

Blaby District Council

Planning Committee

Date of Meeting **7 September 2023**
Title of Report **Applications for Determination**
Report Author Group Manager – Planning & Strategic Growth

1. What is this report about?

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

2. Recommendation

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

3. Matters to consider

- 3.1 To avoid unnecessary delay in the processing of planning applications, the recommendations included in this list must often be prepared in advance of the closing date for the receipt of representations. This list was prepared on **29 August 2023** and information of representations received will be updated at your meeting. This updating will also cover any other information which may come to hand in the intervening period. Closing dates are given where they fall on or after the day of preparation of the list.

3.2	Application No.	Page No.	Address	Recommendation
	23/0271/HH	15	30 Peatling Road, Countesthorpe.	Approve
	23/0514/FUL	21	1 Little Masons Close, Thorpe Astley, Braunstone Town.	Approve
	23/0546/FUL	35	Unit B Optimus Way, Glenfield.	Approve
	23/0560/FUL	46	Enderby Leisure Centre, Mill Lane, Enderby.	Approve

3.3 Appropriate Consultations

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

3.4 Resource Implications

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

4. Other options considered

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

5. Background paper(s)

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

6. Report author's contact details

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Development Services Team Leader
0116 272 7705

23/0271/HH

**Registered Date
29.03.2023**

Mr and Mrs Holdridge

Single storey front extensions to form garage. New outbuilding in rear garden.

30 Peatling Road, Countesthorpe, Leicestershire, LE8 5RD

**Report Author: Charlene Hurd, Senior Planning Officer
Contact Details: Council Offices. Tel: 0116 2503101**

RECOMMENDATION: THAT APPLICATION 23/0271/HH BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. 3-year condition.
2. Approved plans.
3. External materials as per the application form.
4. The occupation of the outbuilding shall be ancillary to the residential occupation of the main dwelling. It shall not be occupied as a separate living unit nor, business unit and should not be sold, let or otherwise disposed of.

NOTE TO COMMITTEE

This application has been brought before the Planning Committee as it has been submitted by a Councillor, and as such, falls outside of the scope of Blaby District Council's Scheme of Delegation.

Relevant Planning Policies

National Planning Policy Framework (NPPF) (July 2021)

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 CS24 – Presumption in favour of sustainable development

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

Policy DM1 – Development in the Settlement Boundaries

Policy DM8 – Local Parking and Highway Design Standards

Consultation Summary

Countesthorpe Parish Council - Had no comments to make on the application.

Neighbour Representations

None Received

Relevant Planning History

19/0383/VAR	Variation of conditions 1 and 2 of planning application 06/0882/1/PY to enable an additional worker to operate from the hairdressing salon (Condition 1) and extend Saturday operating hours past 1300hrs (Condition 2).	Permitted 16.05.2019
06/0882/1/PY	Retention of use of part of property as hairdressing Salon.	Permitted 06.12.2006
01/0936/1/PX	Erection of single storey detached building to the side of the dwelling to form garage, hobbies room and study to replace existing detached garage.	Delegated Approval 08.01.2002
99/0141/1/PX	Two storey and single storey rear extensions.	Approved 01.04.1999
94/0486/1/PX	Proposed single storey rear extension.	Approved 01.04.1999
91/0515/1/PB	Proposed single storey rear extension.	Approved 20.06.1991

EXPLANATORY NOTE

The Site

The site consists of a two-storey detached dwelling, which has the benefit of a detached garage and outbuildings to the west of the plot. The existing outbuildings provide space for a hairdressing salon, one garage parking bay and a studio.

The property is set back from Peatling Road with a large front garden and similarly sized garden to the rear. At the bottom of the garden there is a timber summerhouse in position, which is surrounded by existing trees. The garden has existing boundary treatments of timber panelled fencing and existing hedging/trees.

The Proposal

The application seeks permission for an L-shaped single-storey outbuilding to replace the existing summerhouse in the rear garden at the northwest boundary of the site. The outbuilding seeks to provide space for a home workshop, garden room and fitness studio. The outbuilding will have a shallow pitched roof with a maximum ridge height of approximately 3m.

The existing garage will be extended to the front of the property to provide tandem parking for two vehicles.

Materials proposed for the development include: brick, tiles and white uPVC doors and windows to match the existing.

Following the site visit the applicants reduced the scheme so that the new outbuilding was not connected to the existing studio in a linear format along the west boundary line. The height of the outbuilding to the rear has been reduced through amended plans.

Development Plan Policy

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

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

Policy CS1 – Strategy for Locating new Development

The policy supports sustainable development by directing most new housing and employment development towards locations within and adjoining the Principal Urban Area (PUA) of Leicester. Outside the PUA development it states that development will be focused towards Blaby (which has the District's only designated town centre) and the Larger Central Villages. Lower levels of growth will be allowed in the Rural Centre, Medium Central Villages and Smaller Villages where the scale of development will reflect the settlement's range of available services and facilities and public transport alternatives.

Policy CS2 – Design of new development

Policy CS2 Seeks to ensure that a high quality, safe and socially inclusive environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality. New development should also provide opportunities to enhance the natural and historic environment. Innovative design will be supported where it is appropriate to its context.

Policy CS21 – Climate Change

Policy CS21 states that development which mitigates and adapts to Climate Change will be supported and that the Council will contribute to achieving national targets to reduce greenhouse gas emissions with new developments.

Policy CS24 – Presumption in Favour of Sustainable Development

Indicates that when considering development proposals Blaby District Council will take a positive approach that reflects the presumption in favour of sustainable development.

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

Policy DM1 – Development within the Settlement Boundaries

Policy DM1 supports development which provides a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by the existing or new occupiers.

Policy DM8 – Local Parking and Highway Design Standards

Policy DM8 seeks to provide an appropriate level of parking provision which complies with Leicestershire Highways Design Guide (LHDG) and is justified by an assessment of the site's accessibility, type and mix of housing and the availability of and opportunities for public transport.

National Planning Policy Framework (2021)

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.

Planning Considerations

Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise. All material considerations must be carefully balanced to determine whether the

negative impacts outweigh the positive impacts to such a degree that the adopted policies of the Development Plan should not prevail.

Taking into account the Development Plan Policies set out above the considerations relevant to the determination of this application are:

The Principle of the Development

The development seeks to replace an existing garden building with a larger building within a residential garden along with providing additional garage parking for the applicant's vehicles. As the development would occur within the settlement boundary it is considered acceptable.

As there is an existing small scale business on the site (the hairdressing salon approved under application 06/0882/1/PY) it would be appropriate to ensure that the outbuilding and new garage are not utilised for expansion of this business use, which can be ensured by planning condition.

The development is therefore considered acceptable in regard to Policy CS1.

Design and Appearance

The development whilst forming a large outbuilding to the rear would not be out of character for the area, with neighbouring dwellings having large outbuildings at the rear of their gardens. The proposed design and scale have been altered to provide a scheme that would be acceptable in its overall height and design with materials that match the existing dwelling.

The proposed front extension to the garage follows the same form of the existing garage, following the ridge and eaves height to provide an additional parking space, while it extends to the front of the property, there is sufficient space in the front garden meaning that the development does not feel cramped or detrimental to the character and appearance of the area. In addition, the neighbouring property to the west sits closer to the highway boundary than No. 30 Peatling Road and the proposed garage, with the garage being sited further back in the site, therefore would not be harmful to the existing line of development on Peatling Road.

It is therefore considered that the development is acceptable under Policies CS2 and DM1.

Impact on Neighbouring Dwellings

The proposed garage would sit forward of the existing property and adjacent to two ground floor windows which face east and are located on the neighbouring property of 28 Peatling Road. Neither window appears to serve a habitable room and the larger window is already impacted by the neighbour's vehicle parked on the drive. Due to the dual pitched roof and low ridge of the single storey garage it is not considered to adversely impact upon the neighbouring property through obstruction of natural light.

The proposed outbuilding was reduced in size and scale to the proposed scheme and due to its location in the corner of the plot it is in the position to least affect neighbouring properties. In addition, the properties to the east and west both have large outbuildings in their gardens. The outbuilding would also be located on site where a number of trees are present and as the height of the structure would be less than the height of the trees, it is not thought that the neighbour to the north would have restricted light.

The proposed development would be ancillary to the main dwelling house and therefore it is not considered that unacceptable noise or disturbance would come from the development apart for a limited period during the construction phase.

The development is therefore considered acceptable under Policy DM1.

Highways Impacts

The proposed number of bedrooms is not increasing on site therefore the parking arrangement is considered acceptable. The proposed development is considered to be in accordance with Policy DM8.

Overall Planning Balance and Conclusion

In conclusion, and for the reasons set out above, taking into account the principles set out in Local and National Policy and guidance including the three dimensions of sustainable development (economic, social and environmental) set out in the NPPF and policies in the adopted Development Plan, in addition to all other material considerations, the proposed development is considered to be on balance acceptable. Accordingly, this application is recommended for approval subject to the imposition of the conditions set out above.

23/0514/FUL

Registered Date
16th June 2023

Favour Health Ltd

Change of use from C3 (Dwellinghouses) to C2 (Residential Institutions) to allow use as a Childrens Home

1 Little Masons Close, Thorpe Astley, Braunstone Town, Leicestershire, LE3 3TE

**Report Author: Helen Wallis, Senior Planning Officer
Contact Details: Council Offices. 0116 272 7698**

RECOMMENDATION:

THAT APPLICATION 23/0514/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:-

1. Statutory 3 year time limit.
2. Approved Plans.
3. Permission limited to the residential care of no more than one child between the ages of 12 and 18 (inclusive) at any one time.
4. Permission limited to a maximum of 3 members of staff at any one time.
5. Use limited to Children's Home only and no other use within Class C2.
6. Vehicle parking details shown on drawing 'Block Plan & Parking Details' to be retained and made available for parking in perpetuity.

NOTES TO COMMITTEE

This application has been brought before the Planning Committee under the Member call in procedure by Cllr Alex De Winter for the following reasons:

- *"The owners of the property Favour Health Ltd are already using the property as a childrens home and have shown disregard for due process. In addition, residents have seen three children and upwards of ten staff at the property not the one child and three staff within the planning application,*
- *Favour Health Ltd's website states 'Favour Health Ltd is registered with CQC to support individuals between the age of 16 to 65' yet their application is for a 12 - 18-year-old. Similarly, their CQC report states 'Favour Health Ltd is a domiciliary care service. The service provides personal care to people living in their own homes'. There does not appear to be any registration with Ofsted (which is required), this brings into question what the property will be used for.*
- *There have been a considerable number of local concerns/objections raised regarding the proposed change in use from a residential property to a children's home. These views need to be considered by the committee and explored further as appropriate. In particular the change to a childrens home may benefit one high needs individual, however the current use of property for the purpose is having an impact on 20+ families living in the surrounding area.*

- *Parking and access/egress is a cause for concern, given that there are already recognised problems re parking due to the location of the property, narrowness of the road, proximity of local businesses and associated issues. This is being significantly exasperated by up to 6 cars being at the property at property at any one time, which has led to parking complaints being logged with both the Police and the Council.*
- *Although the property plans include provision for off road parking, I would like the committee to consider the access/egress arrangements. Having visited the site it is clear that there isn't two parking spaces as shown on the plan, with the garage being too small to be used as such, thus further exasperating the parking issues above.*
- *The change from a residential property to a 'children's home' represents the latest of several similar changes of use that have occurred within neighbouring wards, now threatening to change the cohesion/demography of the local community. Nearby properties that have been converted in the same way have been the cause of considerable ASB with concerns raised re adequacy of supervision. In the short time that Favour Health have been using 1 Little Masons Close as a childrens home, there have been multiple reports of ASB logged with Leicestershire Police, which include loud shouting, swearing and threats within the property, objects being thrown at residents' vehicles, swearing and insults directed at residents, vandalism of the property itself and attacks on family pets by the resident of the home. Furthermore, there is an ongoing noise complaint investigation ongoing with the Council in relation to the property.*
- *I would like the committee to consider the overall suitability of the property to house children with trauma, given that such young people will require considerable support from many professionals, impacting on vehicular movement, noise, ASB, overnight disturbances, and numbers of adults required to give adequate supervision in what is a relatively small residential house. This includes the safeguarding implications of both the resident of the childrens home, but more importantly the families in the homes in surrounding area, which include young children and vulnerable adults.*
- *The proposed business will be out of keeping with other local businesses and could impact on/add to saturation of local services.*
- *The lack of upkeep of the property by a commercial organisation, who since taking ownership of the property have failed to maintain the property to the standard that a non-commercial owner would. For example, the hedges are growing onto the footpath/neighbouring properties and the failure to clear up coloured liquid from the side of the property following an incident of vandalism by the resident*
- *There does not seem to have been any Police, Fire Brigade or Leicestershire County Council consultation within the planning process, given the issues raised above should this not happen as part of the process."*

Relevant Planning Policy and Legislation

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 CS8 – Mix of Housing
Policy CS24 - Presumption in Favour of Sustainable Development

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

Policy DM1 - Development within the Settlement Boundaries
Policy DM8 - Local Parking and Highway Design Standards

National Planning Policy Framework 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Consultations

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

“The proposal is to provide accommodation to one child with the support from three members of staff. Given this information, this is in keeping with a typical family home. Advise suitable condition to be included restricting the number of children at the home to one.”

Braunstone Town Council – Does not object but has provided the following comments:

“Response

Braunstone Town Council does not object to the application to change the use of this dwellinghouse into a children’s home, subject to:

- a) One child only aged between 12 and 18 years old inclusive at any one time being accommodated at the property without explicit consent being sought from and granted by the Local Planning Authority;*
- b) On-site parking for at least two vehicles (including the garage space) being retained for parking at all times; and*
- c) Strict accordance with the arrangements for visitors (professional and non-professional), as set out in the submitted planning statement.*

Reasons

The scheme would create support for a child in a residential rather than an institutional setting; however,

- a) Any expansion may result in due noise and disturbance;*

- b) *To avoid additional on street parking close to a junction, which could present highway safety concerns; and*
- c) *To protect the amenity enjoyed by the residents of the neighbouring properties, particularly in terms of noise and disturbance.”*

Leicestershire County Council, Highways – Has no objections and is recommending the imposition of conditions. The Highway Authority have advised that the impact upon the highway would not be unacceptable and the impacts upon the road network would not be severe. No alterations are proposed to the existing parking provision and given the existing two car parking spaces on site and the availability of on-street parking for occasional visitors the Local Highway Authority would not seek to resist the application based on the parking provision for the proposed development. Recommend condition requiring parking to be retained in perpetuity.

Third Party Representations

15 letters of objection received raising the following issues:

- Significant noise disturbance caused by house dwellers and their visitors since moving in
- Leicestershire Police have already attended the house;
- Negative impact on social environment of Little Masons Close;
- Premises holds late night outdoor parties with multiple adults and children;
- Application has no reference to Secure-By-Design;
- No risk assessment to understand impact of use;
- Aggressive behaviour and vandalism;
- Will there be electronic access control, intrusion detection or CCTV which could cause noise pollution or intrude on public or private space;
- People may attend at odd hours from private security or medical services which may disturb residents;
- Existing hedge may be affected due to need to accommodate disabled access;
- Parking on Little Masons Close causing a bottleneck which impacts on residential traffic and access for emergency services;
- Capacity of existing sewage network;
- Waste generated will be trade waste – property doesn't have correct sized bins;
- Hours of opening are relevant to the application;
- Care is already taking place at the property;
- Inconsiderate to existing residents;
- Thorpe Astley has no infrastructure to support this type of scheme – no doctors, dentists, educational facilities, mental health support facilities or leisure centre.
- Concern about integration of occupant with community;
- Peaceful residential area and should stay that way;
- Application wrongly indicates that this property has two parking spaces – only one space on the driveway;
- Retrospective and residents have not been considered at all in this matter;
- Impact on safety of residents of cul-de-sac;
- Staff are constantly screaming and swearing;
- Inadequate parking for 3-4 staff and no visitor parking;

Relevant Planning History

None relevant to application.

EXPLANATORY NOTE

The Site

The application relates to a 2 storey, 3-bedroom link detached dwelling located at the corner of Little Masons Close and Burchnall Road within Thorpe Astley and within the boundaries of the Principal Urban Area, as designated in the Blaby Local Plan (Delivery) DPD 2019.

The front elevation of the house faces onto Little Masons Close, which provides pedestrian access to the house and garden. The attached single garage and driveway are accessed from Burchnall Road. Enclosing the site is a hedge of approximately 2m in height.

The application site is adjoined on all sides by other houses and the immediately surrounding area is overwhelmingly characterised by residential development with a mix of detached, semi-detached and terraced dwellings.

The Proposal

The application proposes the change of use of the property from a dwelling house (Use Class C3 Dwelling houses) to a children's home (Use Class C2 Residential Institutions). No internal or external alterations to the property are proposed.

Whilst the property has been used to provide residential care for an older child recently, this use has now ceased and thus the application now before Members is not being dealt with as a retrospective proposal.

The applicant has submitted supporting information that explains that the home will provide care and support for one child aged between 12 – 18 years of age, referred by a Local Authority. There will be 3 – 4 people in total living in the home; one child and 3 staff on a 24 hours-a-day, seven days-a-week basis. Staff will work 12-hour shifts (8am to 8pm and 8pm to 8am). It is advised that visitors to the property will be by appointment only and will typically be the child's social worker or other professionals supporting the child or relatives. In respect of the frequency of professional visits, it is estimated that these will be once or twice a month as most therapeutic appointments take place outside of the premises.

Planning Considerations

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

National Planning Policy Framework 2021 (NPPF)

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

Achieving sustainable development means that the planning system has three overarching objectives, which are 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.

Paragraph 60 of the NPPF states that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed.

Development Plan

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

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

Policy CS1 – Strategy for Locating New Development

Policy CS1 seeks to focus new development in the most sustainable locations in the district, primarily within and adjoining the Principal Urban Area (PUA) of Leicester. Lower levels of growth are allowed in Rural Centre's, Medium Central Villages and Smaller Villages. The policy encourages development of previously developed land (brownfield) and underused land and buildings. The application site is located within

the PUA and would make use of an existing building and thus is compliant with locational requirements set out in Policy CS1.

Policy CS2 – Design of new development

Policy CS2 seeks to ensure that a high-quality environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality. Design should be appropriate in its context, and development proposals should demonstrate that they have taken account of local patterns of development, landscape and other features and views and are sympathetic to their surroundings. In this case the proposed development will result in no external alterations to the property and the proposed use will have no implications in respect of design.

Policy CS8 – Mix of Housing

Policy CS8 Mix of Housing aims to provide an appropriate mix of housing types within the District to meet the requirements of current and future populations. One of the criteria within the Policy states that the Council will work with partners (including Registered Providers (RPs), developers and others) to meet any identified needs of specific groups through the delivery of Special Needs Housing, including, *inter alia*, provision of supported housing to meet other identified needs.

Policy CS24 – Presumption in Favour of Sustainable Development

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

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

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

Policy DM1 – Development within the Settlement Boundaries

Policy DM1 states that within the Settlement Boundaries, development proposals consistent with the other policies of the Local Plan will be supported where certain criteria are met, relating to the relationship with neighbouring uses, being in keeping with the character and appearance of the area, not resulting in overdevelopment, being of satisfactory layout, design and external appearance, and not prejudicing the comprehensive development of a wider area.

Policy DM8 – Local Parking and Highway Design Standards

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

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.

This section considers the main issues of the development proposal and the degree of compliance with the Development Plan in greater detail. The following are considered the key issues in the determination of the application;

- Information relating to Children's Homes and Planning Use Classes
- The principle of development
- The impact on the character and appearance of the area
- The impact on residential amenity
- Highway and parking implications

Information relating to Children's Homes and Planning Use Classes

It is generally accepted that a children's home falls within Use Class C2 of The Town and Country Planning (Use Classes) Order 1987 (as amended). The Use Classes Order defines Use Class C2 Residential Institutions as:

- *"Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).*
- *Use as a hospital or nursing home.*
- *Use as a residential school, college or training centre."*

By comparison the same Order defines Use Class C3 (Dwellinghouses):

"Use as a dwelling house (whether or not as a sole or main residence) by —

- *(a) a single person or by people to be regarded as forming a single household;*
- *(b) not more than six residents living together as a single household where care is provided for residents; or*
- *(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4)."*

Case law has established that children are not capable of forming a "single household" as required by Use Class C3. The key case on this matter *North Devon DC v First Secretary of State [2003] EWHC 157 (Admin)* established that children are not able, on their own, to form a 'single household' because they are not capable of living without adult care and supervision. The case also importantly established that non-resident carers are not deemed to be part of the household, even in circumstances where care

is provided to the children 24 hours a day, seven days a week. Taking this into account, the correct Use Class for a children's home will most frequently fall within Class C2.

The current application proposes a children's home for one child with three non-resident carers present in the property working 12 hour shifts. Bearing in mind the definitions within the Use Classes Order and the established case law, it is considered that the proposal does fall within Use Class C2 (Residential Institutions).

Notwithstanding the intended C2 Use Class, the change of use may not amount to development requiring planning permission where the change is not considered 'material'. It is therefore necessary to consider as a matter of fact and degree whether the operation of the property as a children's home would introduce a use that would be markedly different in its character and impacts to a normal dwelling house such that the changes could be considered 'material'.

The current proposals do not result in any physical changes to the property and thus outwardly the property will retain its current appearance as a dwellinghouse. However, the occupation of the property by 3 non-resident carers working in shift patterns (resulting in 6 different adult carers over a 24 hour period) and the comings and goings associated with this, in addition to visiting supporting professionals, could be considered slightly different to what might normally be expected of a dwelling house. Whilst the supporting information states that visits to the property will be only once or twice a month, these are difficult to quantify as they will be dependent on the needs of the resident child. Accordingly, it is considered that the proposal just tips the balance and would amount to a material change of use requiring planning permission.

The principle of development

Policy CS1 seeks to focus new development in the most sustainable locations in the district, primarily within and adjoining the Principal Urban Area (PUA) of Leicester (Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town and Glen Parva). The policy also encourages development of previously developed land (brownfield) and underused land and buildings. The application site is within Thorpe Astley (part of Braunstone Town) and lies within the designated PUA. It would also make use of an existing building and can thus be considered as brownfield development.

Having some relevance to the proposal, Policy CS8 seeks to meet the needs of specific groups through the provision of supported housing. The current proposal would accord with these objectives and help to fulfil the social objective of planning as set out in paragraph 8 of the NPPF 2021.

As such, the site is considered, in principle, to be in a suitable and sustainable location for the proposed use and would contribute to ensuring the District provides a range of housing types. The proposal is compliant with the spatial strategy as set out in Policy CS1 Strategy for Locating New Development and aligns with the objectives of Policy CS8 Mix of Housing.

The impact on the character and appearance of the area

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. Policy DM1 refers to development within settlement boundaries and requires that the development should be in keeping with the character and appearance of the area and not result in the overdevelopment of the site due to factors including footprint, scale and massing.

No external alterations are proposed to the property and the building will retain the appearance and layout of a dwelling. The new use will not have any visual impact upon the street scene or appearance of the area. The proposed C2 use is residential in nature and is thus considered acceptable in the predominantly residential surroundings, having no harmful impact upon the wider character of the area. Accordingly, the proposal is compliant with Core Strategy Policy CS2 and the Local Plan Delivery DPD Policy DM1 in these respects.

Impact on residential amenity

Policy DM1 Development within the Settlement Boundaries requires that new development provides a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by existing or new occupiers, including, *inter alia*, consideration of privacy, noise, disturbance, hours of working and vehicular activity.

The development proposal is for the care of one child by three members of staff, thus the total occupancy of the property at any one time would be four people. This is not considered to be unusual for a 3 bed detached property and would be similar to the occupancy that would be expected of a family residing in the house. The scale of the proposed use is appropriate to the size of the property and would not be out of keeping with the residential character of the surroundings. Furthermore, the applicant has confirmed that they have no intention of expanding the use and is content for any permission to be conditioned to limit the use to the residential care of one child only.

Representations have been received from local residents objecting to the proposed development on grounds of increased noise and disturbance, anti-social behaviour and fear for personal safety. The comments received have undoubtedly been influenced by the recent residential care of an older child at the house (who has since left the property) which has resulted in noise and disturbance to residents of Little Masons Close and Burchnall Road.

Notwithstanding these recent events, taking into account the low-key nature of the use now being applied for which proposes the care of only one child aged 12 to 18 and round-the-clock supervision by 3 carers, it is not considered that it can be reasonably or automatically concluded that noise and disturbance arising from the proposed C2 use would be significantly different to that that may occur if the property were occupied by a family with teenage children.

It is acknowledged that the proposal will require a total of 6 different carers over a 24-hour period which would make the use distinguishable from a family dwelling. However, the proposed shift changes are intended to take place at 8am and 8pm which are not considered unsociable hours and reflect normal household movements

when families might typically be leaving for work, returning from social activities, etc. Even with staff travelling individually to the property, the nature of the associated comings and goings are still not considered to be so intensive that significant detrimental impacts on residential amenity could be demonstrated, as set out in Policy DM1.

In respect of visitors to the property, the supporting information states that this will take place on an appointment only basis with professional visitors attending the property once or twice a month. As noted earlier in this report, this is taken to be indicative only as presumably the number of visits required will depend on the needs of the child. However, bearing in mind only one child will reside in the property, should more frequent visits be needed, it is not anticipated that this would cause undue noise or disturbance to nearby residents to such an extent that it would render the use unacceptable in amenity terms.

Members should also note that this application has been considered by the District Council's Environmental Services team whose officers have raised no concerns in respect of noise and disturbance subject to a condition restricting the number of children to one. Their comments state "*The proposal is to provide accommodation to 1 child, with the support from 3 members of staff. Given this information, this is in keeping with a typical family home.*"

Whilst the concerns of the neighbours are understood, particularly in light of the recent events that have been reported in representations, the modest nature of the proposed use will result in the property being occupied in a very similar way to a conventional residential dwelling; the use will continue to be of a residential character and an appropriate scale for the size of property. It is not therefore considered that there is a reasonable basis in planning terms to conclude that the proposed use of the building as a children's home for the care of one child will result in harmful noise and disturbance.

Within Use Class C2 the property could alternatively be used for a residential school, college, training centre, hospital or nursing home. These uses could result in additional comings and goings, general disturbance and greater parking demand which would require further consideration by the District Planning Authority. A condition restricting the use to a Use Class C2 Children's Home only is therefore recommended.

Subject to the recommended conditions, the proposed development is not considered to be significantly detrimental to the amenities enjoyed by existing residents and thus the proposal complies with the requirements of Policy DM1 of the Local Plan Delivery DPD.

Highway and parking implications

Policy DM8 requires that all forms of development provide an appropriate level of parking and servicing provision, as well as meeting highway design standards, as set out in the most up-to-date Leicestershire Local Highway Guidance.

The Leicestershire Local Highways Design Guidance (LHDG) requires 2 off-street car parking spaces for a 3-bedroom dwelling. These are presently provided at the

application property by a single garage and driveway. The internal dimensions of the garage (approximately 5.4m x 2.5m) are less than the 6m x 3m internal dimensions that are stated to be preferable in the current version of the LHDG. The garage would not therefore meet current standards for qualification as a parking space, however, this would also be the case were the property to continue its use as a C3 dwelling. Nevertheless, its substandard size does not prevent it being used as a parking space where this is achievable.

The LHDG does not contain any parking standards for C2 uses but states that provision will be considered taking account of the control of on-street parking in the area; the development nature and likely use; its geographical location; the standard of the surrounding road network and the traffic and parking conditions on it and how accessible the development is using other transport methods.

The Local Highway Authority (LHA) has been consulted on the proposal and has assessed the impacts of the development on the highway. Their comments are reproduced in full below:

“The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations 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 change of use from C3 (Dwellinghouses) to C2 (Residential Institutions) to allow use as a Childrens' Home at 1 Little Masons Close Thorpe Astley Braunstone Town. In support of the planning application the applicant has submitted the following documents/plans to the Local Planning Authority on 16 June 2023:

- i) Planning application form;*
- ii) The location plan;*
- iii) Supporting Information - supplementary document; and*
- iv) Block Plan & Parking Details.*

Proposed Development

The LHA understands the proposed development will provide a resource for one child aged between 12 - 18 years of age. The applicant has indicated that there will be three to four people in total living in the home. The staff will be working 12-hour shifts 8 am to 8 pm and 8 pm to 8 am using the company car.

There will also be visitor and other professional visits as and when required.

Internal Layout

After a review of the proposed site plan there does not appear to be any changes to the existing parking provision as part of the proposals. Given the existing two spaces on site and the availability of on-street parking for occasional visitors the LHA would not seek to resist the application based on the parking provision for the proposed development.

Condition

1. The parking shown on drawing: 'Block Plan & Parking Details' submitted to the Local Planning Authority on 16 June 2023, shall be kept available for such use 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 in the interests of highway safety in accordance with the National Planning Policy Framework (2021)."

Given the similarities in the nature of the existing and proposed uses and level of occupancy, parking demand between the two uses is not considered to be significantly different. The LHA has assessed the proposals and has raised no objections to the development. The proposal is therefore considered to comply with Policy DM8 of the Local Plan Delivery DPD.

Other Matters

Matters have been raised in representations regarding whether the applicants, Favour Health Ltd, are registered with Ofsted for the purpose of running a children's home. The requirement for registration with Ofsted (or the Care Quality Commission, as necessary) is governed by other legislation and regulations and is outside the scope of planning. Granting planning permission for a use Class C2 children's home does not override other statutory requirements or the functions of other governing, regulating or licensing bodies. The applicant's experience or their compliance with other requirements has no bearing on the planning merits of the proposal.

Similarly, the proposal is for managed provision of residential care for a child. Any issues relating to anti-social behaviour or crime would need to be managed by the care team and other organisations/enforcement agencies. Likewise, emotional needs and behavioural issues, security and supervision are matters for the care team and other agencies.

Comments have also been raised about the impact of the development on community cohesion and demography. The Council's planning register shows that approximately 11 properties have been given consent in the District for use as children's homes in the past circa four years, nine of which are within Braunstone Town. The Development Plan does not contain a specific policy on children's homes, nonetheless, the cumulative effect of the current proposal in addition to the permitted children's homes is not considered to result in an excessive concentration of such uses such that an impact upon social cohesion or demography could be demonstrated.

Overall Planning Balance and Conclusion

The site is located within the Principal Urban Area (PUA) which is the focus for most new development. It would also assist in providing a supported home for a vulnerable child to meet specialised housing needs within the District. These considerations need to be balanced against the need to protect the amenity expectations of residents in their communities, retain the character of the area and avoid harmful impacts upon the highway. Given the fact that the property will accommodate only one child and three carers at any one time, it is not considered that this proposal would give rise to a greater level of noise and disturbance than would be normally generated by a Use Class C3 family home with the same number of occupants. The proposal would not have an adverse impact upon the character and appearance of the area and the proposed parking arrangements are considered acceptable by the Local Highway Authority.

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

23/0546/FUL

**Registered Date
26 June 2023**

Hamdon Gate Developments

Erection of Industrial / Warehouse building (Class E (g) iii / B2 / B8) with ancillary offices, together with new access, and associated parking, servicing, landscaping and retaining walls (revised scheme to 22/0356/FUL).

Plot 20 Optimus Point, Land off Optimus Way, Glenfield

**Report Author: Ian Davies, Development Services Team
Leader**

Contact Details: Council Offices. 0116 272 7688

RECOMMENDATION:

THAT APPLICATION 23/0546/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1. Time limit.
2. Approved plans.
3. Materials as specified.
4. Approved landscaping to be carried out.
5. Approved sustainable drainage strategy to be implemented.
6. Details of surface water management during construction to be submitted.
7. Approved finished floor levels to be implemented.
8. Lighting scheme and CCTV provision to be agreed and subsequently implemented.
9. Reporting of unexpected contamination.
10. Approved Construction Method Statement to be implemented.
11. Any external storage of goods, equipment or materials to be agreed.
12. No external plant or machinery etc to be installed without planning permission.
13. No outdoor working/fabrication/manufacturing.
14. New access to be constructed in accordance with approved plans prior to first occupation/use of the building.
15. Off street HGV, car and cycle parking and associated turning facilities as shown on approved plans to be provided prior to first use and thereafter retained.
16. Access roads to be hard surfaced prior to use and maintained.
17. Unit specific Travel Plan to be submitted and approved and implemented in accordance with the approved Site Wide Travel Plan.
18. Ecological safeguarding recommendations as set out in submitted Ecology Report to be adhered to throughout construction phase.
19. The unit shall be restricted to uses and activities falling within Classes E(g) iii, B2 and B8 with ancillary offices only.

NOTES TO COMMITTEE

Relevant Planning Policy and Legislation

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

Policy CS1 – Strategy for locating new development
Policy CS2 – Design of new development
Policy CS6 – Employment
Policy CS10 – Transport Infrastructure
Policy CS11 – Infrastructure, services and facilities to support growth
Policy CS12 – Planning obligations and developer contributions
Policy CS14 – Green infrastructure
Policy CS19 – Bio-diversity and geo-diversity
Policy CS20 – Historic environment and Culture
Policy CS21 – Climate change
Policy CS22 – Flood risk management
Policy CS24 – Presumption in favour of sustainable development

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

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

National Planning Policy Framework (NPPF) July 2021

National Planning Practice Guidance (NPPG)

Other Supporting Documents

Blaby District Landscape and Settlement Character Assessment (2008)

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

Consultation Summary

Blaby District Council, Environmental Health – Comments awaited but it is worthy of note that on the previous application (22/0356/FUL) they had no objections subject to the imposition of conditions.

Glenfield Parish Council – Comments awaited.

Hinckley & Bosworth Borough Council – No comments to make.

Kirby Muxloe Parish Council – Comments awaited.

Leicester City Council – Comments awaited.

Leicestershire County Council, Ecology – No objections to the scheme.

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

Leicestershire County Council, Lead Local Flood Authority – No objections

subject to the imposition of conditions.

Severn Trent Water Ltd – No comments received.

Third Party Representations

One letter has been received from a local resident commenting on the proposal covering the following points:

- Issues of lighting within the industrial estate
- Possible noise issues
- Height of the building
- Existing concerns regarding litter.

Relevant Planning History

10/0118/1/OX	Outline application for employment development B1, B2 and B8) (maximum 30 ha), residential development (maximum 250 dwellings), provision of a local retail/community facility (maximum 1400sq.m), associated landscaping, open space and infrastructure with vehicular accesses off Kirby Road and Ratby Lane.	Refused 17.05.10 Appeal allowed 24.10.11
	Permission 10/0118/1/OX to read: "The development hereby permitted shall be carried out in accordance with the details shown on both the development Parameters Plan (Drawing No. BIR.1481_32-17) and those within the Design and Access Statement (BIR.1481_86). The building heights, widths, lengths and floor levels as specified shall not be exceeded" and variation of condition 19 to read: "Prior to the occupation of the local centre and any employment unit on the western part of Area B, as indicated on Drawing No. A052733-35-18-070 Rev A, a shared footway/cycleway shall be completed along Kirby Road as shown on Drawing No. A052733-35-18-06 Rev B. where this crosses carriageway, a crossing point shall be provided in accordance with an agreed access design."	27.09.12
14/0797/1/MX	Infrastructure and site preparation works to include central estate road, drainage works, balancing lagoons and creation of development plateaux and Phase 1 landscaping provisions, earth bunding/ earth works and cycleway/footway provision	Approved 17.10.14
14/1062/1/PX	Erection of two industrial/warehouse units (B1(c)/B2/B8) including ancillary facilities, gatehouses, service yards, car and cycle parking, substations, landscaping and other infrastructure works.	Approved 17.02.15

15/0818/RM	Reserved Matters application for the erection of one B1c/B2/B8 unit, including associated access road, parking and turning facilities and landscaping.	Approved 17.09.15
15/1384/FUL	Erection of building comprising 23,560 sq.m warehouse (Use Class B8) & 2640 sq.m offices (Use Class B1) & security gatehouse, 2.4m high security fencing, vehicle access, parking, servicing, landscaping, earthworks & associated infrastructure & stopping-up of footway/cycleway and its diversion within the site (Boden)	Approved 10.03.16
16/0766/RM	Erection of Class B2 general industrial unit for manufacture of bakery products and associated plant, machinery, parking, access road and retaining walls; and erection of an Enterprise Centre comprising of 7 Class B1, B2 & B8 industrial/warehouse units and associated parking, servicing and landscaping.	Approved 27.09.16
17/0018/RM	Erection of industrial/warehouse building with ancillary office accommodation (Classes B1, B2 and B8) with associated parking, servicing, landscaping and retaining walls (Plot 40a Optimus Point).	Approved 24.02.17
17/0060/FUL	Erection of a Class B8 distribution centre with associated offices, vehicle access, ground works and retaining walls and security fencing, parking and servicing, landscaping and associated infrastructure (DPD).	Approved 13.04.17
18/0679/RM	Erection of industrial building and ancillary office accommodation (B1/B2) with associated parking, vehicle storage, servicing and retaining walls (Plot 40b Optimus Point).	Approved 23.07.18
19/0468/FUL	Erection of B8 unit (Plot 10 Optimus Point).	Approved 28.06.19
21/0460/FUL	Erection of Industrial / Warehouse building (Class E (g) iii / B2 / B8) with ancillary offices, together with new access, and associated parking, servicing, landscaping and retaining walls (Plot 40B)	Approved 02.07.21
22/0356/FUL	Erection of Industrial / Warehouse building (Class E (g) iii / B2 / B8) with ancillary offices, together with new access, and associated parking, servicing, landscaping and retaining walls.	Approved 17.06.22

EXPLANATORY NOTE

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

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

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

Subsequent Reserved Matters approvals and planning permissions have enabled the housing estate and the majority of the industrial/warehouse units to be built and occupied.

Planning permission was granted on this site for a virtually identical building in June 2022 (application reference 22/0356/FUL), the permission for which is still extant and capable of implementation, and which thus constitutes a valid fallback position which carries significant weight in the determination of this current application.

The Site

The application site is a vacant plot measuring approximately 2.14 ha located to the western edge of the built-up area of Glenfield. The application site is within the original site area of the approved outline planning permission (10/0118/1/OX) and bounded by previously approved industrial units and the linear public open space/buffer zone approved as part of the residential element of the original permission and Master Plan for the overall site. Residential dwellings on May Drive lie approximately 50 metres to the north east of the proposed building.

The Proposal

This current planning application for full permission proposes the erection of a single, speculative, industrial/warehouse unit (with ancillary office space) of approximately 9,230m². The proposed building faces south west and the frontage is set back from Optimus Way, occupying the northern rear part of the plot, meaning that it broadly aligns with the existing layout of employment buildings elsewhere on the employment estate. The building will have a ridge height of 14.5m running northwest to southeast.

The building's design has been worked-up using the approved site-wide 'Employment Design Code'. A central access point on the site's frontage provides access to both the car park and servicing areas. Frontage landscaping reinforces the high quality

approach into the site, and clear pedestrian routes are defined.

The car parking and service areas are all located on the site frontage (laid out within a landscaped setting) which means that the building acts as a “shield” to the residential properties to the rear from any noise or other disturbance.

The design ensures that the building will fit within the established street-scene of this successful employment development and add to the ‘family’ of buildings across the site.

The development has been designed in keeping with the principles set out in the approved Design Code for Optimus Point. The external materials comprise cladding and various colour coated doors and windows.

As stated earlier in this report, planning permission was granted in 2022 (ref: 22/0356/FUL) for a virtually identical scheme. The current application differs in that it is 1 metre higher than the approved building. This minor increase in height is required to maximise the internal storage height of the building to increase the market attractiveness of the unit to potential occupiers.

Planning Considerations

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

National Planning Policy Framework

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

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

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

For decision-taking this means:

- approving development proposals that accord with an up-to-date development

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

Development Plan

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

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

Policy CS1 – Strategy for locating new development

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

Policy CS2 – Design of New Development

Policy CS2 seeks to ensure that a high quality environment is achieved in all new development proposals, respecting distinctive local character and the design of new development should also be appropriate to its context.

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

Policy CS6 – Employment

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

The wider Optimus Point development is identified as a Strategic Employment Site given the outline planning permission for a variety of commercial uses and the current proposal will realise strong economic and social benefits.

Policy CS10 – Transport infrastructure

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

Policy CS11 – Infrastructure, services and facilities to support growth

Policy CS12 – Planning obligations and developer contributions

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

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

Policy CS14 – Green infrastructure

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

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

Policy CS19 – Bio-diversity and geo-diversity

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

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

Policy CS20 – Historic environment and culture

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

Policy CS21 – Climate change

Development should be focused in the most sustainable locations and layout and design should reduce energy demand and increase efficiency. The location of the application site within the PUA is sustainable and the proposed building has been designed to achieve an EPC (Energy Performance Certificate) "A" rating. Ecological and environmental measures are also included in the wider Optimus Point development.

Policy CS22 – Flood Risk Management

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

Policy CS24 - Presumption in favour of sustainable development

Policy CS24 reflects the overarching principle of the NPPF that the Government wishes to see in relation to the planning system, including employment delivery - with the golden thread running through the decision making process being the presumption in favour of sustainable development.

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

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

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

Policy SA5 – Key Employment Sites and Other Existing Employment Sites

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

Policy DM1 – Development within the Settlement Boundaries

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

Policy DM8 – Local Parking and Highway Design Standards

The main highway implications relate to the effect of the proposal on the local highway network and the wider strategic road network (A46 and M1) and pedestrian and cycle links to the employment and housing sites. These matters were all considered by the Secretary of State when the original appeal was being determined, and a series of off-site highway improvements were undertaken to off-set the highways impacts of the development. Given that outline planning permission exists for the development of both this, and the wider site, then the Highway Authority have historically confirmed in relation to all the other units on Optimus Point that they have no objections to development subject to the imposition of specific conditions. In relation to this specific

application, the Highway Authority have formally confirmed that they have no objections to the proposal subject to the imposition of planning conditions.

Material Considerations

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

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

- The principle of the development
- Socio-Economic Issues
- Safeguarding Residential Amenity
- Highways

The Principle of the development

The application site is incorporated into the wider Optimus Point site in which planning permission was granted on appeal by the Secretary of State. This permission set the principle of development on the site for up to 30 ha of employment development incorporating a mix of what were then B1(a), B1(b), B1(c), B2 and B8 uses. Furthermore Policy CS1 of the Blaby Core Strategy states that new development in the District of Blaby will predominantly take place within and adjoining the Principal Urban Area (PUA) of Leicester of which Glenfield is included.

Due to the established use of the site, its place within the wider context of the Optimus Point development, its sustainable location, and given that planning permission has been granted for development of this nature across the wider site and on this specific site (under application 22/0356/FUL) the use is considered to be acceptable in principle.

Socio-Economic Issues

Optimus Point comprises a mix of approved employment floorspace. Whilst the current proposal and other recent schemes are larger units, the wider site still offers opportunities for a range of units of differing sizes. The accessibility of the site and its location to deprived areas to the east in Leicester are also acknowledged.

Safeguarding Residential Amenity

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

under construction.

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

Highways

The existing outline planning permission for the wider site included within it a programme of significant road network improvements which were accepted and implemented. In addition to this the layout, parking provision and access arrangements of the proposal have been assessed by the Highway Authority who are satisfied that the development is acceptable, subject to the imposition of conditions.

Overall Planning Balance and Conclusion

The application site already benefits from outline planning permission 10/0118/1/OX (and subsequent granting of 12/0457/1/VY) for employment uses as well as full planning permission for a virtually identical building and use under planning permission 22/0356/FUL, and it forms part of the wider Optimus Point development, which is designated as a Strategic Employment Site within the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and identified as a Key Employment Site within the Delivery DPD.

The location of the proposed development is close to major highway infrastructure and other commercial developments and is sufficiently removed from neighbouring residents and designated heritage assets. Extensive areas of new landscaping have been provided as part of the wider Optimus Point development and this current proposal shows that additional on-plot landscaping is also to be provided.

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

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

23/0560/FUL

Registered Date
2nd August 2023

Everyone Active

Extension to existing car park to create 50 additional car parking spaces.

Enderby Leisure Centre, Mill Lane, Enderby.

Report Author: Ian Davies, Development Services Team Leader

Contact Details: Council Offices. 0116 272 7688

RECOMMENDATION:

THAT APPLICATION 23/0560/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1. Time limit.
2. Approved plans.
3. Materials as specified.
4. Tree protection measures to be undertaken for retained trees.

NOTES TO COMMITTEE

Relevant Planning Policy and Legislation

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

Policy CS11 – Infrastructure, Services and Facilities to support growth

Policy CS16 – Green Wedges

Policy CS19 – Bio-diversity and geo-diversity

Policy CS21 – Climate change

Policy CS24 – Presumption in favour of sustainable development

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

Updated Core Strategy Policy CS15 – Open space, sport & recreation

Policy DM2 – Development in the Countryside

Policy DM8 – Local Parking and Highway Design Standards

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Other Supporting Documents

Blaby District Landscape and Settlement Character Assessment (2008)

Consultations

Blaby District Council, Environmental Health – No objections in principle but has raised concerns about air quality issues on Mill Lane.

Enderby Parish Council – Has commented as follows:

“Enderby Parish Council would make the following observations in respect of planning application 23/0560/FUL: -

- Due to the number of mature conifer trees required to be removed to create 50 additional car parking spaces it is requested that Blaby District Council’s Planning Authority place a condition upon the applicant to plant additional Horse Chestnut/Native broad leaf trees to replace lost trees with the aim of mitigating pollution in the area with a suitable replacement planting scheme.*

There is an ineffective one-way system at the Enderby Golf & Leisure Centre in place and it is asked that this be reviewed to alleviate congestion at the ingress/egress to the site.”

Leicestershire County Council, Ecology – Comments awaited.

Leicestershire County Council, Forestry – Comments awaited.

Leicestershire County Council, Highways – Has no objections and welcomes the proposal as it will address on-street car parking issues currently experienced on Mill Lane.

Third Party Representations

None received.

Relevant Planning History

None.

EXPLANATORY NOTE

The Site

The application site is a rectangular parcel of land of approximately 0.18ha in area. The site is relatively flat. The site currently comprises a small area of woodland comprising of approximately 40 pine trees. The land is directly adjacent to the car park serving the Leisure Centre and is currently separated from that car park by a palisade fence.

The Proposal

This current planning application is seeking permission to extend the car park serving the Leisure Centre into this area of woodland, to provide 50 additional car parking spaces and to connect to the existing one-way circulation system. In order to provide the additional parking spaces, approximately 30 of the pine trees will need to be felled.

Planning Considerations

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

National Planning Policy Framework

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

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

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

For decision-taking this means:

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

Development Plan

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

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

Policy CS11 – Infrastructure, Services and Facilities to support growth

Policy CS11 seeks to ensure the delivery of infrastructure, services and facilities to meet the needs of the population of the District, including those arising from growth and, crucially in respect of this application, to maximise sport and recreation opportunities. The proposed car park extension is required in order to meet the existing and future operational needs of the Leisure Centre as the existing car parking facilities are over-subscribed which leads to problems of users of the Leisure Centre parking on nearby roads, grass verges and in front of the adjoining schools. The provision of additional safe and efficient car parking which supports the recreational and sporting facility on the wider site is in accordance with the aims and objectives of Policy CS11.

Policy CS16 – Green Wedges

Whereas the main Leisure Centre building is located within the defined settlement boundary of Enderby, the car parking areas, and the application site, are located within land designated as Green Wedge within the adopted DPD. Policy CS16 seeks to prevent inappropriate development occurring within Green Wedge locations. It is of note that Policy CS16 specifically states that one of the uses that are appropriately located in Green Wedges is outdoor recreation. Furthermore, where development is deemed not to be harmful to the functions of Green Wedges then transport infrastructure will be allowed.

Your Officers are of the opinion that the development of this relatively small scheme will not significantly harm the wider Green Wedge, nor its primary functions, and accordingly the provision of additional car parking to serve this established recreational facility is fully compliant with Policy CS16.

Policy CS19 – Bio-diversity and geo-diversity

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

The proposal is for a relatively small-scale extension to the existing car parking serving this established recreational facility. The submitted ecological and arboricultural reports demonstrate that the application site has limited ecological interest and its loss to car parking is not considered to be so detrimental to merit a refusal on these grounds alone.

Policy CS21 – Climate change

Development should be focused in the most sustainable locations and layout and design should reduce energy demand and increase efficiency. The location of the application site serving as an extension of the existing car park is considered to be sustainably located and overall complies with Policy CS21.

Policy CS24 - Presumption in favour of sustainable development

Policy CS24 reflects the overarching principle of the NPPF that the Government wishes to see in relation to the planning system with the golden thread running through the decision-making process being the presumption in favour of sustainable development.

The application site is associated with an existing recreational facility and is well integrated into the local community and is considered to comply with Policy CS24.

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

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

Updated Core Strategy Policy CS15 – Open space, sport & recreation

As part of the Delivery DPD process, the Council commissioned consultants to update the open space audit of the District. This resulted in changes to the open space standards of Core Strategy Policy CS15 which has now been replaced by the updated Core Strategy Policy CS15 contained within the DPD.

The updated Policy CS15 seeks to ensure that all residents have access to sufficient, high quality, accessible open space, sport and recreation facilities. It also states that existing open space, sport and recreation facilities will be protected, and where possible enhanced. Your Officers consider that improving and enhancing the existing parking facilities serving the Leisure Centre is fully compliant with Policy CS15.

Policy DM2 – Development in the Countryside

This Policy gives detailed guidance about development that is appropriate in the Countryside and the criteria that should be taken into account when determining planning applications. The site is not located in designated Countryside but Policy DM2 is relevant when development is proposed within a designated Green Wedge where it is considered that a particular development would not be harmful to the Green Wedge function. For the same reasons set out in the consideration of Core Strategy Policy CS16 above, it is considered that the proposed development complies with Policy DM2 from a Green Wedge perspective.

Policy DM8 – Local Parking and Highway Design Standards

Policy DM8 relates to local parking and highway design standards and requires all development to accord with the latest standards of the Leicestershire County Council Local Highway Guidance. This scheme has been designed to meet those standards and thus complies with Policy DM8.

Material Considerations

Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise

and whether those material considerations are of such weight that the adopted policies of the Development Plan should not prevail in relation to any proposal.

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

- Impact on residential amenity
- Impact on ecology and loss of trees
- Impact on parking and highways safety.

Impact on residential amenity

The application site is part of an existing and long-established Leisure Centre. It is located in an area which is removed from neighbouring residents with its closest neighbours being Brockington College opposite and A Place to Grow located to the immediate east of the site. Danemill Primary school is to the west of the Leisure Centre site and tennis courts, bowling green, sports ground and a club are close by. Given its existing use and the nature of neighbouring uses, it is not considered that the proposed works would likely have any adverse impact in terms of noise or nuisance on these nearby uses.

Impact on ecology and loss of trees

The application has been accompanied by a detailed ecological appraisal and an arboricultural appraisal. The ecological appraisal shows that the site has very limited ecological value and no protected habitats or species are present.

In relation to the arboricultural appraisal, this shows that of the 30 Corsican Pine trees to be removed these are all relatively immature and planted in groups of 2 and 3 trees. The trees are categorised as being of moderate quality. In order to provide the additional car parking spaces, there is no option but to remove these trees. However, the loss of this tree cover is off-set by the existence of significant tree cover on the remainder of the Leisure Centre site and by the retention of 10 trees along the rear boundary of the site. Whilst the loss of the trees is regrettable it is considered that the need for additional car parking outweighs their loss.

Impact on parking and highways safety

The car park layout has been designed to accord with current design standards and can be safely accommodated within the existing car parks one way vehicle circulation system. The provision of the additional parking facilities will assist in reducing the incidences of indiscriminate on-street car parking in the local area. Accordingly, the scheme is considered acceptable on parking and highway safety grounds.

Overall Planning Balance and Conclusion

There are no overriding environmental constraints to prevent this proposed development, which would deliver operational benefits to the Leisure Centre and wider recreational use the site in general. At the time of writing this report, no objections

have been received from statutory consultees having particular regard to implications for local ecology and highway safety.

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