Policy CS19 – Bio-diversity and geo-diversity

Policy CS21 – Climate change

Policy CS22 – Flood risk management  
Policy CS24 – Presumption in favour of sustainable development

### **Blaby District Local Plan (BDLP) (1999)**

Policy R2 – Non Residential Development in Primarily Residential Areas  
Policy T6 – Off Street Parking Provision  
Policy T10 – Car Parking and Servicing Areas Design  
Policy T12 – Access and Mobility Needs  
Policy CE22 – Landscaping  
Policy CE25 – Crime Prevention  
Policy CE26 – Light Pollution  
Policy M3 – Contaminated Land

### **Consultations**

**Blaby District Council, Environmental Health** – Makes the following comments:

*'I understand that this Reserved Matters application is to provide further details of the layout and appearance of the development, together with the associated landscaping. As a consequence, there is information that I would need in order to be able to assess the potential impact of the development, which will be supplied at a later date in terms of noise, odours, and pollution. The details that have been submitted with this application are useful in focussing such work.*

*I have considered the documents submitted with regard to the following potential planning constraints: Noise and Disturbance, Air Quality, Odours.*

*The following aspects of the development are controlled by conditions on planning permission 16/1672/OUT:*

- *The design of the cell windows are controlled by condition 9;*
- *The lighting scheme for the development is controlled by condition 11;*
- *Mitigation of the impacts of the construction phase of the development are controlled by condition 12;*
- *Land contamination aspects of the development are controlled by conditions 13, 14 and 15;*

#### **Residential blocks**

*Each of the proposed blocks is shown as having roof mounted air handling plant and a MUGA.*

#### **Non-residential blocks**

*Block 107 is to be the kitchen. There is likely to be fixed plant associated with the facility together with extraction ventilation.*

*Blocks 108 L and 108 H are to be the workshop facilities. There is likely to be externally based fixed plant associated with the facility, together with extraction*

ventilation.

*The Energy Centre (Block 109) is shown as having been relocated to the north east of the development, towards a Primary School and Children's Centre.*

*Dog kennels are shown towards to the western periphery of the site.*

*The application is accompanied by a supplementary document entitled 'Implications for Environmental Impact Assessment', which states that the details that have been submitted at this time have no implications for the previously submitted Environmental Statement and its outcomes. This includes the outcomes for air quality, and noise and vibration. The comments previously made on those outcomes are still valid.*

*Suitably worded conditions will therefore be needed to ensure that planning controls can be exercised over:*

- *The MUGA pitches, including materials, and hours of use;*
- *The noise and vibration impacts of the fixed plant and equipment associated with the whole site, including an acoustic survey undertaken by a competent person, referring to appropriate standards;*
- *Details of any extraction plant associated with the kitchen (block 107);*
- *Details of the workshop facilities (blocks 108 L and 108 H), including hours of use;*
- *Details of the dog kennels;*
- *Details of the energy centre (block 109), including plant and building insulation;*
- *Waste management arrangements for the whole site (including any composting or combustion of waste).*

*Notes to the applicant should also be attached relating to animal licensing, air quality, food hygiene, land contamination, and waste. In addition, allotments are shown towards the centre of the development. These are likely to be a receptor with increased sensitivity towards land contamination, and should be appropriately assessed as part of the work associated with conditions 13, 14 and 15 on the outline consent.*

*Accordingly, I have no objections to make in respect of the application'.*

**Environment Agency** – No objection.

**Glen Parva Parish Council** – No comments received.

**Leicester City Council** – No comments received.

**Leicestershire County Council, Archaeology** – No comments received.

**Leicestershire County Council, Ecology** – The updated bat surveys are still valid

and acceptable in support of this application.

**Leicestershire County Council, Highways** – The residual cumulative impacts of development are not considered severe. Satisfied any conditions related to the on – site parking included as part of the outline application are covered by the proposed site block plan.

**Leicestershire County Council, Flood Risk Management** – The proposed reserved matters are considered acceptable.

**Oadby & Wigston Borough Council** – No comments received.

**Natural England** – No comments received.

**Network Rail** – No objection in principle to the development.

**Severn Trent Water** – No comments received.

### **Third Party Representations**

6 letters have been received from interested parties objecting to / commenting on the proposal covering the following points:

- The environmental impact study is incomplete as it does not show a view from Westleigh Road. Localised slight to major / moderate (significant) effects are anticipated in locations at Knightsbridge Road and Westleigh Road and receptors on the upper floor of northernmost properties.
- Intervening vegetation is not on the prison site so can be removed at anytime by Network Rail. Mature trees should be planted and maintained to screen properties from being overlooked by inmates and help to reduce noise and light pollution.
- Windows should be non-opening and opaque.
- The two cell blocks nearest to Westleigh Road stand on higher ground, which should be levelled to reduce visual impact and give residents privacy.
- Concerns about the existing unused bridge, which is in a serious state of disrepair and its future use. It needs to be made safe and inaccessible to the public, who may have ulterior motives for using it.
- Increased traffic onto Saffron Road and use of Crete Avenue to access the site and for over-spill parking, including during construction.
- Noise and pollution concerns from construction.
- Negative impact upon the 30 – 50 residents of Kennedy House.
- Insufficient details have been provided to fulfill several conditions of outline planning permission 16/1672/OUT and to ensure amenity, safety and security of residents is protected. For example: details of the eastern boundary; landscaping; proposed lighting and CCTV; traffic management; hours of work; noise and dust mitigation; updated Travel Plan and parking assessment.
- Need for clear joint working with Oadby & Wigston Borough Council.
- No mention of the size or type of radio mast proposed.
- Non - Planning issues.

## Relevant Planning History

10/0034/1/PX	Construction of Youth Justice Board (YJB) establishment to accommodate 360 young people and associated facilities, alterations to existing car park and formation of temporary compound area and vehicular access within Leicester City.	Approved 21.05.10
13/0377/1/PX	Application for permission to extend the time limit for the implementation of planning permission 10/0034/1/PX	Withdrawn
14/0763/1/PX	Construction of an education led Ministry of Justice secure establishment (Class C2a) to accommodate 320 young people, associated facilities including lighting, multi use games area, alterations to existing car park and formation of temporary compound area and vehicular access (Revised application to 10/0034/1/PX and 13/0377/1/PX)	Approved 15.12.14
14/1092/1/VY	Removal of Condition 22 relating to the access road across Eyres Monsell Park attached to planning permission 14/0763/1/PX	Withdrawn
15/0018/VAR	Removal of Condition 22 relating to the access road across Eyres Monsell Park attached to planning permission 14/0763/1/PX	Approved 04.02.15
15/0195/DOC	Discharge of Conditions 10, 11, 12, 13, 14 and 21 attached to planning permission 15/0018/VAR	Withdrawn
16/1672/OUT	Demolition of existing HMYOI Glen Parva and construction of new prison (Use Class C2A) (maximum floorspace 62, 437 sq.m) with security fence, access, parking, energy centre, landscaping and associated engineering works (Outline)	Approved 04.09.17
16/00575/OUT (Oadby Wigston B.C.)	Demolition of existing HMYOI Glen Parva and & construction of a new prison (Use Class C2A) (max. floorspace of 62, 437 sq.m GEA) with a secure perimeter fence together with access, parking, energy centre, landscaping and associated engineering works (Outline application with access and scale being considered)	Approved 04.09.17
18/0345/DOC	Discharge of conditions 7, 12 and 13 attached	Approved

	to outline planning permission 16/1672/OUT	13.06.18
18/00230/REM (Oadby & Wigston B.C.)	Reserved matters submission for the demolition of existing HMYOI Glen Parva and construction of a new prison (Use Class C2a) (max floor space 62,437 SQM GEA) with a secure perimeter fence together with access, parking, energy centre, landscaping and associated engineering works considering appearance, landscaping and layout (Outline Application approved on 4 September 2017 under ref 16/00575/OUT including access and scale)	Approved 27.07.18

## **EXPLANATORY NOTE**

### **The Site**

The application site is approximately 16.3 ha in size and it is located to the eastern edge of the built-up area of Glen Parva. It originally comprised typically two storey and three storey buildings (demolition works have commenced on site), which are concentrated within the eastern section of the site with open land and an artificial sports pitch to the west.

The site is constrained to the north by adjacent land owned by the Ministry of Justice (approximately 5.5 ha) which comprises former HMYOI recreational and horticultural land but which is no longer used and Eyres Monsell Park beyond. The Birmingham - Peterborough railway line lies to the south, which separates the site from housing fronting Westleigh Road, Knightsbridge Road, Trafalgar Way and Chelsea Close.

Land to the east, including a small section of the main application site and the Tigers Road access is within Oadby & Wigston Borough Council (who have already determined their own cross boundary planning application in respect of this proposal). It comprises housing at Crete Avenue and Hindoostan Avenue and various generally non-residential uses on Tigers Road itself whilst land to the west comprises housing within Leicester City Council, Rolleston Primary School and Eyres Monsell & Gilmorton Children's Centre. A footpath runs along the entire western boundary.

Tree and shrub cover adjoins the south, west and part of the east boundaries with a broadly triangular section of mature woodland located in the south west corner of the site. A section of broadleaved deciduous woodland within the site has been removed.

The general land level is higher to the northern section of the site and it slopes down considerably to the south west corner.

### **The Proposal**

Outline planning permission 16/1672/OUT has already been granted for the demolition of the existing HMYOI Glen Parva and construction of a new prison (Category C adult male) with a maximum floorspace of 62, 437 sq.m, which

approved the matters of access and scale.

This current Reserved Matters application covers the details of layout, external appearance of the new buildings and landscaping. No specific floor plan details have been submitted in the interests of security. The proposal includes:

A total of seventeen buildings (excluding the annotated substation buildings (Building 113) and the radio mast which do not form part of this current planning application) are proposed, comprising various external materials (to be confirmed), including buff or red coloured brickwork with mid grey rain - screen (or fibre cement) cladding and dark grey detailing to guttering, door, louvre and window details. The total floorspace is less than the maximum allowed by the outline planning permission.

The northern section of the site comprises a variety of buildings (approximate dimensions indicated), including:

Building 102: entrance and resource hub – footprint 2857 sq.m (excluding delivery loading bay) with varied roof design and flat roof height of 13 metres;

Building 103: reception building – footprint 441 sq.m with flat roof height of 8.8 metres;

Building 104: support building – footprint 589 sq.m with part - ridged / part - flat roof height of 8.8 metres with adjoining dog kennels;

Building 105: central services hub – footprint 1627 sq.m with flat roof height of 12.5 metres;

Building 106: health centre – footprint 457 sq. m with flat roof height of 5.5 metres;

Building 107: kitchen - footprint 1170 sq. m with a pitched roof height of 9.8 metres;

Building 108L: workshop (small) – footprint 1402 sq. m with flat roof height of 10.4 metres;

Building 108H: workshop (large) - footprint 2934 sq. m with a dual - pitched roof height of 10.1 metres to ridge level; and,

Building 109: energy centre - footprint 1006 sq. m with a pitched roof height of 8.6 metres, including six roof-mounted flues each having a maximum height of 17 metres.

The southern section of the site comprises two building types:

Building 110: care and support unit (CASU) - footprint 688 sq.m with flat roof height of 5.2 metres

Buildings 111: seven residential houseblocks - 66 metres in width and 72 metres in length (all 'cross-shaped') with flat roof height of 13.4 metres to the top of the main parapet (excluding roof-mounted air handling plant serving accommodation and cell

bathroom extracts). They each have their own individual multi use games area (MUGA), generally located towards the centre of the southern zone.

A variety of fencing between 3.6 and 5.2 metres in height is proposed to contain inmates and separate various buildings in addition to creating an enclosed central allotment area. Further plans have now been received confirming the schedule of fencing although the final 5.2 metre high enclosure details of the CASU building remain unresolved at this stage. An approximate 15 metre wide sterile zone (which is wider to the south west corner due to an adjoining section of mature woodland) will be retained between residential blocks and existing / new 5.2 metre high perimeter fencing.

Car parking for 425 vehicles is shown to the north east with 362 staff parking spaces (2 disabled), 16 cycle parking spaces and 63 visitor car parking spaces (5 disabled). These parking areas, a bus stop / drop off area and delivery vehicle access to a loading bay on the northern side of Building 102 would be served solely via a road from the end of the unadopted Tigers Road (as existing), which joins Saffron Road (B5366) via a mini-roundabout.

Tree planting is proposed throughout the site and to the south, east and part of the western site boundaries. The submitted landscaping plan indicates a variety of grass, meadow, shrub and hedge planting to be undertaken in addition to a selection of trees to enhance ecology, visual interest and provide some screening with ornamental species shown to the entrance and public realm areas. A balancing pond is shown to both the south west corner of the site and at the end of the existing Tigers Road access point in addition to several swales. Further plans have now been received showing existing and proposed site and finished floor levels.

The application is accompanied by a variety of supporting documentation, including: a Planning Statement; a Statement of Design Compliance; and, an Implications for Environmental Impact Assessment Statement.

### **Planning Considerations**

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

The National Planning Policy Framework (2018) establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. The emphasis is that development plans allow for development in sustainable locations and that new development is of good design quality.

Members will recall that outline planning permission for the construction of a new prison and associated works has been granted by 16/1672/OUT and the details of scale and access have already been approved. Consequently, the quantum of development and the level of traffic generated by it, the effect on the local highway network and specifically the capacity of Tigers Road, its mini-roundabout junction with Saffron Road and the amount of car parking to serve the new accommodation

has already been ascertained as being acceptable for the likely numbers of staff and visitors by the County Highway Authority.

The previously submitted Transport Assessment forecasts a net reduction in proposed vehicle trips during peak periods when compared to the operation of the existing prison facility and its originally approved expansion under 10/0034/1/PX and the increase in traffic is reported to have a minimal impact on the local highway network within which there are no pre-existing safety concerns. The level of on-site parking provision, now increased to 425 spaces with 16 cycle parking spaces, takes into account the maximum parking accumulation for overall staff numbers and their shift patterns and visitors due to the capacity of the visitor centre and having regard to the availability of non-car transport modes.

Conditions have already been imposed on 16/1672/OUT relating to various matters, including approval of: cell window design (proposed to be double glazed and fixed shut with the exception of a 'trickle vent' ventilation system); boundary treatment before the new prison is operational; CCTV and lighting; a Construction Method Statement and a Site Specific Travel Plan, as appropriate. In addition, a S106 Agreement has been completed to secure a financial contribution to the County Council for use for any necessary upgrades to the signal controlled junction at Saffron Road / Countesthorpe Road / St. Thomas Road. Whilst the current proposal only relates to the approval of layout, appearance and landscaping, discharge of a suite of conditions relating to these other matters in addition to the previously approved vehicular and pedestrian access (solely from Tigers Road) and scale details would form the basis of ensuring the satisfactory re-development of the prison site, which are not covered by this Reserved Matters application.

The application site is located within the built-up area, being of limited landscape sensitivity and comprising no designated heritage assets. Existing HMYOI buildings are visible from a variety of public viewpoints beyond the application site. Whilst the proposed new buildings are greater in scale, the overall size of the application site in addition to existing structural vegetation ensures that they will be sufficiently distant from any neighbouring residential properties to prevent the living conditions of their occupiers and the character and appearance of the locality from being significantly harmed. The layout of the proposed new prison buildings has clearly been designed to reduce their impact upon the wider locality as much as possible.

The key layout issue in the proposed redevelopment of the new prison is the relationship of the residential blocks to the southern boundary of the site, which are four storeys in height. Proposed Buildings 111 have been orientated to respect the residential areas beyond the Peterborough – Birmingham railway line to the south. Consequently, the narrow end-wing elevations (approximately 10.4 metres in width) of these cross-shaped buildings are angled towards this site boundary, which helps to avoid their mass from being significantly obtrusive and overbearing to this aspect. To the east of the existing (closed) pedestrian bridge over the railway, proposed finished floor levels are to remain broadly as existing, whilst the finished floor level of the westernmost residential houseblock will be approximately 2 metres higher than the existing site levels.

The height of these proposed residential blocks at some 13.3 metres to the top of the main parapet (and duct work of up to 2 metres above roof level) remains below the approved scale of the larger blocks which were indicatively shown as part of the outline proposals (originally 16 and 17 metres). Their massing and prominence has been reduced as a result of creating seven smaller flat roof units. Consequently, the main bulk / width of these buildings when 'read' from the south would appear further away as they extend towards the centre of the site. Overall the number of residential blocks adjacent to both the south and west boundaries is reduced compared to the indicative layout envisaged by 16/1672/OUT and they represent a substantial improvement in design quality.

The minimum separation distance between these residential blocks and neighbouring properties fronting Wesleigh Road and Knightsbridge Road to the south would be in excess of 50 metres from their corresponding rear garden boundaries. This distance is considered to prevent an unacceptable degree of overlooking from occurring towards neighbouring dwellings which would also be oblique in nature given the east-west orientation of the southernmost projecting end-wing elevations of the residential blocks rather than being directly across the railway line to the south. No cell windows are to be installed within any of these end-wing elevations. Furthermore, each residential block comprises a service wing, which contains no cellular accommodation but provides staff and support facilities and are orientated south. The design of the buildings and their layout has supported a variety of changes, which cumulatively result in a substantially different relationship with adjoining residential development compared to the indicative layout of 16/1672/OUT.

Notwithstanding the above, the strip of land between the perimeter fence and the southern site boundary is to be secured to prevent continued access between it and the adjoining railway. Whilst it is understood that the MoJ intend to replace the bridge (beyond the application site) across the railway with a service gantry only (or entirely remove it), the increasingly secure nature of the southern boundary and the proposed non-opening window design of the residential blocks in this southern zone would limit the scope for future anti-social behaviour and noise / disturbance in this location and overcome the previous problems associated with shouting between cells and to / from beyond the site boundary. Further to consultation with the Council's Environmental Services Section, controls on both the hours of use and specification of the associated MUGAs, which are generally sheltered by the residential houseblocks and on plant and equipment would also help to safeguard residents' amenities.

The separation distance between the end-wing elevations of the residential blocks to the eastern site boundary and the generally industrial uses, with the exception of Kennedy House (a homeless hostel) on Tigers Road would be increased compared to the existing smaller buildings associated with the former HMYOI.

The nearest dwellings within the Eyres Monsell Estate to the west are located approximately 70 metres away from the residential blocks. They are separated by an existing row of mature deciduous trees running along the western site boundary and its adjoining footpath route and additional areas of verge and amenity space.

The CASU (Building 110) is single storey and adjoining buildings to the northern section of the site, including new workshops and a support building (with dog kennels) are non-residential in nature given their relationship with Rolleston Primary School, its playing field and the Eyres Monsell & Gilmorton Children's Centre to the north west. A 2.4 metre high steel sheet is to be fitted to the lower section of 5.2 metre high inner zonal fence to provide further screening of the dog kennels and larger workshop building to this aspect.

Open land to the north (to be temporarily used as a compound to support the demolition and redevelopment of the site), also owned by the Ministry of Justice separates the site from Eyres Monsell Park. The new entrance and resource hub (Building 102) and energy centre (Building 109) would adjoin this northern boundary and consequently not adversely affect any neighbouring residential properties. Whilst the flues associated with the energy centre are shown to be 17 metres in height, it is understood that fewer / lower flues may be required once specific plant details are confirmed. A condition will be imposed to ensure adequate dispersion of any pollutant emissions and insulation.

The new car parking area is contained by fencing to the north east and to the rear of properties fronting Hindoostan Avenue and Crete Avenue within Oadby & Wigston Borough Council. It would be at a sufficient distance and beyond new fencing to avoid significant noise and disturbance issues arising and benefits from creating a more open and landscaped outlook to this aspect.

The appearance of the proposed new prison buildings is considered to be acceptable and it reflects the objective of providing functional institutional accommodation and a purpose-built replacement prison. The proposed built form is simple and generally incorporates flat roof buildings to limit overall mass. The scale parameters of the extant outline planning permission are adhered to in terms of gross external floorspace and maximum building height range with respect to the detailed design indicated. A limited palette of materials is proposed in order to ensure that a clear design language is maintained across the site and the varied use of brickwork, cladding and fenestration would help to provide visual interest to several key elevational treatments. It is also noted that the proposed redevelopment would result in the loss of several unattractive buildings, many being in a poor state of repair and would enable the principles of sustainable construction to be followed in the creation of a modern 'fit for purpose' prison, which would not result in over-development or be of unsatisfactory design or external appearance.

All built development would be contained within a 5.2 metre high perimeter fence. Internal fence lines between the residential blocks will also help to create a prisoner free zone, which is generally much greater than the required 15 metre sterile zone. The proposed landscaping scheme illustrates the level of planting to be undertaken on site in order to safeguard local amenity, helping to reduce any adverse visual impacts resulting from the proposal by intermittently 'softening' views of the built-form, helping to improve biodiversity and creating a varied setting between new prison buildings. The retention of as much of the existing secure fence as possible is important in ensuring that existing mature trees and landscaping along the western and southern boundaries is not compromised and preserving local wildlife habitats / bat commuting routes. Existing mature trees are retained and protected to sections

of the eastern boundary beyond the re-aligned secure perimeter fence.

New planting is particularly important given the loss of a section of broad-leaved woodland, which has already been removed. Further wildlife habitat creation would occur with the provision of two attenuation lagoons and swales associated with the sustainable drainage of the site. A range of ecological mitigation measures have previously been controlled by the outline approval.

An existing substantial copse to the south west corner of the site is to be retained and it is located outside the secure boundary fence line, being under the ownership of the MoJ. This provides further screening to the rear of properties fronting Trafalgar Way and Chelsea Close to the south.

The conclusions of the previous December 2016 Environmental Statement would not be significantly or materially changed as a result of the current proposal for approval of reserved matters. On this basis, the detailed layout, appearance and landscaping shown are not considered to result in any significant harm, subject to appropriate controls, to immediately neighbouring properties or the character and appearance of the wider locality when compared to the approval of outline planning permission 16/1672/OUT.

In light of the above, the proposal is considered to be acceptable and accordingly it is recommended that Reserved Matters approval is granted subject to the stated conditions.

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**18/0620/FUL**

**Registered Date;**

**Leicestershire Partnership Trust  
NHS**

**17 May 2018**

**New Child and Adolescent Mental Healthcare Service  
Facility, ancillary access road, car parking and associated  
infrastructure**

**Land At Bradgate Mental Health Unit, Leicester Road,  
Glenfield**

**Report Author: Jill Sampson, Senior Planning Officer**

**Contact Details: Council Offices. Tel: 0116 2727686**

**RECOMMENDATION:**

**THAT APPLICATION 17/1735/FUL BE APPROVED SUBJECT TO THE  
FOLLOWING CONDITIONS;**

1. Statutory 3 year permission.
2. Built in accordance with approved plans.
3. Written Approval of the external materials.
4. Submission of landscaping scheme.
5. Approved landscaping scheme to be implemented.
6. Identified trees to be retained.
7. Tree protection measures and implementation.
8. Car and cycle parking facilities as shown to be provided prior to first use.
9. Works carried out in accordance with ecology recommendations.
10. Details of generator and ancillary equipment specifications to be submitted.
11. Details of external plant enclosure specifications to be submitted.
12. Details of the compound and chillers specifications to be submitted.
13. Details of acoustic fencing specifications to be submitted.
14. Mitigation details contained within submitted acoustic report to be implemented.
15. Lighting scheme to be submitted.
16. Surface water drainage scheme to be submitted.
17. Details of management of surface water during construction period to be submitted.
18. Details of SuDS to be submitted.
19. Details of infiltration testing to be submitted.

**NOTES TO COMMITTEE**

**Relevant Planning Policy**

**National Planning Policy Framework (NPPF) (2018)**

**National Planning Practice Guidance (NPPG)**

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

Policy CS1 – Strategy for Locating New Development  
Policy CS2 – Design of New Development  
Policy CS6 - Employment  
Policy CS10 – Transport Infrastructure  
Policy CS11 – Infrastructure, Services and Facilities to Support Growth  
Policy CS15 – Open Space, Sport and Recreation  
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 (BDLP) (1999)**

Policy T6 – Parking and Servicing  
Policy T10 – Car parking and Servicing Areas Design  
Policy E2 – Primarily Business Areas and other Locations for Businesses within the Built-up Area  
Policy CE25 - Crime Prevention

## **Blaby Local Plan Delivery Development Plan Document (Delivery DPD Submission Version)**

### **Consultation Summary**

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

**Blaby District Council, Neighbourhood Services** – No objections.

**Blaby District Council, Open Spaces Manager** – No comments received.

**East Leicestershire and Rutland Clinical Commissioning Group (NHS)** - No comments received.

**Environment Agency** – No objections.

**Glenfield Parish Council** – No comments received.

**Health and Safety Executive** - No objections.

**Leicester City Council** – No objections but have provided comments on bio-diversity/ecology, trees & landscaping, transport, open space & pollution control.

**Leicestershire County Council, Archaeology** – No comments received.

**Leicestershire County Council, Ecology** – No objections subject to conditions.

**Leicestershire County Council, Forestry Officer** – No objections.

**Leicestershire County Council, Highways** – No objections.

**Leicestershire County Council, Lead Local Flood Authority** – No objections subject to conditions.

**Leicestershire Fire and Rescue Services** – No comments received.

**Leicestershire Police, Architectural Liaison Officer** – No objections but have provided comments on lighting, CCTV, design and layout.

**Severn Trent Water** – No comments received.

### **Third Party Representations**

None

### **Relevant History**

13/0861/1/PX	New Child and Adolescent Mental Healthcare Service Facility, ancillary access road, car parking and associated infrastructure	Approved 19.02.2014
15/0871/FUL	Temporary change of use of land for staff car park for 120 spaces including new vehicular and pedestrian accesses	Approved 15.09.2015

## **EXPLANATORY NOTE**

### **The Site**

The site comprises a 2.3 hectare piece of open space adjacent to the A50 (Leicester Road) located between the existing Glenfield Hospital site and County Hall. The land is designated as Primarily Business Area on the Proposals Map of the 1999 Local Plan. To the north lies the site of a recently approved temporary car park serving both NHS and County Hall employees. This car park was the site of a previously approved application for a child and adolescent mental healthcare unit in 2014. The unit was never built due to changes in clinical and operational requirements and permission was subsequently granted in 2017 on that site for the temporary car park. The need for additional mental healthcare provision unit at the Bradgate site is now established and this application seeks permission for a new unit with associated parking on land some 120 metres to the south of the previously approved (but not built) unit. Permission for the previously approved unit has now lapsed and the applicant (through their agent) has confirmed that the permission was never implemented.

The site, once used as sports ground for the County Hall site, was bought by the Leicestershire Partnerships NHS Trust in 2009 and is now largely grassland, bounded and heavily screened by mature trees along its east, west and southern boundaries. This tree belt screening includes the frontage boundary with Leicester Road. The site is open to the north (rear) with a clear view to the temporary car park site. The Blaby District boundary with Leicester City Council runs along the eastern boundary meaning that the majority of site falls within the Blaby boundary with the access and the existing hospital site located within the Leicester City boundary.

### **The Proposal**

The scheme proposes a 1161 square metre, single storey unit to provide 15 en-suite bedrooms, associated lounges, dining rooms, nursing stations, offices, classrooms, therapy areas, kitchens, staff rooms, bathrooms, quiet rooms, laundry rooms and secluded outdoor garden/courtyard areas for children and adolescents from Leicestershire, the East Midlands and further afield with identified mental health needs. The Council's Adopted Core Strategy identifies Glenfield as being within a primarily urban area which is the most suitable and sustainable location for new development. This and its physical proximity/relationship with the existing hospital and County Hall off Leicester Road (one of the main arterial routes into the city), mean that the site is considered to be in a sustainable location and accords with Policies CS1 and CS24 of the Core Strategy.

### **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.

### **National Planning Policy Framework**

The National Planning Policy Framework establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

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

- An economic objective
- A social objective
- An environmental objective

For decision-taking this means:

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

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

The adopted Core Strategy (February 2013) is part of the Development Plan for the District of Blaby. It is an up-to-date plan that is consistent with 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 including services and facilities 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 Glenfield, defined by Policy CS5 as a settlement within the PUA.

#### **Policy CS2 – Design of New Development**

This Policy 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 its context.

#### **Policy CS6 – Employment**

This Policy seeks to provide the appropriate quantity, quality and mix of employment opportunities to meet the needs of the District. Policy CS6 also seeks to protect 'Key Employment Sites' from non-employment uses (subject to certain criteria being met) and is NPPF compliant. Whilst the Plan does not expressly identify these sites, (and it is intended that ultimately they will be identified in the Delivery DPD), the supporting text to CS6 says that the Blaby Employment Land Study 2011 ("BELPS") identified 16 Key Employment Sites (referred to in BELPS as the Blaby Employment Areas). The Application Site is not identified as one of these 16 Key Employment Sites, and as such, the Proposed Development does not conflict with Policy CS6.

### Policy CS10 – Transport Infrastructure

This Policy sets out the Council's preferred approach to locating new development where people can access services and facilities without reliance on 'private motor vehicles'.

### Policy CS11 – Infrastructure, Services and Facilities to Support Growth

This Policy seeks to ensure that all new development is supported by good access to infrastructure, services and facilities to support growth.

### Policy CS19 – Bio-diversity and Geo-diversity

This policy indicates that the Council will seek to protect those species which do not receive statutory protection under a range of legislative provisions, but have been identified as requiring conservation action as a species of principle importance for the conservation of biodiversity nationally. Any development proposals should ensure that these species and their habitats are protected from the adverse effects of development through the use of appropriate mitigation measures. Leicestershire County Ecology has not objected to the proposal subject to the scheme being carried out in accordance with the ecology recommendations provided as part of the application.

### Policy CS21 – Climate Change

This Policy seeks to support new development which mitigates and adapts to climate change. New development should be focussed in the most sustainable locations in accordance with Policies CS1 and CS5 and use sustainable design principles which reduce energy demand and increase efficiency. The site is located within the PUA and the scheme proposes the use of energy efficiencies in its design.

### 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 proposed in an area defined as Flood Zone 1, an area with the lowest flood risk. The Lead Local Flood Authority has been consulted and has not objected to the proposal subject to conditions requiring the provision of details in relation to surface water drainage for the site.

### Policy CS24 – Presumption in Favour of Sustainable Development

This Policy reflects the overarching principle of the NPPF that the Government wishes to see in relation to the planning system including the presumption in favour of sustainable development which underpins the decision making process. It indicates 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 District Local Plan (BDLP) (1999)**

Although the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) has been adopted, a number of policies from the Blaby District Local Plan (1999) continue to be saved. The following policies are of relevance to this application:

### **Policy T6 – Parking and Servicing**

This Policy indicates that development will only be granted consent if off street parking provision is made in accordance with the County Council's parking standards. The scheme proposes 20 car parking spaces, 2 disability spaces and 10 cycle spaces. Leicestershire County Highways have not objected to the proposal, recognising that the scheme is unlikely to generate significant additional vehicular trips that would impact on highways safety. It is acknowledged that the car parking provision as shown for this development is under the umbrella of plans for the wider NHS site.

### **Policy T10 – Car Parking and Servicing Areas Design**

This Policy indicates that development which involves the creation of new car parking and servicing areas will only be approved if the areas are suitably landscaped and illuminated. A condition requiring the submission of a lighting scheme is considered necessary and relevant. The applicant has expressed a wish that this element of the proposal is considered by condition.

### **Policy E2 – Primarily Business Areas and Other Locations for Business within the Built Up Area**

This Policy indicates that within Primarily Business Areas permission will normally be granted for business development only. The restrictive nature of the wording of this Policy means that it is unlikely to be in line with the broad principles of sustainable development as set out in the NPPF.

Policy CS6 set out above is considered to offer a more up to date interpretation of the need for the protection of employment/business premises and land and is more in-keeping with the less restrictive nature of the NPPF than policy E2 and is a Policy which has been adopted since the introduction of the NPPF.

### **CE25 Crime Prevention**

This saved policy states that in assessing development proposals, consideration will be given to the principles of crime prevention and planning permission will only be granted where necessary design measures, aimed at reducing the potential for crime have been incorporated. Leicestershire Constabulary's Architectural Liaison Officer was consulted as part of the application process and no adverse comments were received in terms of the proposed layout, accesses and parking provision. General comments were provided in relation to the provision of adequate CCTV, lighting and surveillance practices. As discussed above, lighting will be considered by condition.

## **Blaby Local Plan Delivery Development Plan Document (Delivery DPD Submission Version)**

The Delivery DPD completed its consultation phase on 18<sup>th</sup> January 2018 and was submitted to the Secretary of State for examination in March 2018. The examination of the Delivery Plan started on 31<sup>st</sup> July with the last day expected on 16<sup>th</sup> August. The Delivery DPD is seeking to identify the 'Key Employment Sites' and the evidence prepared to justify the inclusion of specific sites does consider the 'Primarily Business Area' at County Hall. The Assessment of Key Employment Sites 2016 recommends that the site at County Hall is a 'Key Employment Site'. However, it recommends that the boundary excludes the land that forms part of this application.

The Delivery DPD is not yet adopted and has not yet reached a stage where full weight can be given to the emerging site allocations and Policies. However, the weight that can be given to the Delivery DPD increases as the Plan moves towards adoption.

### **Principle of the Development**

As stated previously, the scheme proposes a 1161 square metre, single storey unit to provide 15 en-suite bedrooms, associated lounges, dining rooms, nursing stations, offices, classrooms, therapy areas, kitchens, staff rooms, bathrooms, quiet rooms, laundry rooms and secluded outdoor garden/courtyard areas for children and adolescents from Leicestershire, the East Midlands and further afield with identified mental health needs. The Council's Adopted Core Strategy identifies Glenfield as being within the Principal Urban Area which is the most suitable and sustainable location for new development. This and its physical proximity/relationship with the existing hospital and County Hall off Leicester Road (one of the main arterial routes into the city), mean that the site is considered to be in a sustainable location and accords with Policies CS1 and CS24 of the Core Strategy.

The design of the proposed scheme has balanced functionality with appearance to create an interesting building with a commercial appearance and distinctive character. With a contemporary appearance, the building proposes a grey brick and metallic roof with PV panels on the southern elevation allowing a neutral background and respecting its verdant setting. The exact materials details will however be agreed by condition. Given the commercial nature of the buildings within the hospital and County Hall sites, it is not considered that the new building would be inappropriate in its context.

In terms of development plan policy there are two key issues to consider:

- Designation of the land as 'primarily business area'
- Potential loss of open space

## Primarily Business Area

The 1999 Local Plan Proposals Map allocated the application site as a Primarily Business Area to which 'saved' Policy E2 applies. Policy E2 indicates that in these areas permission will only be granted for business development only.

However, as previously set out above, the wording of Policy E2 is restrictive in nature and considered unlikely to be in line with the broad principles of sustainable development contained within the NPPF.

Policy CS6 of the Core Strategy seeks to protect 'Key Employment Sites' from non-employment uses (subject to certain criteria being met) and is NPPF compliant. The evidence prepared to justify the inclusion of specific sites for the Delivery DPD also considers the 'Primarily Business Area' at County Hall. The Assessment of Key Employment Sites 2016 recommends that the site at County Hall is a 'Key Employment Site'. However, it recommends that the boundary excludes the land that forms part of this application.

The Delivery DPD is not yet adopted and has not yet reached a stage where full weight can be given to the emerging site allocations and policies. However, the weight that can be given to the Delivery DPD increases as the Plan moves towards adoption.

## Open Space

This land was previously used as sport pitches for employees of the County Hall site. However, the site was bought by the Leicestershire Partnerships NHS Trust in 2009 and the recreational open space replaced on the opposite side of the County Hall site. The application site is now unused grassland, enclosed by bordering tree belts and without direct public rights of way or access.

## **Impact on the character of the area**

The site is well screened from the main vantage point of the A50 (Leicester Road) through the use of an existing mature tree belt along the site's frontage southern boundary. The commercial appearance of the proposed building and its scale is considered to be in-keeping with a number of the more recent buildings within the hospital site. The commercial nature of the surrounding area would mean that the proposal would be in keeping with the character and appearance of the area.

## **Impact on the amenities of occupiers of surrounding buildings**

As stated above, the facility is well screened from Leicester Road with the closest dwellings being sited on the opposite side of the dual carriageway (Groby/ Leicester Roads).

The building would be sited close to the boundary with the existing Glenfield Hospital and on the building line with nearby County Hall. It is not considered that the scale or nature of the development would unduly impact on either of the neighbouring uses given its siting and design.

The Council's Environmental Health department has assessed the type of plant, equipment and acoustic screening proposed and have raised no objections in terms of potential noise and disturbance from the development subject to conditions in relation to the submission of further specification details of acoustic fencing and plant details.

### **Highways Implications**

The scheme proposes no new access onto the existing highway and is instead accessed from the existing connection onto Leicester Road. A new internal vehicular (and pedestrian) access is proposed linking the new site to the existing internal access serving the wider hospital site. County Council's Highways Department has assessed the proposal and raised no objections, stating that the parking provision will impact on the wider hospital site and not the highway. As such they consider that the car parking in association with the development is a matter for the District Planning Authority and not the Highways Authority. It is understood that the car parking provision as shown for this development is under the umbrella of plans for the wider NHS site.

In line with the County Council's requirements, 1 car parking space should be provided per four bedrooms plus 1 car parking space per staff member. The applicant has provided justification for the proposed number of car parking spaces in association with the development. It is acknowledged that staffing for the unit will be provided by existing staff members employed throughout the wider hospital facility. In addition, further car parking provision for the wider hospital site is currently subject to consideration by the relevant Planning Authority (which in this case Leicester City Council as the determining Authority for car parking in association with the Glenfield Hospital site).

The car and cycle parking, the internal road layout and accesses (pedestrian and vehicular) are considered by your Officers to be in accordance with the principles of the Policies set out above (CS10, T6 and T10).

### **Landscaping and Ecology**

The scheme proposes the retention of the existing tree belts with some minimal intervention for necessary thinning works to allow for the access. The proposed scheme is supported by the County Ecologist and County Arborist subject to conditions restricting the works to be carried out in accordance with the agreed ecology recommendations. 2 Oak trees are of particular note and their retention will be conditioned. It is therefore considered that subject to those conditions, the proposal complies with Policy CS19 of the Core Strategy.

### **Flood Risk**

The site is located in an area designated with the lowest risk of flooding (Flood Zone 1) and considered the most appropriate location for new development. The Lead Local Flood Authority has been consulted and they have not objected to the proposal

subject to conditions requiring the submission of details of surface water drainage for the site.

### **Conclusion**

Consideration has been given by your Officers to the principle of the development on a site designated as an employment site in the Council's Local Plan (1999) Proposals Map, alongside NPPF compliant Core Strategy Policy CS6 and the weighting and status of the Delivery DPD which has removed this site from the District's Key Employment Sites. It is considered that the social benefits that this development will deliver outweigh the specific considerations of Policy E2; and subject to the conditions set out above, the scheme is considered to accord with relevant Local Policies, material considerations and the broader aims of the NPPF and on this basis the scheme is recommended for approval.

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18/0683/FUL

Registered Date  
6<sup>th</sup> June 2018

Mr Stephen Pedrick-Moyle

Erection of two storey office building with associated access, parking, landscaping and other external works.

Block E, Oak Spinney Park, Kirby Muxloe

Report Author: Ed Stacey, Planning Officer  
Contact Details: Council Offices. Tel: 0116 272 7675

#### RECOMMENDATION:

**THAT APPLICATION 18/0683/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:**

1. Statutory 3 year condition
2. Approved drawings
3. Landscaping to be carried out
4. Car parking, turning facilities and cycle parking to be provided in accordance with approved plans.
5. Details of lighting facilities to be agreed prior to installation
6. Details of foul and surface water drainage scheme to be agreed
7. Surface water to be passed through an oil interceptor
8. The finished floor levels to be set at a level of 88.0 AOD(N)
9. The occupation of the unit hereby approved shall be limited to uses within Class B1 (a) only.
10. No open storage outside of building unless in screened compounds agreed by the District Planning Authority
11. Submission and approval of a Travel Plan prior to occupation and subsequent implementation

#### NOTES TO COMMITTEE

##### Relevant Planning Policy

**National Planning Policy Framework (2018)**

**National Planning Practice Guidance (NPPG)**

**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 CS24 – Presumption in Favour of Sustainable Development

**Blaby District Local Plan (BDLP) (1999)**

Policy E2 – Primarily Business Areas  
Policy E9 – Business and General Industrial Development Proposal  
Policy T6 – Off Street Parking Provision

### **Consultation Summary**

**Blaby District Council, Economic Development** – No objection.

**Blaby District Council, Environmental Health Services** – No objection subject to a condition relating to external lighting and several notes to applicant.

**Blaby District Council, Forestry Officer** – No objections.

**Environment Agency** – Has no comments to make.

**Kirby Muxloe Parish Council** – No objection.

**Leicester Forest East Parish Council** – No response.

**Leicestershire County Council, Archaeology** – No response.

**Leicestershire County Council, Ecology** – No objections, suggested note to applicant relating to recommendations of surveys.

**Leicestershire County Council, Highways** – No objection subject to conditions.

**Leicestershire County Council, Lead Local Flood Authority** – Are broadly satisfied with the scheme pending one further point of clarification which the applicant has sought to address. Further comments are pending.

**Leicestershire County Council, Rights of Way** – No objection, several conditions suggested.

**Network Rail** – No objection subject to the imposition of conditions relating to boundary fencing and lighting and a note to applicant relating to drainage.

**Severn Trent Water** – No response.

### **Relevant History**

07/0600/1/PX	Erection of ten 2 storey office buildings to provide 32 starter units with associated car parking and landscaping.	Permitted 23.06.2008
08/0647/1/PX	Erection of one two storey office building with associated landscaping and car parking in lieu of three office units approved under application 07/0600/1/PX.	Permitted 19.09.2008

09/0433/1/PX	Erection of x 2 two storey office buildings with associated parking in lieu of a single block of 4 units approved under application 08/0647/1/PX.	Permitted 10.09.2009
12/0683/1/PX	Revised design and site layout to office unit 'Block C' (previously approved under planning application reference 07/0600/1/PX).	Permitted 20.09.2012
13/0068/1/PY	Creation of car park to serve office park previously approved under planning permission 07/0600/1/PX.	Permitted 27.03.2013
13/0365/1/PX	Erection of 2 storey office building (Class B1) with associated car parking, cycle shelter and bin store.	Permitted 29.07.2013
15/0990/FUL	Erection of two storey office building with associated access, parking, cycle store and bin store.	Permitted 29.09.2015

## **EXPLANATORY NOTE**

### **The Proposal**

The plot forms part of a large scheme previously approved under Planning Application 07/0600/1/PX. Five of the previously approved buildings have been completed with a further one granted a revised permission in 2015. The application site sits within an existing allocated employment zone and is accessed off an existing spur road that was designed for the future development of this plot. The highway access to the site off Oak Spinney Park has been provided as part of the wider infrastructure scheme with detailed access to the park approved under Planning Application ref: 07/0600/1/PX. The site is bounded to the south by a strip of landscaping with a watercourse, a Public Right of Way, the railway line, and dwellings located off Packer Avenue beyond these.

The proposal is for office space of approximately 1,180 square metres of floor space split over two levels including servicing, parking and landscaping. The office building will feature a mono-pitch roof with an eaves height of 7.8 metres and a maximum height of 9.4 metres. The scheme proposes 44 car spaces, including 2 disabled, and 4 cycle spaces.

It is noted that due to the overlapping site boundaries this scheme is not compatible with the approved redesign of plot/unit G to the north (reference 15/0990/FUL). As such, it will only be possible to build out either 15/0990/FUL or 18/0683/FUL, not both in their current format.

### **Planning and other Material Considerations**

The application site is located within the Principal Urban Area and an established business park and forms a parcel of land granted approval for office use under 07/0600/1/PX. As such, the principle of commercial development on this land is acceptable and is supported by both the Core Strategy and the Saved Policies of the Local Plan.

With the above in mind the size of the unit represents a divergence from the previously approved scheme in that the original proposal was for 32 starter units where in fact the size of this proposal will reduce the provision of such units on the site. After consultation with the Economic Development Officer it is considered that this scheme proposes quality employment development broadly following the previous permission and would not harm the vitality or viability of the “le3” Business Park.

This proposal can therefore be seen to comply with Policies CS1 and CS6 of the Core Strategy and Policies E1 and E9 of the Local Plan.

As an area, the “le3” business park is characterised by more modern two storey commercial units with a large built footprint. It is noted that the proposed scheme has attempted to replicate the current plot pattern and vernacular of the “le3” park and it is considered that the proposed development has a positive relationship to both the neighbouring properties and to the wider locality. The size of the proposed building and the topography of the site would not make the development highly visible or cause significant harm to both the landscape and the character of this part of Kirby Muxloe and, as such, is in full compliance with the main thrust of Policy CS2.

The layout of the proposed development and the nature of the existing land uses in the vicinity would mean that issues of overlooking and overshadowing are unlikely to arise. It is considered that a refusal of the application could not be substantiated on these grounds.

The Country Highway Authority have not objected to the scheme subject to the imposition of two conditions relating to parking and turning facilities and an amended travel plan which are incorporated in the recommended conditions. Their comments, in full, are as follows:

*“Background*

*The Local Highway Authority [LHA] understands this application is for the erection of 1180sqm of two storey office space with associated access, parking, landscaping and other external works; and that the application forms part of an overall site that gained Outline consent under application 07/0600/1/PX.*

*The LHA has analysed the submitted Transport Statement [TS] and agrees in principle to the conclusions therein and therefore does not seek to object to the application. The LHA does find the TS somewhat confusing in that it appears to indicate that this application for Block E is a replacement for the earlier application 15/0990/FUL for Block G. However, as this application is on*

*the 'vacant' area not already covered by either Block G or Block D, the LHA assumes that this application is 'new' rather than a 'replacement' and it has been assessed accordingly.*

*Site Access and Internal Layout*

*Site Plan drawing P002 Rev P1 indicates access, parking and turning facilities that are acceptable to the LHA.*

*Highway Safety*

*The Personal Injury Collision (PIC) data for the last 5 years has been reviewed and the LHA would not seek to resist the application on highway safety grounds.*

*Transport Sustainability*

*Sustainable travel options are covered in the submitted Travel Plan, including initiatives for cycling and information to encourage sustainable travel."*

The Public Rights of Way officer has advised several conditions seeking to avoid harm to users of the Footpath – V83. Given that this Footpath is located some 14 metres from the southern boundary of the site and that the site doesn't propose to amend the existing fence boundary many of the suggested conditions would not pass the relevant tests to be included in the decision. However, one of the suggested conditions can be included as a note to applicant on the decision notice.

The applicant has sought to address requests from the Lead Local Flood Authority (LLFA) for technical points of clarification and an amendment to the building's location to broadly allow for an 8 metre buffer from the watercourse to the south of the site. Final comments from the LLFA regarding these points of clarification are still outstanding. However, it is considered that these matters could be dealt with via condition and so, in the absence of any recommended conditions from the LLFA, this report recommends drainage conditions in line with previous permissions on the site. Officers will update members on any relevant changes in this regard during the committee meeting.

The applicant has sought to address the previous objections from Leicestershire County Council Ecology department through the submission of reports and surveys relating to water voles, great crested newts and reptiles. The reports have addressed County Ecology's concerns and the applicant can be reminded of their recommendations in a note on the decision notice.

The comments of Network Rail relating to fencing are noted however the recently amended site plan means that the existing southern boundary treatment will not be altered and so further details of this boundary treatment are not required. Details of any lighting scheme that may harm the safe operation of the railway have been captured as part of a recommended condition which also encompasses the comments of the Environmental Services Department in relation to impact on residential dwellings along Packer Avenue.

The site is within 250 metres of a landfill site located within the administrative area of Leicester City. Following further discussion with the Environmental Services

Department and considering the site's previous development history it is not considered that any landfill protection measures are necessary.

### **Conclusion**

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 opinion that the development proposed will not result in significant harm to the appearance and character of the area or lead to an unsustainable form of development in this established commercial area, contrary to Policies of the adopted Core Strategy (2013) and saved Policies of the Blaby District Local Plan (1999). In addition, the proposal will not result in conditions detrimental to highway safety or harm protected species. As such, no reason to withhold permission exists subject to the imposition of conditions outlined in this report.

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**18/0775/RM**

**Registered Date  
25 May 2018**

**Brackley Property Developments**

**Erection of three units (B1, B2 and B8), associated car parking and landscaping (Reserved Matters)**

**Rose Business Park, Lutterworth Road, Blaby,  
Leicestershire, LE8 4DN**

**Report Author: Charles Ebdon, Planning Officer  
Contact Details: Council Offices. Tel: 0116 272 7691**

**RECOMMENDATION:**

**THAT APPLICATION 18/0775/RM BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:**

1. Development to be built in accordance with approved plans.
2. Materials in accordance with approved details.
3. Approved finished floor levels to be implemented.
4. Landscaping details to be submitted and agreed.
5. Approved landscaping to be carried out.
6. Construction to be carried out in accordance with approved Construction Method Statement.
7. Approved foul and surface water drainage details to be implemented.
8. External lighting and CCTV details to be submitted and agreed.
9. Any external storage of goods, equipment or materials to be agreed.
10. No additional mezzanine level to be installed without planning permission.
11. No external plant or machinery etc. without planning permission.
12. No external work, assembly or fabrication shall be carried out.
13. Site access to be provided and maintained in accordance with approved details.
14. Internal road layout to be provided and maintained in accordance with approved details.
15. Approved off-street car parking, turning facilities and cycle parking to be provided and retained.
16. Internal access road, off street parking and turning facilities to be marked out in accordance with approved details.
17. Visibility splays to be provided in accordance with the approved plans.
18. Dropped kerbs to be provided in accordance with the approved plans.
19. No fences, gates, walls, or barriers to be erected along the highway boundary, including the private access to each unit.
20. No walls, planting or fences on the highway boundary exceeding 0.6 metres in height.
21. Drainage to be provided to prevent water entering the highway.
22. Unit 3 to be restricted B1(a) use only.
23. Units C and D to be restricted to B2 and B8 use only.

24. Hours of use for Unit C and D to be 07:00 – 22:00 Monday – Friday and 7:30 – 13:00 on Saturday only.
25. All existing hedgerows to be retained in accordance with approved plans.
26. Fire doors serving Units C and D to be kept closed, except in emergencies.
27. The loading/delivery doors and windows serving Units C and D shall be kept closed whilst machinery is being operated.

## **NOTES TO COMMITTEE**

### **Relevant Planning Policies**

#### **National Planning Policy Framework (NPPF) (2018)**

#### **National Planning Practice Guidance (NPPG)**

#### **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 CS16 – Green Wedges.  
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 (BDLP) (1999)**

Policy C3 – Green Wedges.  
Policy CE22 – Landscaping  
Policy T3 – Highway Standards, Parking and Servicing Provision.  
Policy T6 – Parking and Servicing.

### **Consultation Summary**

**Blaby Parish Council** – No objections

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

**Blaby District Council, Planning Policy** – No objections.

**Leicestershire County Council, Archaeology** – No objections.

**Leicestershire County Council, Ecology** – No objections.

**Leicestershire County Council, Forestry** – No objections, subject to finalised scheme being submitted.

**Leicestershire County Council, Highways** – No objections subject to conditions and has commented as follows:

*“The LHA understands this is a reserved matters application for the erection of three units with associated car parking and landscaping. The LHA provided initial comments in relation to the parking provision proposed. The LHA are now in receipt of a revised drawing and additional information detailing the intended use types and splits for each unit. Based on the additional information and use type splits the LHA are now satisfied that the parking provision is in accordance with the details set out in the Leicestershire Highway Design Guide and therefore it cannot be demonstrated that the proposal if permitted would be severe in accordance with the NPPF.*

*Other Observations that affect the highway network which in the view of the Local Highway Authority cannot be considered “severe” in accordance with National Planning Policy Framework 2018, but which may impact on the amenity of the local community. The Local Planning Authority is advised to consider if these are material and the relative weight which that they can give in planning terms to these amenity issues in their decision making processes”.*

**Leicestershire County Council, Lead Local Flood Authority** – No objections.

**Severn Trent Water Authority** – No comments received

**Whetstone Parish Council** – No objections

### **Third Party Representations**

None received.

### **Relevant History**

15/0471/OUT	Mixed use development of up to 60 residential dwellings and up to 510 square metres of B1 office accommodation (includes the demolition of commercial buildings) (Outline).	Refused 24.07.15
15/1084/OUT	Outline application for Class B1/B2 and B8 development.	Approved 12.11.15
17/0360/RM	Erection of one (B1) office building, associated car parking, access road, sub station and landscaping (Reserved Matters).	Approved 06.07.17
17/0764/DOC	Discharge of conditions 6, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 23 attached to planning permission 15/1084/OUT.	Approved 05.09.17

17/1474/NMAT	Non-material amendments to planning permission 17/0360/RM (alterations to sub-station).	Approved 22.11.17
17/1716/NMAT	Application for non-material amendments to planning permission 17/0360/RM.	Approved 30.01.18
18/0279/RM	Construction of an extension to the main spine road on Rose Business Park to serve future plots (Reserved Matters).	Approved 27.04.18

## **EXPLANATORY NOTE**

### **The Site**

The original application site consisted of approximately 1.3 ha. of commercial development with access off Lutterworth Road. A variety of commercial buildings were clustered within the site included a children's day nursery, B1 office use and general industry. Two disused detached buildings were located towards the east of the site.

The site is located to the south of Blaby and to the east of Whetstone. To the north of the site is the Blaby Golf Range, to the east a caravan/mobile home storage park, and to the west is Chamneys Garden Centre (on the opposite side of Lutterworth Road). The site benefits from a large expanse of open green space to the front of the site. To the south are open fields with dispersed residential dwellings and farm buildings beyond these. The application site lies within land designated as Green Wedge within the Blaby District Local Plan 1999.

The initial outline planning permission included the retention of the existing children's day nursery building and two existing office blocks and the erection of seven commercial buildings (15/1084/OUT refers). However, all matters were reserved, with details of the access, appearance, landscaping, layout and scale being indicative at this stage. Development across the site is now occurring on a phased basis.

The first phase of development saw the approval of a Reserved matters application (17/0360/RM refers) for the erection of one (B1) office building, associated car parking, access road, sub station and landscaping. This application granted approval for the widening of and improvements to the existing access from Lutterworth Road, with the approved access road extending into the site as far as the vehicular accesses for unit 2 (the office building approved in 17/0360/RM). The access to the office buildings and nursery were retained on site.

A second reserved matters approval was granted for the next phase of development for the construction of an extension to the main spine road to serve future plots (18/0279/RM refers).

This application seeks approval for matters reserved in relation to the scale, appearance, layout and landscaping for the third phase of development at Rose

Business Park in relation to the previously approved Outline permission (15/1084/OUT refers).

### **The Proposal**

The development comprises the erection of 1 B1(a) office unit, and 2 mixed use B2 and B8 units, including associated car parking areas and landscaping for employment development (B1, B2, and B8) on the now vacant commercial park at Rose Business Park.

Unit 3 is a proposed two storey office building (B1(a)) which is located along the northern boundary. The unit is to be divided into two separate units and is being constructed on a speculative basis with no end user currently proposed. It has provision for 18 car parking spaces (including 2 disabled spaces) and 2 cycle hoops within its frontage.

Unit C is proposed to be a B2/B8 building with ancillary office use (B1(a)) and is located along the northern boundary. The unit is to be divided into three with Unit C1 anticipated to be used for the manufacture and supply of welding ancillaries with no fixed plant or machinery proposed. Units C2 and C3 are being constructed on a speculative basis with no end user currently known. The applicant has stated that they anticipate that the use of Units C2 and C3 will be similar to that of C1 with light industrial and manufacturing processes being carried out. Each unit has provision for 5 car parking spaces (including 1 disabled space), 1 lorry parking space within their respective frontages and 1 cycle space each to the rear.

Unit D is proposed to be a B2/B8 building with ancillary first floor office use (B1(a)) and is to be located within the north eastern corner of the site. The unit is proposed to be used for assembly of equipment and machines which are used for the aerospace industry. The unit has provision for 27 car parking spaces (including 3 disabled spaces), 3 lorry parking spaces within its frontage and 2 cycle hoops to the rear.

Each unit is accessed off the previously approved central spine road (18/0279/RM refers) which connects to the main Lutterworth Road.

### **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.

### **Principle of development**

Outline planning permission was granted in 12 November 2015 for approximately 2,000 sq.m of B1 office use and 6,500 sq.m of B2/B8 (general industrial and storage/distribution) including associated infrastructure, parking and landscaping. Whilst the site is located within land designated as Green Wedge on the Proposals

Map, the principle of development has been established and as such is not a matter for consideration as part of this reserved matters application and cannot be revisited.

### Reserved Matters

This development seeks approval for the matters reserved from the original outline application, including its scale, appearance and the layout of the development, including its associated landscaping. Broadly these matters encompass the design of the development and each will be taken in turn in order to highlight these material considerations.

### Scale

Unit 3 has a total footprint of approximately 618 sq.m. The building is to be divided into two, with Unit 3A measuring some 338 sq.m and Unit 3B measuring approximately 280 sq.m. The units would have a total width of 28m and a depth of 12.6m, and will measure 6.4m to its eaves and 7.5m to its ridge.

Unit C has a total footprint of approximately 895 sq.m and is to be sub divided into three. Unit C1 measures some 330 sq.m across two floors, Unit C2 measuring approximately 279 sq.m over one floor and Unit C3 measuring some 286 sq.m across two floors. The total unit will have a width of 49m and a depth of 17.7m, and will measure 7.2m to its eaves and 8.8m to its ridge.

Unit D has a total footprint of approximately 1218 sq.m, which includes a mezzanine at first floor measuring approximately 180 sq.m. The unit measures 60.8m in width, 18.6m in depth, and 7m to its eaves and 8.9m to its ridge.

The scales of the proposed buildings are in accordance with the dimensions in the approved 'Parameters Plan' attached to the original Outline application and are in keeping with the scale of the retained and approved two storey employment units currently on the site.

### Appearance

It is considered that the units by virtue of their design and proposed materials are in context with their intended use and reflect a high quality employment use in keeping with previously approved and retained units on the site. They have been orientated within the site so as not to prejudice the character of the surrounding area and street scene and as such are considered to be in keeping with the character and appearance of the area.

### Layout

The proposed units will be accessed from the main approved spine road running through the site which is accessed off Lutterworth Road (18/0279/RM refers). The units are to be located along the northern boundary of the site, backing onto an established hedgerow which borders the golf course to the north. Unit 3 faces west

opening onto its associated car parking area, with Units C and D opening onto their respective car parking areas and the main spine road to the south.

It is considered that the layout of the site does not prejudice the character and appearance of the surrounding area and allows the free movement of traffic. Furthermore the site has been designed to follow the approved Parameters Plan included in the outline application and as such it is considered that the layout is satisfactory.

### Landscaping

The layout of the site has been amended during the consideration of the application and the landscaping scheme to be submitted will be altered to reflect these changes.

### **Other Material Considerations**

#### Highways

Access onto the site has been approved in the second phase of development, with the approval of the main spine road. Leicestershire County Highways were satisfied that the access arrangement and the design and layout of the spine road was suitable for this site.

Leicestershire County Highways are satisfied that the layout, parking provision and turning facilities are satisfactory and are in accordance with the details set out in the Leicestershire Highway Design Guide, and as such they have no objections.

#### Residential amenity

It is considered that the proposal will not have a significantly detrimental impact on nearby residents in terms of noise and disturbance given the spatial separation from the nearest residents. Furthermore there are intervening road networks and built development which acts as a buffer between residential dwellings and the proposed development, which mitigates any potential impacts. Environmental Services are satisfied given the internal layout of the units and that their use will not result in significant noise and disturbance issues. They have however requested that details for the proposed plant machinery is first submitted and agreed to and that no external works are undertaken at the site. Furthermore they have requested that any fabrication or assembly should take place within the building envelopes.

#### Drainage

The site is located within Flood Zone 1 which has a low probability of flooding. The Lead Local Flood Authority are satisfied that the drainage details submitted are acceptable.

#### Conclusion

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, the established principle of development on this site and all other material considerations your Officers are of the opinion that the scale, appearance, layout and landscaping is acceptable subject to the imposition of the conditions as detailed previously.

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