

Blaby District Council

Planning Committee

Date of Meeting **30 November 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 **20 November 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
	20/1346/FUL	11	Land To East Of Grange Drive And South Of Enderby Road, Whetstone	Refuse
	21/1497/FUL	62	Abbey Farm, Lubbesthorpe Bridle Road, Lubbesthorpe	Approve
	23/0091/FUL	85	5 And 7 Groby Road Glenfield	Approve

3.3 Appropriate Consultations

Details of organisations / persons consulted in relation to the applications are included in the reports for each individual application. Members will be aware that full copies of correspondence received are available to view on the

respective planning file and through the planning portal
<https://w3.blaby.gov.uk/online-applications/>

3.4 Resource Implications

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

4. Other options considered

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

5. Background paper(s)

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

6. Report author's contact details

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Development Services Manager
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20/1346/FUL

**Registered Date
7 October 2020**

Venture Properties Group

Proposed development comprising the erection of 4 buildings (4186 sq.m total) to house 18 small scale employment starter units (Use Classes E (G) (II) and (III) and B8) and creation of new vehicular and pedestrian access to Enderby Road with associated parking and biodiversity measures and landscape provision.

Land to East of Grange Drive and South of Enderby Road, Whetstone.

**Report Author: Ian Davies Development Services Team Leader
Contact Details: Council Offices. 0116 272 7688**

RECOMMENDATION

THAT APPLICATION 20/1346/FUL BE REFUSED FOR THE FOLLOWING REASONS:

1. The proposed development is located in an area identified as a strategic area of Green Wedge where employment development is not considered to be an appropriate use. Furthermore, the site is located outside the built up area of Whetstone, adjacent to the strong defensible boundary of the disused Great Central railway line. The District Planning Authority considers that the proposed development would represent an unwarranted intrusion of urban development beyond the well-defined edge of the settlement and would cause significant harm to the character and appearance of the landscape contrary to Policy CS16 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and Policy DM2 of the Blaby District Local Plan (Delivery) Development Plan Document (Feb 2019).
2. The application site contributes towards the open setting and views of the principal elevation of Whetstone Grange, a Grade II listed farmhouse. The land surrounding Whetstone Grange acts as a visual reminder of the original, fundamental relationship and association between the designated heritage asset and the agricultural land that supported it. It is considered that the proposed development would affect the setting of Whetstone Grange and would thus cause harm to the significance of this designated heritage asset contrary to the policies of the NPPF and Policy CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and Policy DM12 of the Blaby District Local Plan (Delivery) Development Plan Document (Feb 2019).
3. The design of the proposed development by reason of its linear nature does not take any meaningful opportunity to present a "fair face" to the surrounding land and roads, and is poorly integrated with the existing settlement in terms of connections and proximity to existing facilities. Accordingly, the proposal is not considered to comply with the aims of securing high quality integrated design as required by Policy CS2 of the Blaby District Local Plan (Core Strategy)

Development Plan Document (2013) and the National Planning Policy Framework.

4. The applicant has failed to satisfactorily demonstrate that the development will provide net-gains in biodiversity through the submission of net-gain calculations. Accordingly, the application as it currently stands is contrary to Policy CS19 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and contrary to the advice contained within the National Planning Policy Framework.

NOTES TO COMMITTEE

Relevant Planning Policy, Guidance 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 CS16 – Green Wedges
Policy CS19 – Biodiversity and Geo-diversity
Policy CS20 – Historic Environment and Culture
Policy CS21 – Climate Change
Policy CS22 – Flood Risk Management
Policy CS24 – Presumption in Favour of Sustainable Development

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

Policy DM2 – Development in the Countryside
Policy DM3 – Employment Development on Unallocated Sites
Policy DM8 – Local Parking & Highway Design Standards
Policy DM12 – Designated and Non-Designated Heritage Assets

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework (NPPF)

Other Supporting Documents

Blaby Landscape and Settlement Character Assessment (Jan 2020)

Consultation summary

Blaby District Council, Environmental Health – Has made the following comments/objections (Feb 2021):

“Thank you for consulting me with regard to this planning application for the proposed industrial development comprising the erection of 5 buildings (5063 sq.m total) to house 18 industrial units (Use Class E and B8) and creation of new vehicular and pedestrian access to Enderby Road with associated parking, landscaping and drainage.

I have considered the documents submitted with regard to the following potential planning constraints: Air quality/ Land Contamination/Lighting, Noise and Disturbance, Odour. I have not considered flooding or land drainage as there are other consultants that are better placed to make comments on these issues.

Assessment of impact of the proposed development

Land Contamination

I have had a look at the Phase 1 Geo- Environmental Assessment produced by Ivy House, reference IV.148.20. The Phase I Assessment and the recommendations contained within has illustrated that the proposed development of the site for industrial/commercial use requires further investigation and assessment to deduce the risk posed to end users of the site and the environment. Therefore this information, in the form of a phase II contaminated land report, should be provided by the applicant for consideration.

Noise

I have looked at the noise report submitted as part of this application, written by Hoare Lea Acoustics dated 23 September 2020 reference REP-1012490-05-AM-20200907-Environmental Noise Report-Rev 2.DOCx I am happy with the methodology and principle of the report, and have no concerns relating to the technical details on how the noise survey was undertaken, The background noise monitoring was sufficient to show noise levels during a busy weekday and over the weekend.

I have concerns that the development will have an adverse impact relating to noise, given the close proximity of the 3 houses to the west of the site, despite the conclusions given from the noise consultant. However, there may be solutions available to mitigate the impact with suitable planning controls restrictions relating to the hours of use, and further information from the noise consultant, but it is worth emphasising that there will be level of uncertainty from future use of the buildings when occupants and business usage changes.

The noise report has predicted noise levels and the nearest noise sensitive properties on Grange Drive and also to the properties off Station Street South and West. The calculations have been made from assumptions relating to breakout from the buildings, predicted vehicle movements and reversing alarms from the vehicles.

The report concludes that the predicted levels are below the background levels and therefore the impact of noise is considered to be low.

My concerns about the noise report and predictions are as follows:

- *The vehicle movements are speculative and should the assumptions about the vehicles movements change, then this may have an impact on the accuracy of this assessment.*
- *The breakout noise is calculated on the units being constructed to achieve a minimum sound reduction of Rw 27/mean 25dB(A). A suitable condition must be included in the final decision notice to ensure that this is achieved.*
- *The report has made it clear that the predicted noise levels do not include any noise that may come from plant and equipment used at the site. A suitable worded condition will need to be included to ensure that this information is provided.*
- *The requested hours of operation is 24 hours including Sunday and Bank holidays. I am concerned that this may affect the amenity of the noise sensitive properties and their use of properties during periods of time when the residents are likely to be at home.*
- *It is not clear where at the receptor location the noise levels are predicted to, i.e. is this to the façade of the building and have the gardens to the receptors been included?*
- *The calculation used on page 11 of the report to ascertain the predicted noise levels is not clear, in particular what is the 'R – distance' value used to calculate the distance from the units to the nearest noise sensitive receptor? It would be beneficial to see how the consultant has calculated the noise levels and what distances were used. Also, what are the T and L values (definition) in the formula used to predict the break out noise?*
- *It is not clear where the data for the 'assumed vehicle movements' has originated from. It allows for 5 movements per hour in the daytime for units A1 to A5, yet at night time it allows for 2 movements per 15 minutes, which in reality could allow more movements during the night, which is the quietest timeframe. Is this data representative?*
- *The distance attenuation used in table 7.2.1 is -26dB yet for the HGV reversing shown in table 7.2.2 the distance attenuation is -32dB. There is no explanation given as to why the differences or what the actual distance used is measured to be?*
- *There is no explanation about where the data used for the vehicle movements at C1 – C4 has been obtained? The data also differs from the data used to calculate the noise impact from units A1-A5.*
- *The breakout noise from the building is deemed to be low impact, but to reinforce the point, this does not include any noise from proposed plant.*
- *It is not clear from the site plan where the use classes are to be located.*
- *Has any calculation been undertaken to predict the noise levels should deliveries be made at the same time from all of the units?*
- *One of the key mitigation controls proposed by the consultant in relation to the installation of mechanical services installations associated with the development would be to set a noise limit criterion for the development can be determined from the measured background sound level and the guidance in BS 4142. Should the occupation and the fitting of plant and equipment happen at different stages I foresee it being difficult to assess the cumulative effect of the plant would have on the boundary. For example a noise survey would need to be undertaken on receipt of the information relating to plant, but this may be based on only a minimal amount of the units operating. Further applications*

may invalidate the original noise reports, as the background noise climate to which they were written would have changed. The only way I could foresee this working would be to have an accurate list of all the plant likely to be fitted at the same time, which is not practicable for this proposal. An alternative approach could be to for for the noise consults to design plant values for each of the units.

- The report has not included noise associated with the possible use of refrigerated vehicles, or noise from the loading or unloading of vehicles, use of mechanical equipment such as fork lift trucks.
- In light of the proposed new layout, the noise report should be updated. I suspect that the new layout will favour lower noise levels at the noise sensitive properties.

To summarise, I object due to a lack of information provided with this application to be able to say definitively say whether there will be an adverse impact with regard to noise, due the fact that the end users for the proposed units have not been identified, there are a lot of speculative assumptions that have to be made about the possible noise that may be emitted from the site. Of particular concern is the location of the 3 properties on the west side of the development, one located on Grange Drive which is only 9 m from the edge of the development, in accordance with the site plan 220017-PL02. I understand now has been updated by the developer, but it is not possible to calculate the new distances based on the limited information provided with the update. In order for me to establish the impact, I would appreciate the noise consultant to answer some of the concerns raised.

Air Quality

In order to support the application, a report has been prepared by WYG, reference 784-B023925. Overall the report is reasonable and data used in the report is based on monitoring undertaken by Blaby District Council.

The report has also taken into consideration the nearby Air Quality Management area, when preparing the report. The findings from their assessment has shown that there is not predicted to be any exceedances of the short-term Air Quality Objective (AQO) with respect to NO₂ and PM₁₀. These conclusions have been made using detailed dispersion modelling of traffic pollutants. However, I have the following observations to make with reference to the report:

- As the application is speculative covering E class (commercial, business and service) and B8 class (storage and distribution) usages there is no information on end users. As a consequence it is not possible to adequately forecast the numbers of vehicle trips, both of which could increase pollutant concentrations considerably.
- The site originally was designed to have 5 buildings consisting of 18 units, though it has since been proposed to reduce the square footage of the site, with smaller units, aimed at smaller businesses/ SME's. The concern, is that it could equate to a lot of additional road traffic which could impact on air pollution. The uncertainty of the end user could also means that there is no way to identify numbers or types of vehicles and therefore quantify the impact on Air Quality.
- The air quality report has used data from the 2018 ASR. This report is based on the monitoring and actions for the year of 2017. It may have been more appropriate to use the 2020 report, which was available at the time of writing,

to gain the most up to date monitoring data and in particular our comments regarding potential local development. A secondary reason behind the AQMA is to provide background concentrations for upcoming large scale development – Whetstone Garden Village. The air quality assessment acknowledges this, but the application site is less than 40m from one of our AQMAs. It is very likely that traffic generated from the application site will increase pollutant concentrations in the management area, which is particularly pertinent given the previous point regarding unknown vehicle numbers.

- The 2018ASR report does however highlight higher levels of monitored NO2 Data, compared to the latest report in 2020.
- The air quality assessment has included receptors within AQMA 4b and AQMA 2 and it has also identified additional receptors that are likely to be affected, which they have been referred to by R in the report, which are listed in table 4.3.
- The report has not included Grange Drive as a monitoring location, which is a sensitive location and directly adjacent the application site < 10m. Whilst this road is not part of the AQMA, I think it would be useful to include in the results.
- The report has used Annual Average Daily Traffic figures (AADT) from the Department of Transport in their projections.
- Monitoring points R14 and R6 as seen in table 6.7 are a bit concerning. R14 had a 2018 baseline of 39.44 ug/m3 with the ADMS model predicting reductions of around 5 ug/m3 for both the 'do minimum' and 'do something' scenarios in just 3 years. The report does not back up how within 3 years to reduction of 5 ug/m3 can be achieved? The monitoring point is of concern as it is very close to the AQO of 40 ug/m3 and whilst the report states the development will result in a negligible increase in concentration, more information is needed here to justify that decrease.
- Monitoring point R6 is predicted to increase by 0.10 ug/m3 with development. This is considerably higher than all other monitoring locations and is a concern especially given the unknown vehicle trip numbers above.
- It is recognised in the report that the, earthworks, construction and trackout phases of the development will have an impact without appropriate mitigation, particularly in relation to dust. The AQ report calls for one (Table 7.1, page 36) and lists a number of measures we'd expect to see. The report then goes on to state that minimal measures are required (I think only 1) and this will not be acceptable, especially given Grange Drive.
- The report states that dust generated during the construction phase represents a 'high risk' at some receptors. The dust emission magnitudes are predicted to be 'medium to large' during the earthworks, construction and trackout phases (combined with a 'medium to high sensitivity' of the local area). Therefore Construction Method Statement must be submitted together with adequate mitigation measures setting out how they will deal with these effects.

Although the predicted levels of nitrogen dioxide are said to fall below the AQO of 40 ug/m3, the location of the development is very close to our AQMA and due to the nature of the development and the uncertainty of the types of businesses that are set to occupy the units, the model used to predict the future pollutant levels is still speculative and uncertain.

Consideration could be given to S106 funding, based on previous developments where expected concentrations have projected to increase by similar levels of concentration and given the fact that is very close to our AQMA. S106 funding for AQ monitoring on similar levels of expected concentration increase has been obtained on other developments before.

Odour

It is worth noting that the new Use Class E could allow future occupiers to occupy the units who may be involved with food storage and food production. This may have implication with regard to odour. Therefore it is important to ensure that appropriate conditions are included in the final decision notice to ensure that details, specifications of all future plant and equipment are provided.

Lighting

Given the location of the units, there is likely to be an impact relating to external lighting. An appropriate condition should be included on the final decision notice, requiring this information be provided to ensure that the lighting fitted will not have an adverse impact on the nearest receptors, particularly on Grange Drive.”

December 2021 consultation – commented as follows:

“My original comments sent in February 2021 for this application are still relevant. However I would add, that the applicant should liaise with the consultants Hoare Lea Acoustics for Noise and WYG, (reference 784- B023925) for Air Quality, as they provided the technical reports to support the original application. Given that there are alterations to the layout of the site, these reports may no longer be applicable and thus revised reports may need to be submitted. In addition the points raised in my original comments still need to be addressed (see below).”

May 2022 consultation – withdraws their objections and has commented as follows:

“Thank you for consulting me with regard to this planning application for the proposed industrial development comprising the erection of 5 buildings (5063 sq.m total) to house 18 industrial units (Use Class E and B8) and creation of new vehicular and pedestrian access to Enderby Road with associated parking, landscaping and drainage.

Further to my original comments, I now have further comments to make.

Noise

I am now in receipt of the comments from the noise consultation regarding my initial questions from the Noise Impact Assessment (NIA).

I am happy that the questions have been addressed and anticipate that the impact from the development will be low, provided the recommendations from the NIA are implemented, with suitable controls on the final decision notice.

The following points have been made from the noise consultant following the updated site layout:

- *The revised layout shows a smaller scale development, with increased distances to the nearest dwellings, in particular Grange Drive and Station Street*
- *The units are restricted to Use Classes E (G) (II) and (III) which is the research and development of products or processes or iii) any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area) and B8.*
- *Since the NIA was commissioned further information has been gathered regarding the traffic, via an updated traffic assessment and this demonstrates that the number of HGVs will be significantly lower than the number assumed on the original NIA. The data shows that the majority of the vehicles likely to visit light industrial units would be from 'light vehicles'*
- *The site layout does not allow for HGV parking and due to the size of the units being relatively small it is not expected that deliveries are likely to be regular.*
- *The assumed sound insulation of the units is based on the worst case scenario.*
- *It would prove beneficial to ensure the full details of the construction of the building be provided to confirm a suitable level of sound insulation.*
- *The updated layout and the transport assessment has indicated that the initial NIA overestimated the number of delivery vehicles to the site.*
- *The predicted calculations have indicated that the noise levels will be less than 50 dB in the gardens outdoor spaces of the nearest receptor, which falls within the guidance by the World Health Organisation.*
- *As the details of any external plant are not yet known, plant noise limits can be set to ensure a low impact at the nearest dwelling. The details of this are in section 8.4 of the report.*
- *There is a suggestion that given the expected type and usage of the units, it is considered unlikely that any external plant will be required.*
- *The design team have confirmed that refrigeration plant will not be required at the development site.*
- *The report has suggested that any plant where possible should be located at the front of the units on the far side of the dwellings.*
- *The resultant overall plant noise level should be below the day and night time noise levels detailed in section 8.4 of the report.*

The updated statement, in conjunction with the original noise report has established that the development will not have an adverse impact with regard to noise. I have no objections to make and agree that the impact can be adequately controlled, with suitably worded conditions to ensure that the recommendations within the NIA are observed, including the need to submit all the details of any proposed plant and to the planning authority. I am happy to help with this.

Contaminated Land

Unfortunately I am not able to make any comments on the suitability of the contamination report. The reports submitted in September 2020 by Ivy House Environmental suggested that a phase II report would be needed.

The report that has been submitted as a part of this application, is a phase II contaminated land report, written in March 2015 commissioned by Westleigh Partnerships that were proposing 'to develop the site for residential use, comprising of

42 low rise houses with private gardens, associated highways, pumping station and storage pond'

The submitted report, carried out in 2015 does not reflect the proposals from the new site layout and usage. An updated geotechnical report, stage II contaminated land report must be provided to reflect the proposed site layout and usage.

Air Quality

I am in receipt of the comments from Tetra Tech (formerly WYG) dated October 2020 ref. 784-B023925 which were produced in response to the comments raised relating to the Air Quality Assessment.

The comments have addressed the new site lay out and have concluded that the development of the site will not have an adverse impact on air quality, recognising that the new site layout has a reduced total floor-space and there will be a reduction in vehicle trips there will be a lower impact on air quality. Additional traffic data has been provided from Farrow Walsh Consulting to support the assessment.

Extra modelling has been completed for the receptors on Grange Drive and they fall below the Air Quality Objectives for NO₂ and the impact from changes in traffic flow are expected to be negligible.

The report has provided additional information and evidence to address the questions raised and the overall prediction is that impact on Air quality from the development and operation of the site will be negligible.

I have no further objection to make regarding air quality and agree any adverse impact that could occur during the earthworks, construction and trackout phases of the development could be addressed with suitably worded conditions covering the mitigation measures required to minimise the impact from dust. I am happy to help with this."

Blaby District Council, Neighbourhood Services – Has no objections.

Blaby District Council, Planning Policy Officer – Has commented as follows (August 2023):

"The HEDNA indicates a need for further employment land provision to 2041 in Blaby of 34,800 sqm. The HEDNA also flags that typically you would expect between 5-10% vacancy rates for industrial units. The HEDNA indicates that this was around 1% at the point it was published which is a clear indicator of a tight market and a relative lack of provision. In addition the HEDNA also states the following:

"Viability for smaller scale units of 10,000 sqft and below can be challenging and may benefit from being included in mixed use development allocations

- *Urban extensions or other future growth locations such as Leicester south-eastern growth corridor present an opportunity to support the delivery of new employment spaces of smaller and midsized units where well connected to the*

road network. Smaller units tend to rely on closer proximity to the population centres due to the nature of occupiers”.

More General Comments

Para 81 of the NPPF requires that Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. (emphasis added).

Based on the HEDNA, it is clear that there will be a requirement for the provision of additional employment land in the emerging Plan. There will also likely be a need for a proportion of this requirement to be met on starter/micro units of the nature proposed, with these likely to be well related to existing or proposed new communities. On the face of it, therefore, this site is in a location which could potentially contribute towards meeting future employment land needs.

However set against this is the fact that the Council has, through its existing employment allocations in the Core Strategy and Delivery DPD, identified sufficient sites to meet its employment need up to 2029 (the plan end date). Clearly we will need to identify new provision in the emerging local plan and as part of this exercise we will need to consider the type and location of provision required locally. However a study to review employment land needs has not yet been commissioned, although it is likely to be so shortly. In advance of this work and the allocation of further employment sites to meet future need it is unclear whether there is sufficient need to justify the release of this site ahead of the plan making process in which all potentially available sites can be considered in the round and the most appropriate/sustainable selected.

I would also highlight that there is very little by way of substantive evidence of market need or demand submitted as part of the application which would justify the early delivery of this site. I note the economic benefits statement, which should be considered in the planning balance, together with the significant weight to be attached to the delivery of employment development as required in para 81 of the NPPF. However, the letter submitted by the applicant (drafted by APB property consultants) is dated September 2020 and was drafted in the context of a market which had suffered dislocation as a result of the Covid Pandemic. In any case this letter is now almost three years old and does not in my mind provide a robust justification for granting the site planning permission ahead of the plan making process.”

Cadent – Initially objected to the proposal due to the presence of a main gas line that runs through the site, but following further discussions with the applicant and the submission of a revised layout, they have withdrawn their objection and now recommend the imposition of standard Notes to Applicant in the event of planning approval being granted.

Enderby Parish Council – December 2020 response – Objects on the following grounds:

“Enderby Parish Council strongly objects to Planning Application 20/1346/FUL on the following grounds: -

- The need to develop additional industrial units is not proven when there are industrial units within Enderby which remain vacant.*
- There are existing traffic flow problems on the B582 Enderby to Whetstone, which is an already busy arterial route.*
- Pollution levels will rise with an increase in vehicular movements along the B582 travel corridor where levels are already recorded to be high.*
- The site is designated as countryside and the proposal is therefore contrary to Policy CS18, whereby “planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance and character of the landscape”.*
- This development is also contrary to Policy CS21 Climate Change in that this area is within Flood Zone 3. Development of this area will increase the risk of flooding and will also have a detrimental impact upon the ecology and wildlife of the area.”*

May 2022 consultation – objects for the following reasons:

“Enderby Parish Council strongly objects to Planning Application 20/1346/FUL on the following grounds:

- Overdevelopment of the site.*
- The need to develop additional industrial units is not proven when there are industrial units within Enderby which remain vacant.*
- There are existing traffic flow problems on the B582 Enderby to Whetstone, which is an already busy arterial route.*
- Pollution levels will rise with an increase in vehicular movements along the B582 travel corridor where levels are already recorded to be high.*
- The site is designated as countryside and the proposal is therefore contrary to Policy CS18, whereby “planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance and character of the landscape”.*
- This development is also contrary to Policy CS21 – Climate Change in that this area is within Flood Zone 3. Development of this area will increase the risk of flooding and will also have a detrimental impact upon the ecology and wildlife of the area and inhibit the nature corridor between Whetstone and Narborough Bog SSSI.*
- Site access concerns are raised as the junction is considered poorly designed despite this having been amended.”*

Environment Agency – Has advised as follows:

“We have reviewed the submitted documents and on this occasion the Environment Agency will not be making any formal comment on the submission for the following reason:

From a flood risk perspective, the development falls within flood zone 1 and our standing advice (FRSA) applies which can be found on the <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications> and

<https://www.gov.uk/guidance/flood-risk-assessment-local-planning-authorities> pages of the Gov.uk website. It is for the Local Planning Authority to ensure planning submissions adhere to this advice.

There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

We advise that the Lead Local Flood Authority (Leicestershire County Council) are consulted on the proposals with regards to the layout and scale and the need for a surface water drainage scheme to be implemented.”

Leicestershire County Council, Archaeology – Recommends conditions relating to a Written Scheme of Investigation (WSI) being submitted (to include a programme of archaeological mitigation work) and that the programme of archaeological site investigation, subsequent analysis, publication, dissemination and deposition of resulting material in an appropriate archive repository shall be completed within 12 months of the start of development works, or in full accordance with the methodology and timetable details within the approved WSI. They also advise that the District Council seeks further advice from the Conservation Officer/Historic Buildings Advisor with regards to the potential impacts of the scheme upon the setting and significance of any historic buildings located in the vicinity of the site.

Leicestershire County Council, Ecology – Initially objected for the following reasons (Dec 2020):

“The Ecological Impact Assessment report (RammSanderson, September 2020) recorded active badger setts on site. A 30m buffer is required to prevent the development impacting on the setts, if this cannot be achieved then a licence to close the sett must be obtained from Natural England. In line with the recommendations of the ecology report, this would include further monitoring surveys to establish levels of activity and inform a detailed mitigation and compensation strategy, which may involve provision of an alternative artificial sett. Please note that ODPM Regulations require protected species surveys to be submitted prior to determination of a planning application. It is also essential that the extent that they may be affected by the proposed development is established before the planning permission is granted. (Reference: Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and Geological Conservation : Statutory Obligations and their Impact within the Planning System). Therefore the mitigation strategy is required up front with the application.

The proposed application will result in significant removal of habitats, including semi-improved grassland which dominates the existing site. It has not been demonstrated that the development will provide net-gains in biodiversity, as required in the NPPF (2019). In my view it is likely to result in net loss of biodiversity due to the loss of semi-improved grassland, for which no mitigation or compensation has been proposed. A net gain calculation is therefore required to demonstrate that biodiversity net gain will be achieved, note that the layout and landscaping design may need to be amended significantly in order to achieve this.

The proposed layout is unacceptable as it does not protect the adjacent Local Wildlife Site (LWS) railway embankment to the east of the site. The layout should be amended

to show an adequate buffer (min. 10m wide) of natural open space for the LWS, with appropriate barriers erected during the development (site fencing such as heras or equivalent).

If the above information cannot be supplied, I recommend that this application is withdrawn or refused, on the grounds of inadequate information about biodiversity net gain and protected species.”

February 2021 consultation – objected as follows:

“As far as I can tell from the ecology report (RammSanderson, September 2020) the badger setts are located along the eastern boundary (TNs 8 on the Phase 1 Habitat Plan) and therefore the proposed biodiversity/landscape/ecology park will not address the badger issue. The ecology report recommends either a 30m buffer, which is clearly not achieved with the revised layout, or a licence to close the sett, requiring further surveys and a mitigation strategy.

In addition, the revised layout still does not show an acceptable buffer to protect the adjacent LWS to the east.”

December 2021 consultation – commented as follows:

“Having reviewed the Additional Ecological Information document (FPCR, 4 November 2021) please find my comments below.

The section entitled ‘Biodiversity Enhancements’ is not acceptable in lieu of biodiversity net gain calculations. It has not been demonstrated that the development will provide net-gains in biodiversity, as required by the Environment Act 2021 and the NPPF 2021. A net gain calculation is therefore required to demonstrate that biodiversity net gain will be achieved. This is required up front with this application. This should also include a biodiversity improvement plan to show how any losses will be met and a plan that shows where any mitigation/compensation will take place.

According to the Additional Ecological Information document, the badger setts were subject to updated surveys on 9 and 23 September 2021, which recorded them as no longer active. Therefore no badger licence or buffer is required at this stage. Good practice measures were provided in the report, and I suggest that these are made a condition of development.

Regarding the buffer for the adjacent railway Local Wildlife Site (LWS), mitigation measures for the LWS were provided in the report. I consider these to be acceptable in lieu of a 10m buffer, as the nature of the development adjacent to the LWS is relatively low impact compared to other types e.g. residential garden, and the measures are considered to be stringent enough to protect the LWS. If we do accept this, then these measures should also be conditioned.”

June 2022 consultation – comments as follows:

“We have been reconsulted on this planning application due to additional information being submitted, however I can’t see that any of the additional documents relate to

ecology or address the comments raised by my colleague previously on 15th December 2021 (attached). Therefore I have no comments to make in addition to those made previously.”

Leicestershire County Council, Forestry – No objections.

Leicestershire County Council, Highways – Initial response (Dec 2020) objected for the following reasons:

“The Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application. Under the current Covid-19 situation we would ask that any such work is carried out in accordance with the latest Government guidance.”

Advice to Local Planning Authority

Background

The LHA are in receipt of a consultation on the above planning application for the proposed industrial development comprising the erection of 5 buildings (5063 sq.m total) to house 18 industrial units (Use Class E and B8) and creation of new vehicular and pedestrian access to Enderby Road with associated parking, landscaping and drainage. The LHA has reviewed the information available and provides the following detailed comments.

Site Access

The proposed site access is located on Enderby Road (B582), Whetstone which is a highly trafficked classified B road. The proposals seek to create a new ghost right turn lane. Prior to the LHA reviewing the access proposals the applicant will need to submit the following information:

- *Road Safety Audit Stage 1 and Designers Response to any issues raised.*
- *Speed Survey results confirming 85%ile speeds.*
- *Vehicle tracking information for the largest vehicle to enter the site should also be provided.*
- *Cross sections.*
- *Drainage outline design.*
- *Outline signing strategy.*
- *Revised Lane widths past refuges (currently unacceptable).*
- *Further details of the proposed right turn lane are required including dimensions.*
- *Further details of the proposed pedestrian refuge are required including dimensions.*

Whilst visibility has been included on the site access proposals, this is based on a speed survey undertaken in 2014. This information is considered to be out of date and therefore it may not provide an accurate reflection of the likely speeds in this location. Therefore the LHA request the applicant's obtain more recent survey data to evidence that sufficient visibility can be provided for the speed of the road.

Highway Safety

The Transport Statement (TS) references that four Personal Injury Collision's (PIC's) recorded in the vicinity of the site. However, the LHA has checked its database and have identified that 8 PIC's have been recorded within 500m of the proposed site access in the past 5 years. Given these discrepancies, the LHA recommend that the applicant obtains and reviews the PIC data for the latest 5 year period. This data can be obtained from ndi@leics.gov.uk. The study area should cover 500m either side of the site access and consider key junctions which may be affected by the proposed development. The applicant should include scaled drawings of any mitigation schemes if required, which should be designed to Leicestershire Highway Design Guide (LHDG) standards and supported by a Stage 1 Road Safety Audit.

Trip Generation

The LHA has reviewed the TRICs data provided within the submitted TS and identified a slight discrepancy between the data contained within Table 2 and the TRICs output obtained by the LHA which is detailed below.

	Weekday AM Peak			Weekday PM Peak		
	Arrivals	Departures	Two Way	Arrivals	Departures	Two Way
Trip Rate per 100SQM GFA	0.431	0.183	Based on totals for accuracy	0.128	0.430	Based on totals for accuracy
Trip Generation	22	9	31	7	22	29

The B582 is highly trafficked, therefore, without further evidence provided to show that the proposals are unlikely to result in an adverse effect, the LHA are concerned over the impact this increase in trips could have on the existing highway network.

The applicant should also provide details on how many of these trips are likely to be by car and how many are likely to be HGV's.

Junction Capacity Assessments

The surveys used within the TS are dated 20th March 2014. In accordance with Paragraph 4.18 of the Department for Transport Guidance on Transport Assessment document, to be considered as acceptable evidence, traffic surveys should be no less than 3 years old at the time the application is submitted.

To enable traffic flow scenarios to be checked, the applicant should include full traffic survey results as well as summary diagrams and, if appropriate, PCU calculations. The LHA will need a full explanation of calculations and other committed developments that have been included.

Given the number of trips which could be generated by the proposals, the LHA would expect to see at least the following junction capacity assessments to be submitted:

- B582/ Victoria Road/ Woodyard Lane Crossroads
- B582/A426 Roundabout
- B582/B114 Roundabout

All pdfs and Linsig models for all junctions should be submitted with any forthcoming application to allow the LHA to check the assessments.

The applicant is advised to contact the LPA for details of any relevant applications in the area and include traffic flows from those applications.

The LHA reserves the right to ask for additional junctions to be modelled once the full impact of the development is known.

Internal Layout

The proposals seek to create 103 car parking spaces, which includes the provision of 18 accessible spaces to support 5063sqm of industrial units (Use Class E and B8). Paragraph 3.3.1 of the submitted TS uses Table DG 11 of the LHDG to justify the proposed levels of parking. However, this table identifies the normal maximum parking levels which would be acceptable to support this type of development. In accordance with this table, the proposals should provide a maximum parking provision of 78 car parking spaces, plus accessible provision. Given the above, the LHA request justification to support the parking proposals.

Given the quantum of development a minimum servicing provision of 13 HGV parking spaces with adequate manoeuvring space should be provided to support the proposals. Therefore the LHA request revised drawings showing HGV parking and turning for all units. Given the constraints of the site, these spaces are likely to require tracking drawings to demonstrate the usability, and that car parking spaces are not compromised.”

February 2021 Consultation – commented as follows:

“The Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application. Under the current Covid-19 situation we would ask that any such work is carried out in accordance with the latest Government guidance.

Advice to Local Planning Authority

Background

The LHA are in receipt of a revised site plan for the above planning application for the proposed industrial development and creation of new vehicular and pedestrian access to Enderby Road with associated parking, landscaping and drainage.

The revisions which relate to the previous highway observations are as follows:

- 1. The Applicant's have reduced the scale of the development by removing over 20% of floorspace.*
- 2. The Applicant's have amended/reduced the size of the units so as the largest unit is now approx. 3000 sq.ft.*

The LHA has reviewed the information available and provides the following detailed comments.

Site Access

The proposed site access is located on Enderby Road (B582), Whetstone. which is a highly trafficked classified B road. The LHA previously requested that the Applicant submits the following information:

- *Road Safety Audit Stage 1 and Designers Response to any issues raised*
- *Speed Survey results confirming 85%ile speeds*
- *Vehicle tracking information for the largest vehicle to enter the site should also be provided.*
- *Cross sections,*
- *Drainage outline design,*
- *Outline signing strategy,*
- *Revised Lane widths past refuges (currently unacceptable)*
- *Further details of the proposed right turn lane are required including dimensions,*
- *Further details of the proposed pedestrian refuge are required including dimensions.*

To date, this information has not been provided. Without this information the LHA are unable to assess whether the proposed access will be safe and suitable in accordance with paragraphs 108 & 109 of the NPPF.

Given the above, this information should be submitted for consideration.

The LHA previously raised that visibility has been based on a speed survey undertaken in 2014. As previously stated this information is considered to be out of date and therefore it may not provide an accurate reflection of the likely speeds in this location. Therefore, the Applicant's will need to obtain more recent survey data to evidence that sufficient visibility can be provided for the speed of the road.

Highway Safety

The LHA previously raised concerns over the Personal Injury Collision (PIC) data provided within the Transport Statement. The LHA recommended that the Applicant's obtains and reviews the PIC data for the latest 5 year period. This data can be obtained from ndi@leics.gov.uk. The Applicant should refer to the LHA's previous observations 21 December 2020 for further details in relation to the study area which should be covered.

Trip Generation

The LHA previously requested that the Applicant's provide further evidence to show that the proposals are unlikely to result in an adverse effect on the existing highway network. To date this information has not been provided.

Given the above the LHA remain concerned over the impact the trips generated by the proposed development could have on the existing highway network.

Junction Capacity Assessments

The LHA previously requested further information in the form of junction capacity assessments to evidence that the proposals would not result in a severe impact on the existing highway network.

This information is still outstanding.

The Applicant should refer to the LHA's previous observations 21 December 2020 for further details in relation to the study area which should be covered.

The LHA reserves the right to ask for additional junctions to be modelled once the full impact of the development is known.

Internal Layout

The LHA previously raised concerns over the proposed parking provision and requested justification be provided to support the parking proposals. Whilst it is noted that the layout has been amended, details surrounding the size of the proposed units has not been provided. Therefore the LHA are unable to provided updated comments on the proposed parking provision.

The LHA previously raised concerns that HGV parking spaces and manoeuvring space has not been shown on the drawings. This should be provided in line with the minimum servicing provision set out within the Leicestershire Highway Design Guide (LHGD). Therefore, the LHA request revised drawings showing HGV parking and turning for all units. Given the constraints of the site, these spaces are likely to require tracking drawings to demonstrate the usability, and that car parking spaces are not compromised.”

January 2022 consultation – recommended refusal of the application for the following reasons:

“The Local Highway Authority advice is that the residual cumulative impacts of the development are severe in accordance with the National Planning Policy Framework (2021) and the Local Planning Authority is advised to consider refusal on transport/highway grounds for the reasons outlined in this report.

Advice to Local Planning Authority

The Local Highway Authority (LHA) advises the following reasons for refusal:

- 1. The Applicant has failed to demonstrate that an appropriate and safe vehicular access would be provided to the proposed development and the proposal, if permitted would consequently result in an unacceptable form of development and could lead to dangers for road users contrary to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) 2021.***
- 2. The Applicant has failed to demonstrate that an appropriate level of on-site car parking provision would be made, together with adequate off-street loading/unloading facilities to cater for the size and number of delivery vehicles likely to be visiting the site. The lack of provision of such facilities could lead to vehicles loading/unloading or parking in the public highway which would not be in the best interests of highway safety contrary to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) 2021.***

- 3. The Applicant has failed to demonstrate the impact of the proposed development on the highway network would not be severe in accordance with paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) 2021.**

Background

The Local Highway Authority (LHA) has received a request from the Local Planning Authority to provide final observations in relation to the above planning application.

The LHA has reviewed the information currently available and provides the following detailed comments.

Site Access

The proposed development seeks to provide a ghost right turn lane with a length of 35m along Enderby Road. The LHA previously advised the Applicant that sufficient lane widths past refuges had not been demonstrated. The Applicant has not addressed these concerns and the proposed lane widths shown on Farrow Walsh Access Layout drawing number FW1927-H-810 revision A1 remain substandard.

In addition to the above, the Narrow Refuge Island Type NNP2 shown on Farrow Walsh Access Layout drawing number FW1927-H-810 revision A1 appears to have different dimensions to the one shown on the Farrow Walsh Access Works Construction Details drawing number FW1927-H-813 Revision A1.

Farrow Walsh Access Layout drawing number FW1927-H-810 revision A1 details a carriageway width of 7.0m with 15m junction radii and 2m wide footways, whilst the LHA note that paragraph 2.2.4 of the submitted Farrow Walsh Transport Statement Dated November 2021 Reference FW1927_TS_001 V4 states that visibility splays measuring 4.5m by 90m can be provided in both directions. However, the submitted Farrow Walsh Access Layout drawing number FW1927-H-810 revision A1 details visibility splays of 2.4m by 90m which would not be suitable to cater for HGV traffic.

The LHA are mindful that the Transport Statement (TS) states that the ghost right turn lane is needed due to ATC data indicating that the average daily two-way traffic flow for the surveyed week is 24,154 traffic movements. However, junction modelling has not been provided to demonstrate that the site access / B582 can accommodate the predicted level of traffic generated by the proposed development.

Vehicular Tracking

The site access arrangements were subject to a Stage 1 Road Safety Audit which raised no major problems in respect of vehicle movements. Vehicle tracking submitted demonstrates that an HGV turning left (west) out of the site encroaching on to the opposing ghost right hand turn lane meaning it would collide with any HGV waiting in the lane to turn right into the site.

The LHA consider that any eastbound drivers travelling into the ghost right turn lane and are confronted by an HGV over running into the lane are likely to break sharply, potentially resulting in rear end shunts or collisions with the opposing HGV or any vehicles behind them.

In addition, the submitted vehicle tracking does not show HGVs fully accessing the site. The LHA are concerned that the width and alignment of the internal road layout could lead to HGV's using both sides of the internal access road to access/egress the site. This could lead to vehicles waiting/reversing onto Enderby Road.

Clarification is also required from the Applicant on the method used to undertake the tracking exercise. It is unclear if the 'turn on spot' function within AutoTrack has been used, and if speeds have been reduced below the default speeds of 5kph in a forward gear and 2.5kph for reversing whilst the vehicle has been tracked.

Traffic Survey

Baseline traffic data has been used from an ATC placed on Enderby Road, Whetstone between Friday 8th - Thursday 14th, October 2021.

Due to the Covid-19 pandemic and Government lockdown restrictions, Leicestershire County Council (LCC) suspended issuing permits to undertake traffic surveys on the network on 5 November 2020. As a result of the Government easing lockdown restrictions, LCC resumed issuing survey permits to undertake traffic counts on 19 April 2021, subject to uplift factors which vary daily.

It does not appear that Covid-19 uplift factors have been applied to the baseline traffic count. Uplift factors should have been provided to the Applicant at the time of applying to LCC for a survey permit.

The LHA cannot see any evidence within the submitted TS to suggest that uplift factors have been applied to the baseline data. Therefore, the LHA do not consider the submitted data to be an accurate reflection of the likely conditions on the existing highway network.

Road Safety Audit

The LHA notes that the Applicant intends to address problems 1-3 & 5 identified in the Stage 1 Road Safety Audit (RSA) at detailed design stage.

Problem 4 identified by the RSA highlights that:

There are existing shared use facilities on Enderby Road, especially immediately to the west of the scheme. Therefore, cyclists travelling to the development may not have a continuous facility if only a footway is provided. This could increase the risk of collisions and injury if cyclists have to rejoin the carriageway over a short section or if they travel along the footway and risk colliding with pedestrians.

The designer's response to this problem states that:

The footway is proposed to be pedestrian use only. A new cycle link to the south is provided as part of the development and users would be encouraged to use this link rather than enter the site through the main junction.

The LHA appreciate that the Applicant intends to divert cycles along bridleway Z74 to access the site via cycleway from the west. However, the LHA would advise the Applicant that the section of footway between the site access and bridleway Z74 is a designated shared footway/cycleway and therefore this would provide a more direct

route to the site. Given the above, the LHA do not consider that the Applicant's proposal adequately mitigates this risk.

Highway Safety

The TS includes a review of Personal Injury Collision (PIC) data for a five-year period (01/01/2015 – 27/05/2020) in the vicinity of the site. This identified four collisions. One was classified as serious and the remaining three were classified as slight.

The LHA highlighted that the study area should cover 500m either side of the site access and consider key junctions which may be affected by the proposed development. However, a further review of the PIC data for the latest 5-year period has not been conducted or submitted for review. Therefore, the LHA cannot be certain the proposed development would not have an additional adverse impact on highway safety.

Trip Generation

The LHA has reviewed the TRICs data provided within the submitted TS and identified a discrepancy between the data contained within Table 2 and the TRICs output obtained by the LHA which is detailed below.

The B582 is highly trafficked, therefore, without further evidence provided to show that the proposals are unlikely to result in an adverse effect, the LHA remain concerned over the impact this increase in trips could have on the existing highway network.

The LHA also asked the Applicant to provide a breakdown on how many of these trips are likely to be by car and how many are likely to be HGV's. However, this information has not been submitted to date.

Junction Capacity Assessments

Given the location of the proposed development and existing levels of traffic/congestion on the B582 the LHA previously requested further information in the form of junction capacity assessments at the following junctions:

- B582/ Victoria Road/ Woodyard Lane Crossroads
- B582/A426 Roundabout
- B582/B4114 Roundabout

Whilst the LHA note that Appendix F of the submitted TS is titled Junction Modelling, this Appendix appears to be blank. Therefore, it is assumed that no junction capacity assessments have been carried out to demonstrate that the proposed development would not result in a severe impact on the surrounding highway network.

Without this information the LHA are unable to assess the impact of the proposed development on the existing highway network.

Internal Layout

The LHA previously asked for justification to support the parking provision for the proposed development. Whilst it is noted that the layout has been amended, details surrounding the size of the proposed units has not been clarified. Therefore, the LHA are unable to provide updated comments on the proposed parking provision.

The LHA also raised concerns that HGV parking spaces and manoeuvring space in line with the minimum servicing provision set out within the Leicestershire Highway Design Guide (LHGD) had not been shown on the drawings.

In addition, the swept path analysis presented on Farrow Walsh HGV Tracking Paths Sheet 1 of 2 and 2 of 2 drawing numbers FW1927-H-803-01 revision A2 and FW1927-H-803-02 revision A2 retrospectively do not appear to show the swept path accurately; the LHA would require a copy of the AutoCAD file to review this in more detail.

Therefore, the Applicant has not demonstrated sufficient levels of car and HGV parking for the scale of development being applied for or any justification for the parking provision. The LHA believe the lack of parking may result in the need for HGV's and cars to wait on the B582 until safe access can be gained to the units creating unsatisfactory issues on the existing highway network.

Conclusion

Based on the information submitted the LHA would advise the LPA to consider refusing the application for the reasons outlined above.”

October 2022 consultation – Following the receipt of additional information and amended plans, the Highway Authority removed their objection to the scheme and recommended approval subject to the imposition of conditions. The Highway Authority commented as follows:

“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) has received a request from the Local Planning Authority (LPA) to provide further observations in relation to the above planning application, following the submission of the following information:

- Transport Statement Reference FW1927_TS_001 V5.1*
- Access Layout drawing number FW1927-H-810 revision A3*
- Access Layout Section drawing number FW1927-H-811 revision A2*
- Access Layout Vehicle Tracking drawing number FW1927-H-812 revision A3*
- HGV Tracking Paths Sheet 1 of 2 drawing number FW1927-H-803-01 revision A3*
- HGV Tracking Paths Sheet 2 of 2 drawing number FW1927-H-803-02 revision A3*
- Whetstone Traffic Model files*

The LHA has reviewed the information available and provides the following detailed comments.

Site Access

The proposed development seeks to provide a ghost right turn lane of 35m along Enderby Road at the site access. The LHA previously advised that sufficient lane widths past refuges had not been demonstrated. However, the proposed site access as shown on Access Layout drawing number FW1927-H-810 revision A3 has been amended to be compliant with DMRB standards as set out in CD123 – Geometric design of priority junctions which allows for a minimum of 3m lane widths and a maximum of 3.65m lane widths on through lanes, and 3m right hand turn lanes on a new junction on a classified B road with a 40mph speed limit. The LHA deem that the site access arrangements and cycleway/footway is acceptable subject to S278 technical approval process.

Access Layout drawing number FW1927-H-810 revision A3 details a carriageway width of 8m with 15m junction radii and a 30m taper to the west to allow additional manoeuvring space for HGV's.

The proposed access is supported by 2m wide footways internally on the site and 3m shared footways/cycleways starting at the kerbed radii and along the site frontage. The LHA highlight that in order to tie in to correctly, terminate properly or interface correctly with the proposed pedestrian crossings. The LHA would expect the proposed shared surfaces to be designed to meet LTN1/20 guidance (cycle infrastructure design). However, these details can be confirmed at detailed design stage.

However, the LHA has checked the highway improvement scheme against the Leicestershire Highway Design Guide (LHDG) and are satisfied that the information provided is acceptable for planning application stage and any finer details such as such as drainage, white line marking, street lighting, lack of topographical survey etc will need to be addressed at the detailed design stage but the applicant should be aware that there may be a delay in obtaining Section 278 technical approval while they sort these concerns out if planning permission was granted by the LPA. The LHA highlights that the blue line boundary will need amending to include the entire scheme.

The LHA are also satisfied that the proposed shared footway/cycleway should address Problem 4 identified within the Stage 1 Road Safety Audit.

Vehicular visibility splays of 4.5m by 90m have been detailed in both directions. While the full extents are not currently shown in the drawing provided, the LHA are satisfied that these are achievable.

Tracking drawings have been provided to support the proposed access. The LHA are satisfied that these drawings remove the concerns previously raised by the LHA in relation to HGV's accessing and egressing the site.

Highway Safety

The LHA note that a review of personal injury collisions (PIC's) has been carried out between the 1 January 2016 and 26 December 2021. The study area extends 500m either side of the site access. The study identified eight PIC's during the five-year study period in the vicinity of the site. Three of these were classified as serious and the remaining five were classified as slight.

Based on the PIC data and a review of the LHA's own database which did not highlight any further PIC's the LHA consider that given the level of PICs and number of links / junctions analysed there are no fundamental problems with the layout of the highway. Therefore, the LHA cannot demonstrate that the proposed development would exacerbate the existing situation.

Trip Generation

To ensure a robust assessment of the proposed development, it has been established that Light Industrial use would generate the greatest number of trips. Based on this land use as a worst-case scenario, the proposed development is predicted to generate 40 two-way AM trips with 10% (4 two-way trips) of these being made by HGV's and 29 two-way PM trips with 7% (2 two-way trips) of these being made by HGV's.

The LHA understand that the distribution of traffic is based on data from the 2011 Census data. The key search criterion was: "Location of Usual Residence and Place of Work by Method of Travel to Work (MSOA Level)" 3.1.2 MSOA denotes "Middle Layer Super Output Area". For the proposed site, the location of "usual residence" within Blaby was chosen.

The trip distribution was carried out separately for inbound/outbound directions (with respect to the site) and for the AM/PM peaks. The LHA has spot checked the proposed distribution and assignment and is content that the trips have been assigned satisfactorily.

Junction Capacity Assessments

The LHA has audited the LINSIG models for B4114 / B582 Enderby Road (Foxhunter Roundabout) and B582 Enderby Road/Enderby Industrial Estate and confirm that the models are satisfactory and do not indicate that the proposed development would result in a severe impact on the existing highway network.

The LHA has also audited the model for the site access junction including spot checking the traffic flow assignment and confirm that the models are satisfactory. Whilst the model indicates that vehicles wishing to exit the site may incur significant delays and be reliant on the traffic travelling along the B582 Enderby Road to provide courtesy gaps for the exiting traffic. The LHA is satisfied that the model indicates that the greatest queue lengths will occur in the PM peak and consist of eleven PCUs turning left out of the site and nine PCUs turning right out of the site. The model does not predict any queueing problems on Enderby Road due to the provision of the right turn lane and that the impact of the development will be limited to traffic leaving the site which is anticipated to experience a severe delay. Therefore, the LHA would be unable to sustain a refusal to the proposed development as any queues will be contained within the internal site layout.

The LHA has considered the revised modelling for Junction 1 (Enderby Road/Victoria Road) and are satisfied that the geometry of the junction is now correct. It is evident from the model that traffic on the minor roads (Victoria Road and Woodyard Lane) is struggling to join the flow of traffic on Enderby Road causing delays. It is anticipated that this situation would worsen because of the traffic increases caused by the proposed development. However, the LHA are satisfied that small amendments to the road markings on Victoria Road and Woodyard Lane could be made to create a minor

improvement in capacity and as such successfully mitigate the impact of the proposed development.

In relation to Junction 2 (Blaby Bypass Roundabout), the LHA highlight that the pedestrian flows at the crossings had only been entered for one of the scenarios and in other scenarios the pedestrian flows were set to zero. The LHA corrected this and ran the model again which produced very similar results, therefore the LHA do not consider there is a need to amend the model.

Internal Layout

The proposed development seeks to create a total GIA of 4,188sqm, which is split into 18 light industrial units' small-scale employment starter units as opposed to light industrial or distribution under use Classes E (G) (II) and (III) and B8. The LHA understands that the 18 units are split as per the following tables:

Table 1 – Unit A

Unit A - Proposed Ground Floor Plan - 220017-UNITA-PL01 Rev A						Total GIA
Unit	A1	A2	A3	A4	A5	Unit A
GIA sqm	280	279	279	279	280	1,397 sqm

Table 2 – Unit B

Unit B - Proposed Ground Floor Plan - 220017-UNITB-PL01 Rev A									Total GIA
Unit	B1	B2	B3	B4	B5	B6	B7	B8	Unit B
GIA sqm	236	237	237	237	237	237	237	236	1,894 sqm

Table 3 – Unit 1

Unit 1 - Proposed Ground and First Floor Plans - 220017-UNIT1-PL01				Total GIA
Unit	1A	1B	1C	Unit 1
GIA sqm	233	174	174	579 sqm

Table 4 – Unit 2

Unit 2 - Proposed Ground and First Floor Plans - 220017-UNIT2-PL01			Total GIA
Unit	2A	2B	Unit 2
GIA sqm	158	158	316 sqm

To assess the level of parking required the LHA has used category 'B1 (non-office) and B2 (General Industry)' as this is considered to reflect the new use classes E (G) (II) & (iii).

Given the above, the applicant has calculated the likely parking requirement based on Table DG11: Normal maximum parking standards in Leicestershire(a)(b) of the LHDG. Using the criteria 'B1 Non-office and B2 General industry(f)' the LHA note that the applicants have used the following criteria 'rest of rural town' which identifies the need for one car parking space per 65sqm which equates to 65 spaces.

In addition to the above, accessible bays should be provided in accordance with table DG12 of the LHDG which requires 'one for each disabled employee, plus two additional bays or 5% of the total parking provision whichever is greater'.

The LHA note that Proposed Site Layout drawing number 220017-PL02 revision G details a total of 80 spaces will be provided for this development, 18 of which are designated accessible bays. This is considered to be generally in accordance with the requirements set out within the LHDG.

The LHA highlight that the location of the proposed servicing provision for units 2 (A&B), A (1-5) and B (1-8) would prevent/compromise the use of the accessible parking provision and potentially some of the other parking spaces. Notwithstanding this the applicant is proposing significant more accessible spaces than is required. Therefore, this is a site management issue and the LHA are satisfied that should this be the case there is still sufficient parking within the site

The LHA previously raised concerns that HGV parking spaces and manoeuvring space in line with the minimum servicing provision set out within the Leicestershire Highway Design Guide (LHGD,) which requires one lorry space to be provided for every 400sqm, has not been shown on the drawings.

Proposed Site Layout drawing number 220017-PL02 revision G shows the provision of two informal parking spaces for HGVs, parallel to the disabled bays in front of Units A3/A4 and B4/B5 which could be utilised that in the event of HGVs servicing the site.

The LHA note that paragraph 3.3.4 of the Transport Statement Reference FW1927_TS_001 V5.1 states 'The site is not targeted at HGV uses and would be primarily serviced using box vans'. Notwithstanding this statement the LHA do not consider it possible to condition the type or size of vehicle to service the site. However, the LHA are mindful that a condition can be imposed should the LPA be minded to approve the planning application to include a Delivery and Servicing Management Plan (DMSP) for HGV visits. This will help the applicant to manage arrival / departure of HGV's and prevent them waiting in the vicinity of the junction with Enderby Road.

The LHA deem that the applicant can monitor the ongoing situation on site and arrange for booking system to be implemented for HGVs if required.

Given the above, the LHA would be unable to sustain a refusal based on the proposed servicing provision for the site, subject to the submission of a satisfactory Servicing

and Delivery Management Plan (SDMP), which could be secured by planning condition.”

Leicestershire County Council, Historic Buildings Officer (initial consultation) –
Objects to the development on the following grounds:

“I believe that this site, located next to Whetstone Grange a grade II listed building and designated heritage asset, was the subject of a planning application for residential development which was dismissed at appeal as recently as April 2018, with the Planning Inspector concluding that ‘there would be very significant environmental harm to the area’s character and appearance and to the function of the Green Wedge’. Despite the publication of a replacement NPPF in 2019 I am not aware that the relevant built heritage legislation or National planning policy has changed materially in the intervening period and many of the detailed comments I made in my consultation responses and contribution to your authorities case at appeal, together with the views of the planning inspector, remain valid.

Both the earlier and current layouts are highly intensive with, in my opinion, wholly inadequate space or landscaping between the proposed development and curtilage of the listed building. In some respects the switch from affordable residential housing to fewer but larger industrial units is even more incongruous in this heritage sensitive context, particularly as dwellings were previously set back from the boundary and thicker landscaping offered a more effective screen between the development and curtilage of the listed building.

Development on this land will have a direct adverse effect on a key function of the site as a contributor to the enduring rural landscape setting of the listed building; an important relationship noted by the Inspector in 2018. The proposal is, therefore, contrary to the overarching statutory requirement under Section 66 to have special regard to the desirability of preserving the setting of the listed building.

It is important to note when evaluating the current application that the submitted information acknowledges, correctly in my view, that less than substantial harm will be caused to the significance of the designated heritage asset. Paragraph 193 of the NPPF requires that ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation’. Paragraph 194 of the NPPF states that ‘any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification’. Less than substantial harm is applicable in respect of both policies.

Framework paragraph 196 states that ‘where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the scheme, including securing its optimum viable use’. Claims with regard to the public benefits of the new industrial units are made in the submitted documents but presumably rely on achieving full or a high level of occupancy and could be achieved elsewhere in your district without the site specific harm that will be caused to the historic environment. Arguably the public benefit associated with the previous application for affordable housing that met a critical need was equally, if not more, valuable but according to the appeal decision

would 'not be sufficient to outweigh the less than substantial harm to the setting of Whetstone Grange'.

You will be aware that recent appeal decisions and legal judgements have confirmed that considerable importance and weight must be given in the planning balancing exercise to harm, even less than substantial, to a designated heritage asset and I see little justification to change the previous decisions in respect of development on this site."

May 2022 consultation – maintains an objection and comments as follows:

"Thank you for notifying me that amended plans have been submitted in respect of the proposed development on land to the east of Grange Drive, Whetstone.

I note that the original layout has been altered to enable additional planting on the boundary with Grange Drive and the southern part of the site. Whilst I acknowledge that these changes should help to reduce the impact of the development on the historic environment, it is an inescapable fact that the scale and design of the proposed units and associated vehicular access and parking will have a major, adverse impact on the existing, established rural setting of the listed building.

The overall effect of the development on the significance of the designated heritage asset continues to be negative, and after taking into the account the inspectors decision in respect of a previous attempt to develop the site, the important statutory obligation to have special regard to the desirability of preserving a listed building or its setting and relevant NPPF policies, I regret that I must advise you that my original consultation response remains valid."

Leicestershire County Council, Lead Local Flood Authority (LLFA) – (Initial consultation Dec 2020) - Objected on the following grounds:

"Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, the following information is required:

- *Infiltration testing conforming to BRE Digest 365 Soakaway Design.*
- *Ground investigation trial dig/borehole results showing the depth of groundwater strikes.*

Alternatively, the LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results necessitate an alternative approach with a positively drained outfall."

February 2021 consultation – commented as follows:

"Subsequent to the previous LLFA response the site layout and proposals have been amended however no revised drainage strategy has been received to match the new layout.

Previously, the surface water proposals had shown surface water drainage to attenuate to 3 no. underground tanks seeking to discharge surface water drainage into the underlying strata via infiltration. No test results for infiltration at the site have been submitted. Pervious paving is also proposed in order to provide treatment to the proposals. The flood risk assessment explains that risk of flooding from groundwater is medium to high which would not indicate that infiltration is an appropriate means to discharge surface water drainage for this development. A Phase 1 ground investigation has been included however this is just a desk study with no on-site investigation. The drainage strategy plans showing this is still the only information regarding surface water drainage provided.

Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, the following information is required:

- *A revised drainage strategy plan(s) to suit the new layout.*

Should the drainage strategy fundamentally remain the same as explained above then the following is also required.

- *Infiltration testing conforming to BRE Digest 365 Soakaway Design.*
- *Ground investigation trial dig/borehole results showing the depth of groundwater strikes.*

Alternatively, the LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results necessitate an alternative approach with a positively drained outfall.”

June 2022 consultation – commented as follows:

“Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, the following information is required:

- *A revised drainage strategy plan(s) to suit the new layout.*

Should the drainage strategy fundamentally remain the same as explained above then the following is also required.

- *Infiltration testing conforming to BRE Digest 365 Soakaway Design.*
- *Ground investigation trial dig/borehole results showing the depth of groundwater strikes.*

Alternatively, the LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results necessitate an alternative approach with a positively drained outfall.”

May 2023 consultation – Following the submission of further plans and additional information, the LLFA have removed their objection to the proposal and have commented as follows:

“The application site is greenfield totalling 1.67ha in size. The site is within Flood Zone 1 (low risk of fluvial flooding) and at low risk of surface water flooding.

Subsequent to the previous LLFA response the proposals for surface water drainage have now been changed. In light of testing results infiltration is now deemed not a viable method of draining the site. The proposals now seek to discharge at 7 l/s via attenuation tanks to an existing surface water sewer. Source control SuDS are also proposed with permeable paving and rain gardens. Correspondence with the statutory sewer provider has been provided showing acceptance in principle of the proposed connection.

Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable to the LLFA and we advise the following planning conditions be attached to any permission granted.”

Leicestershire Fire and Rescue – No comments received at the time of writing this report.

Severn Trent Water – No objection subject to condition regarding the submission of drainage plans for approval.

Whetstone Parish Council – (Initial consultation Dec 2020) Objects to the proposal on the following grounds:

“The Clerk had included key documents in the agenda pack for Members including the previous application for the site re: the Planning Inspectors report when the developer appealed against BDC’s refusal of the application.

The Clerk overviewed the points raised when we objected at the last application and out of 15 objections made, 12 were still deemed valid regarding the green wedge and impacts on the village from developing this land. The Clerk highlighted a couple of other documents off the website including the transport statement dated September 2020 but used data from 2014 and the landscape and visual impact assessment.

The green wedge was still in the current BDC local plan and would not be likely to be changed in the emerging plan, although the land may have been designated as suitable in the recent call for sites as part of the emerging local plan process. It was linked to the Narborough Bog SSSI.

The Chairman thanked the Clerk and asked each Member for their comments. He reminded Members that they could object, make no comment or make observations.

The following points were raised:

- *Traffic issues would be exasperated on this already busy road. Traffic ingressing and egressing would have huge difficulties to do that onto the Enderby Road.*
- *Many statutory consultees were already unhappy with this poor application and we should object based on the previous reasons given by the Clerk.*
- *There was an unproven demand for industrial units. The Whittle estate was being slowly converted across to housing.*
- *The development was an ugly eyesore not needed on the entrance to the village.*
- *The brochure was misleading as it implied amongst other things that the train station was only 1 mile away, which is true by the crow flying but two miles by road or path.*
- *The footways network on the road was poor already. The proposed entrance road would make matters worse.*
- *The brochure talks of people cycling to work when the Whetstone Way access off Enderby road was up two flights of concrete steps.*

The Chairman thanked the Members for their comments.

*RESOLVED: That Council **OBJECT** to the application. The Clerk would summarise and copy the response to Members for final comment before submission to BDC. The following were the key points for objection:*

*Council **Objects** to the application on the following grounds:*

- *Key documents e.g., the transport document are over 6 years old and out of date. The traffic speed sign / volume detector sited on the Enderby Road owned by Whetstone Parish Council outside the former Westleigh Offices indicate an increase in traffic volumes against those on the report included in the application. The additional housing in Blaby, Countesthorpe, Cosby, Whetstone and Glen Parva since 2014 have increased traffic flows significantly.*
- *The LA Highways have previously indicated a serious safety issue with vehicles speeding over the Bridge and hitting the line of stationary traffic turning off the main carriage way as there was insufficient road length to allow this so as to alleviate the problem.*
- *LA Highways had started including cumulative effects of housing schemes on local road networks. This was not included in this schemes report. The impact, as mentioned by Enderby Parish Council in their objection, would be severe on all arterial roads around the neighbouring villages.*
- *Traffic turning out of the development would also wish to turn right into the village. This would be through the cueing traffic that appears each morning and evening on the Enderby Road. This would have safety impacts on traffic travelling from Enderby as this traffic was usually not gridlocked, but flowing freely. The Business park filter installed a few years ago was also problematic and having two accesses almost together in a back-to-back system would not be desirable in any road design.*
- *The land as being Green Wedge, is protecting the village of Whetstone from encroachment and is therefore against Policy of the BDC local plan in force for Whetstone. The applicant makes light of this in the application, and also the*

previous refusal and subsequent Planning Inspectors refusal. The Green Wedge is there for a purpose and should not be eroded.

- *The setting of the Grade 2 listed building would be impacted by this development in the suggested location. The removal of trees on the Enderby Road to facilitate development as stated in the application would open the views up, and the construction would then impact on the view of the listed building, which are made light of in the applicant's submission. This is heritage and deserves it afforded status and its protection from unwanted and unnecessary development.*
- *This development would impact on the residents of Grange Drive and also the kennels. This is an established business and we advocate its right in being protected. The acoustic fencing planned is not seen as effective to prevent noises two way.*
- *The design is not in keeping with the surrounding area.*
- *The air quality is already deemed an issue and any development here would add to this issue recognised by BDC as the Air Quality Monitoring authority as an AQMA is in place for Enderby Road in Whetstone.*
- *The Grange Drive residents would be ignored and consumed by this development which for them is totally overbearing.*
- *The impacts on the adjoining Graded and listed Manor is severe and any development here is unacceptable, as confirmed in the Planning Inspectors report from the previous residential application.*
- *The historic ridge and furrow fields as part of the listed Manor also need protecting from unwanted developments. No mitigation would prevent this. The Green Wedge needs upholding for the purpose it was designed for a green buffer on the entrance to the village and still acts as that.*
- *There was an unproven demand for industrial units. The Whittle Estate was being slowly converted across to housing.*
- *The footways network on the road was poor already. The proposed entrance road would make matters worse along this busy road."*

January 2022 consultation – maintained their previous objections to the proposal.

May 2022 consultation – maintained their previous objections and commented as follows:

"The Parish Council had objected to the last one, and this was included in the agenda pack. The Clerk highlighted again that the Planning Inspectors dismissal of the previous housing application on the land in 2018, that some of those reasons were still valid in relation to this application.

Members discussed the application and their views on this application had not changed since the previous application was dealt with.

The green wedge was still in the current BDC local plan and would not be likely to be changed in the emerging plan, although the land may have been designated as suitable in the recent call for sites as part of the emerging local plan process. It was linked to the Narborough Bog SSSI.

The previous Planning Inspectors report when housing was being suggested on the site – Appeal Decision APP/Y2405/W/17/3185007 stated the following in relation to the site being used for any development and this, in our opinion has not changed and is therefore still valid:

- “It is clear to me that the development would be highly visible and incongruous in this rural landscape as a result of extending beyond the very well-defined edge of the settlement. Even though the development would include a comprehensive landscape scheme including along the slope of the embankment and fronting Enderby Road, a strong perception of the developments existence would nonetheless remain and it would not mitigate the landscape harm”
- “There would be significant environmental harm to the areas character and appearance and to the function of the green wedge”
- “The proposal would not accord to the development plan as a whole and would not be sustainable development”.

RESOLVED: That Council OBJECT to the application. The Clerk would summarise and copy the response to Members. The following were the key points for objection: Council Objects to the application on the following grounds:

- The traffic speed sign / volume detector sited on the Enderby Road owned by Whetstone Parish Council outside the former Westleigh Offices indicate an increase in traffic volumes against those on the report included in the application. The additional housing in Blaby, Countesthorpe, Cosby, Whetstone and Glen Parva since 2014 have increased traffic flows significantly. There was not a safe ingress / egress out of this site.
- The LA Highways have previously indicated a serious safety issue with vehicles speeding over the Bridge and hitting the line of stationary traffic turning off the main carriage way as there was insufficient road length to allow this so as to alleviate the problem. The additional highways documents do nothing to satisfy that this has been addressed.
- Traffic turning out of the development would also wish to turn right into the village. This would be through the cueing traffic that appears each morning and evening on the Enderby Road. This would have safety impacts on traffic travelling from Enderby as this traffic was usually not gridlocked, but flowing freely. The Business Park filter installed a few years ago was also problematic and having two accesses almost together in a back-to-back system would not be desirable in any road design.
- The land as being Green Wedge, is protecting the village of Whetstone from encroachment and is therefore against Policy of the BDC local plan in force for Whetstone. The applicant makes light of this in the application, and also the previous refusal and subsequent Planning Inspectors refusal. The Green Wedge is there for a purpose and should not be eroded.
- The setting of the Grade 2 listed building would be impacted by this development in the suggested location. The removal of trees on the Enderby Road to facilitate development as stated in the application would open the views up, and the construction would then impact on the view of the listed building, which are made light of in the applicant’s submission. This is heritage and deserves it afforded status and its protection from unwanted and unnecessary development.

- *This development would impact on the residents of Grange Drive and also the kennels. This is an established business and we advocate its right in being protected. The acoustic fencing planned is not seen as effective to prevent noises two way.*
- *The design is not in keeping with the surrounding area.*
- *The air quality is already deemed an issue and any development here would add to this issue recognised by BDC as the Air Quality Monitoring authority as an AQMA is in place for Enderby Road in Whetstone.*
- *The Grange Drive residents would be ignored and consumed by this development which for them is totally overbearing. This hurdle cannot be overcome.*
- *The impacts on the adjoining Graded and listed Manor is severe and any development here is unacceptable, as confirmed in the Planning Inspectors report from the previous residential application.*
- *The historic ridge and furrow fields as part of the listed Manor also need protecting from unwanted developments. No mitigation would prevent this. The Green Wedge needs upholding for the purpose it was designed for a green buffer on the entrance to the village and still acts as that.*
- *There was an unproven demand for industrial units. The Whittle Estate was being slowly converted across to housing. The letters of support in the application documents online could easily be countered by objections to building the units, which had not been garnered this time around by the applicant. Previously the applicant had approached the Parish Council for their views and support.*
- *The footways network on the road was poor already. The proposed entrance road would make matters worse along this busy road. The applicants revised drawings did nothing to enhance or improve pedestrian or cyclists use or safety on the Enderby Road. No mitigated support was being offered outside of the application site curtilage.*

It was noted that the applicant had recently had two residential applications supported by this Parish Council on the Whittle Estate masterplan. This site was not for development. The Parish Council would wish to speak at a Planning Committee where this application was being heard.”

Representations

27 letters of representation have been received objecting on the following points:

- Green Wedge location;
- Date of the original Transport Assessment;
- Flooding (and of neighbouring land and woodlands);
- Disturbance to badgers;
- Impact on local wildlife;
- Will add considerably to the traffic problems on Enderby Road. It is close to a bridge with limited visibility;
- Proposed access close to existing Grange Business Park access road opposite, will cause more congestion and potential for serious accidents;
- Heavy congestion on Enderby Road already;
- Increase in air pollution;

- Drainage system in the area not adequate;
- Noise from the development;
- Concerns over the 24 hour use of the site;
- Overlooking of adjacent bungalows on Grange Drive;
- Loss of privacy;
- Another access onto Enderby Road would make it dangerous to exit/enter Grange Business Park;
- Whetstone has had enough development recently;
- Loss of trees and hedgerows;
- Pavements on Enderby Road already too narrow;
- On a school route, not safe for children going to school;
- Impact on rural landscape;
- Out of keeping with the character of the area;
- Plenty of smaller industrial units on the market;
- No over-riding need for units to be built on this site;
- Development will cause stress on surrounding livestock;
- Development will cause stress to dogs boarding at the adjacent kennels.

7 letters of support have been received from local businesses and the land owner raising the following points:

- Difficult to find suitable, smaller premises;
- Size of units perfect for start-up and smaller businesses;
- Benefits to the local economy;
- Retention of local workforces;
- Would enable expansion of local businesses.

RELEVANT HISTORY

89/0176/1/OX	Proposed industrial park with access on Enderby Road	Refused
89/1750/1/OX	Proposed industrial development (re-submission)	Refused. Appeal dismissed.
15/0090/OUT	Proposed residential development for up to 42 dwellings including access (Outline)	Withdrawn
16/1085/FUL	Residential development for 43 dwellings.	Refused Appeal dismissed.

The following applications relate to land which forms part of the rear of the site:

81/1360/1/PY	Use of land to station three mobile home units.	Refused
81/1359/1/PY	Use of land for the storage of caravans	Refused. Appeal dismissed.

EXPLANATORY NOTE

The Site

The application site is a field located off Enderby Road, Whetstone and is bounded by Grange Drive to the west and a dismantled railway to the east, now a public footpath. Grange Drive provides access to two detached bungalows.

The application site sits outside of the defined settlement boundary of Whetstone as shown and delineated on the Proposals Map of the Blaby District Local Plan (Delivery) Development Plan Document (2019), otherwise known as the DPD.

To the rear of the application site is No.15 Station Street, which comprises a number of small business units. Also to the west and rear of the site sits the Grange Boarding Kennels and the Grade II listed Whetstone Grange.

The Proposal

This application seeks full planning permission for the erection of 4 buildings to house 18 individual employment starter units falling within Use Class E (G) (ii) and (iii) and Use Class B8. For Members reference, Use Class E of the Use Classes Order amendment of 2020 incorporates commercial, business and service uses, and Class E (G) (ii) and (iii) relate to the research and development of products or processes, and light industrial processes respectively. Use Class B8 relates to storage and distribution uses.

The application site area totals 1.73 ha (4.29 acres) and the unit sizes range from 158 sq.m to 280 sq.m and will provide a quantum of 4,186 sq.m of floorspace. The units are proposed to be constructed using a mix of materials including brickwork and cladding with composite cladding roofs.

The scheme also proposes the creation of a new vehicular and pedestrian access to Enderby Road. The latest plans also indicate a footpath/cyclepath link to the south of the application site to link with Station Street. However, this footpath link stops at the application site boundary and relies on third party land to ensure its delivery, and the Council has not had sight of any binding legal agreements which guarantee its provision and subsequent retention in perpetuity.

The applicant has submitted a statement in support of their latest revisions to the proposal, and this has been copied in full below for Members information:

“As a local developer, we pride ourselves in developing attractive housing and commercial schemes for local people in need of new homes and employment. Our employment proposals for land off Enderby Road, Whetstone are on an unkempt, unattractive site and have evolved on the back of detailed consideration of the various consultee responses and also local feedback from both business and local residents.

Our updated amended proposals have sought to respond positively to the various aspects of the scheme and we outline below the amendments and benefits of the new proposals.

Creation of new local employment space and support to SME's

The new build employment units we are bringing forward start in size from 1200 sq.ft upwards and range up to no more than circa 3500 sq.ft. The units are aimed at new start up businesses and SME's seeking to purchase their property, rather than rent. There is an acute need and demand for new freehold space from businesses as it enables them to invest more permanently and efficiently in their property.

The units will all be available freehold and so available to purchase, and are specifically designed to reflect the needs and demands of the post pandemic working environment. Each unit is capable of providing varying amounts of office and production/storage space, all within a safe secure environment.

There are currently in excess of 100 businesses who are actively seeking to purchase new business space in and around the Blaby/Whetstone area, the majority of these are seeking space under 5000 sq.ft. There are actual local businesses who are supporting these proposals and who would also be looking to purchase the units. The scheme now totals approximately 45,000 sq.ft of employment space and so has the potential to create up to 450 new jobs.

Accompanying this letter is an extensive Employment Premises and Land Availability Assessment which concludes that there are no available, suitable alternative sites that meet the requirements of the small and medium sized businesses within the area. These proposals provide a sustainable location adjacent to the built-up area, which offer excellent road infrastructure connectivity and access to a large local labour supply. The proposals will therefore plug the gap in the current lack of supply and will meet the persistent and growing demand for smaller-medium sized freehold commercial units.

With this summary, we include letters of support from actual local businesses who confirm that there is nowhere for them to be able to grow and invest into within the local area – this is forcing them and other businesses out of the district.

Highway improvements

Due to the smaller size of the units, and the reduction in floorspace to our original proposals, the relatively low vehicle movements from the new development will have no material impact on traffic flows on Enderby Road.

The vehicles will be predominantly fixed wheel base commercial vehicles and cars due to the small sizes of the business units. Our proposals widen the footway to the front of the site to allow greater accessibility and our revised access proposals have been discussed and agreed with Leicestershire County Council highways.

Ecology/Biodiversity/Wellbeing

As we have reduced the number and scale of units from our original proposal, our revised proposals are now ensuring that approximately 1/3 of the entire site is now going to be for enhanced landscaping and biodiversity.

Our design and approach is landscape/ecology led and we are seeking to create an ecologically enhanced environment for the businesses based there.

Businesses based at the business park will be able to enjoy and benefit from specific areas for wellbeing and biodiversity. This will contribute to overall wellbeing for local employees based at the site.

Enhanced cycling and pedestrian connectivity

Our proposals have been specifically designed to ensure that the site is accessible by all modes of transport. The newly created access has improved and widened the footway to the front to allow use by bicycles, along with the separate additional pedestrian cycle connection to the Station Street side of the development. This means occupiers and local people can easily access Whetstone village centre so bringing jobs and growth to the local business based in Whetstone.

Our revised proposals are positively contributing towards small employment starter needs of the local area and our proposals have been designed and brought forward in full consideration of the site constraints and neighbouring properties. Our proposals are meeting a demonstrable actual need and demand in the local marketplace with local businesses actively seeking to support and welcome our proposals.

Being a local developer, we care passionately about developing new, environmentally friendly quality sustainable much needed employment space for local people, and we see this exciting proposal as playing a large part in the continuing growth and employment opportunities in the area."

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 adopted Core Strategy (February 2013) is part of the Development Plan for the District of Blaby. It is an up-to-date plan that is consistent with National Policy and as such, the relevant policies of the Core Strategy should be given full statutory weight. The following policies 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 Areas (PUA) of Leicester. Outside the PUA, development will be focussed within and adjoining Blaby and the Larger Central Villages which includes Whetstone.

Policy CS2 – Design of New Development

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

Vehicular and pedestrian access to the site is from Enderby Road only, and notwithstanding the details shown on the submitted plans, your Officers do not consider that there are any deliverable pedestrian or cycle connections and links that

can be provided to the south of the boundary on to Station Street (to enable alternative and more sustainable means of access to the site for employees) that do not require the agreement of third parties to ensure their provision. A public footpath runs along the top of the old railway embankment which can be accessed from outside of the site, however there is no connection to the site from this footpath. The development steps clear of the defined settlement boundary and due to the design and lack of permeability within the site, the development is considered to be poorly located in respect of its integration and connection with the existing settlement in terms of proximity to existing facilities and services and appears as an 'add on' to the existing built up area.

The design is in the form of a linear development, predominantly inward facing and does not take any meaningful opportunity to present a 'fair face' to the surrounding area and roads. The layout of the development is not aligned to creating a place with a locally inspired or otherwise distinctive character. The design and layout is not considered to be of high enough quality, the impact of which is exacerbated by the industrial units on the site frontage turning their backs onto the main publically visible aspect of the site on Enderby Road, with little meaningful opportunity to provide screening or filtering of views of the backs of these industrial units.

Officers acknowledge that the design has been forced in some way by the presence of a gas main and the adjacent listed building and have sought to achieve a better design however it is not considered that the scheme as submitted complies with the aims of securing high quality integrated design as required by Policy CS2.

Policy CS6 – Employment

Policy CS6 seeks to provide an appropriate range of employment opportunities, however it also allows for growth of existing businesses and for inward investment in order to help meet the needs of the District's current and future populations.

Policy CS6 also states:

“Seek to enable development of new smaller scale employment uses in other settlements. The scale and type of development will be determined by the needs of the area and the ability to accommodate employment growth in light of physical, policy or other constraints. Opportunities for smaller scale employment proposals in the 'Larger' and 'Medium' central villages and 'Rural Centre' will be considered in developing the Council's 'Allocations, Designations and Development Management' Development Plan Document. Suitability of sites will be informed by their ability to accommodate employment growth:

- *Without significant harm to amenity;*
- *Which are commercially attractive to the market;*
- *Which are on sites which can be satisfactorily accessed by commercial vehicles (for movement of goods);*
- *Which are accessible by sustainable modes of transport (including public transport) for employees.*
- *Which are not 'out of scale' with their host community in terms of the quantity of additional employment land and the scale of new buildings.”*

The provision of employment units on this site therefore carries weight in the determination of this application.

Policy CS10 – Transport Infrastructure

Policy CS10 seeks to limit the impacts of new development on levels of vehicle movements by reducing the need to travel by private car by locating new development so people can access services and facilities without reliance on private motor vehicles.

Policy CS11 – Infrastructure, services and facilities to support growth

Policy CS11 seeks to ensure that all new development is supported by good access to infrastructure, services and facilities to support growth.

Policy CS16 – Green Wedges

The application site is located outside the built up area of Whetstone within the Soar Valley South Green Wedge as identified on the Proposals Map of the Blaby District Local Plan (Delivery) Development Plan Document (2019), otherwise known as the DPD.

Green Wedges are important strategic areas and are designated in order to perform the following functions:

- Prevent the merging of settlements;
- Guide development form;
- Provide a green lung into the urban areas; and
- Provide a recreation resource

Policy CS16 states that the Soar Valley Green Wedge will be maintained in this general location, and that the detailed boundaries of the existing Green Wedges will be formally reviewed through the Allocations, Designations and Development Management Delivery Plan Document. This review was undertaken as part of the Development Plan Document (DPD) process, which led to the Soar Valley Green Wedge having its detailed boundaries being set out on the Proposals Map of the Adopted DPD. As stated above, the application site sits fully within a designated Green Wedge and thus within an area of land that should continue to be protected.

Policy CS16 indicates that the need to retain Green Wedges will be balanced against the need to provide new development in the most suitable locations and identifies appropriate uses in the Green Wedge. Employment/industrial development is not noted to be an appropriate form of development within Green Wedges. When assessing planning applications, consideration should also be given to whether this development would be harmful to the functions of the Green Wedge.

Paragraph 7.5.16 of the Core Strategy notes Whetstone as having strategically important areas of Green Wedge to the east and west which will limit the future growth of the village. The application site falls within Green Wedge to the west of Whetstone. In addition to the site's location in the Green Wedge it should also be noted that the application site is located adjacent to the disused Great Central railway line which

provides a well-defined edge to the village of Whetstone which is referred to in paragraph 7.5.16 of the Core Strategy as being a strong defensible boundary feature which may also limit the future growth of the village of Whetstone.

In summary it is considered that the combination of the site's location in a strategically important area of Green Wedge and the location of the site outside of the built up area of Whetstone, adjacent to the strong defensible boundary of the disused Great Central railway line, this development would represent an unwarranted intrusion of urban development beyond the well-defined edge of the settlement and would cause significant harm to the character and appearance of the local landscape and the strategic functions of the Green Wedge, contrary to Policy CS16 of the adopted Core Strategy and Policy DM2 of the adopted DPD.

Policy CS19 – Biodiversity and Geo-diversity

Policy CS19 seeks to protect and improve areas of biodiversity and wildlife habitat. The development site has been assessed for its habitat and species quality and in its amended form it is not considered that the proposal will significantly impact on protected species. However, LCC Ecology have maintained an objection to the proposal on the grounds that the applicant has not demonstrated that a sufficient level of Biodiversity Net Gain (BNG) can be delivered on the site as part of the proposed ecological enhancements. Despite being requested to provide recognised and robust net-gain calculations, the applicants have declined to do so, and therefore your Officers, in conjunction with LCC Ecology, consider that the proposal as it stands is contrary to Policy CS19.

Policy CS20 – Historic Environment and Culture

When considering development proposals on, in or adjacent to historic sites, areas and buildings, Policy CS20 seeks to ensure development protects and enhances heritage assets and their settings. Policy CS20 also expects new development to make a positive contribution to the character and distinctiveness of the local area.

In accordance with the NPPF, where development affects a listed building or its setting, the District Planning Authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when assessing development proposals. Furthermore, as the application affects the setting of a listed building, there is a statutory requirement under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of a listed building.

The District Council must also have regard to recent High Court Judgements which have established that where it is found that there would be some harm to heritage assets decision makers must give that harm considerable importance and weight in the planning balance. Having recognised the level of importance attributed to preservation of heritage assets the judgement should then be made as to whether there are any circumstances significant enough that outweigh this.

Whetstone Grange is a Grade II listed building which is located to the southwest of the application site, outside of the application site boundary. The application site falls within the views of the listed building, whose principal façade faces north towards Enderby Road.

It is considered that the open setting of the land surrounding Whetstone Grange contributes towards the significance of the listed building and contributes towards views of its principal elevation. The surrounding land also acts as a visual reminder of the original, fundamental relationship and association between the designated heritage asset and the agricultural land that supported it. Whilst the proposed development would only affect part of the land to the north of Whetstone Grange this land is very sensitive to its setting, the development will intrude into views of the asset and would cause considerable harm to the significance of this designated heritage asset.

The proposed development consists of a modern industrial estate and involves building close to the listed building and its original principal access. Where existing views remain they will be compromised by a modern industrial development (with associated site wide lighting, parking and manoeuvring areas, signage and associated activities) very different to the existing rural setting. The visual impact will considerably exceed the intrusion caused by the existing bungalows on Grange Drive.

Having established that there would be harm on the adjacent heritage asset, a judgement must be made as to whether there are any benefits to the scheme which would outweigh the significant consideration to be given to preserving heritage assets.

It can be seen that by considering the impacts of the development set out elsewhere in the report that the proposed development would not offer sufficient material benefits (for example the provision of small sized industrial units and the associated economic benefits) to outweigh the perceived harm. It is therefore concluded that the proposed development would fail to preserve or enhance the setting of local heritage assets and would fail to comply with the provisions of the Planning (Listed Buildings and Conservation Areas) Act, the NPPF, and Core Strategy Policy CS20.

Policy CS21 – Climate Change

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

In addition, Policy CS21 states that development which mitigates and adapts to climate change will be supported. It states that the Council will contribute to achieving national targets to reduce greenhouse gas emissions by:

- a) Focusing new development in the most sustainable locations;
- b) Seeking site layout and sustainable design principles which reduce energy demand and increase efficiency; and,
- c) Encourage the use of renewable, low carbon and decentralised energy.

The policy also states that the Council will ensure that all development minimises vulnerability and provides resilience to climate change and flooding.

Policy CS22 – Flood Risk Management

Development is directed to locations at the lowest risk of flooding, giving priority to flood zone 1. The use of Sustainable Drainage Systems to ensure that flood risk is not increase on site or elsewhere is also encouraged in new developments. The site is not identified as being in a flood zone.

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 development – 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. The Council has worked with the applicants' to find solutions where possible and the applicants' have willingly complied in the main, however for the reasons set out in this report the development is still considered to be unacceptable.

Blaby District Local Plan Delivery DPD (2019)

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

Policy 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. It is acknowledged that the site is not located in designated Countryside but Policy DM2 is relevant when development is proposed within a designated Green Wedge. For the reasons set out earlier in this Report in the section dealing with Policy CS16 of the Core Strategy, the development is also considered to be contrary to the aims of Policy DM2.

Policy DM3 – Employment Development on Unallocated Sites

Policy DM3 has the strategic objectives of seeking to provide the appropriate quantity, quality and mix of employment opportunities to meet the needs of the District's current and future populations.

Policy DM3 states:

“Proposals for new employment development will be directed to employment land allocations, Key Employment Sites and other suitable locations within the settlement boundaries.

Where no suitable sites are available, proposals for new employment development (Use Classes B1b and B1c, B2 or B8) will be supported on unallocated sites on the edge of the built up area of the Principal Urban Area, Blaby, the Larger Central Villages, the Medium Central Villages and the Rural Centre where the following criteria are met. Such proposals will:

- a) Demonstrate that the proposal cannot reasonably be accommodated on suitable alternative sites, identified as vacant or developable, within the settlement boundary;*
- b) Benefit the local economy and not undermine the delivery of the employment allocations. In particular, proposals that provide affordable accommodation for small and medium sized businesses will be supported;*
- c) Be in line with the criteria set out in Core Strategy Policy CS6 concerning the suitability of sites;*
- d) Avoid an increase in traffic generation that would result in severe harm to the local road network; and*
- e) Give priority to previously developed land and premises.*

Non ancillary B1(a) offices is a main town centre use and as such is excluded from the provisions of this policy.”

As stated earlier in this Report, the provision of employment development on this site carries weight in favour of approval of the scheme when assessed solely against the employment policies of the Development Plan. However, the suitability of this specific site and location for the development proposed needs to be balanced against the significant conflicts with other policies of the Development Plan, and this matter is considered later in this Report.

Policy DM8 – Local Parking and Highway Standards

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

The layout, parking provision and access arrangements of the proposal have been assessed by the County Highway Authority and following lengthy negotiations and the receipt of revised drawings and the submission of a Road Safety Audit and further junction capacity assessments, they have confirmed that the proposed access is satisfactory and safe and that there would be no material impact on the public highway. Consequently and with the County Highway Authority removing their objections to the proposal, it is considered that the development now accords with Policy DM8.

Policy DM12 – Designated and Non-Designated Heritage Assets

Policy DM12 states:

“All new development should seek to avoid harm to the heritage assets of the District. Development proposals that conserve or enhance the historic environment will be supported.

All proposals affecting either a designated or non-designated heritage asset and/or its setting will need to submit a statement which includes the following:

- *a description of the heritage asset and its setting, proportionate to its significance;*
- *a clear identification of the impacts of the development proposal on the heritage asset and its setting;*
- *a clear justification as to why the impacts could be considered acceptable; and*
- *demonstrate how the proposal is consistent with Core Strategy Policy CS20*

The Council will consider the submitted information having regard to the importance of the heritage asset(s) as follows:

Designated heritage assets

Designated heritage assets and their settings (including Listed Buildings, Scheduled Monuments and Conservation Areas) will be given the highest level of protection to ensure that they are conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment.

Where substantial harm is identified, proposals will only be supported in exceptional circumstances in accordance with national planning guidance. Where a less than substantial level of harm is identified the scale of harm will be weighed against the public benefits of the proposal.

Non-designated heritage assets

A balanced consideration will be applied to proposals which may impact non-designated heritage assets. Proposals will be supported where the benefits of the scheme are considered to outweigh the scale of any harm or loss, having regard to the significance of the heritage asset.”

For the reasons set out in the consultation response from the Historic Buildings Officer, and those reasons set out within the section dealing with Policy CS20 of the Core Strategy, the development is also considered to be contrary to the aims of Policy DM12.

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, the following are material planning considerations in the determination of this planning application:

Provision of small scale employment starter units

The applicant proposes that these units be provided primarily to serve as starter units for local businesses to have the opportunity to purchase. The applicant has undertaken their own employment availability survey and has found that there is a lack of supply of such small scale starter units within the District.

Whereas the need for small scale starter units is generally accepted, Members are reminded of the comments of the Council's Planning Policy Officer who has advised that:

“Based on the HEDNA, it is clear that there will be a requirement for the provision of additional employment land in the emerging Plan. There will also likely be a need for a proportion of this requirement to be met on starter/micro units of the nature proposed, with these likely to be well related to existing or proposed new communities. On the face of it, therefore, this site is in a location which could potentially contribute towards meeting future employment land needs.”

The Planning Policy Officer goes on further to state:

“However set against this is the fact that the Council has, through its existing employment allocations in the Core Strategy and Delivery DPD, identified sufficient sites to meet its employment need up to 2029 (the plan end date). Clearly we will need to identify new provision in the emerging local plan and as part of this exercise we will need to consider the type and location of provision required locally. However a study to review employment land needs has not yet been commissioned, although it is likely to be so shortly. In advance of this work and the allocation of further employment sites to meet future need it is unclear whether there is sufficient need to justify the release of this site ahead of the plan making process in which all potentially available sites can be considered in the round and the most appropriate/sustainable selected.” (emphasis added).

The provision of these units for start-up purposes is a material planning consideration of significant weight when determining the submitted planning application. However, as with all things in planning, a balancing exercise needs to be undertaken whereby the perceived benefits of a given scheme need to be weighed against the perceived dis-benefits of a scheme. That required balancing exercise has been undertaken in respect of the current application, and it has been deemed that the economic benefits do not in this case outweigh the significant harm caused by the development to the other matters set out in this report.

Ecology

The application as originally submitted resulted in the receipt of formal objections from the County Council Ecologist for the reasons set out in their consultation replies copied earlier in this Report. Subsequent to the submission of additional information and

surveys and the reduction in the amount of development proposed, the County Ecologist has removed the majority of their objections to the scheme and commented as follows:

“According to the Additional Ecological Information document, the badger setts were subject to updated surveys on 9 and 23 September 2021, which recorded them as no longer active. Therefore no badger licence or buffer is required at this stage. Good practice measures were provided in the report, and I suggest that these are made a condition of development.

Regarding the buffer for the adjacent railway Local Wildlife Site (LWS), mitigation measures for the LWS were provided in the report. I consider these to be acceptable in lieu of a 10m buffer, as the nature of the development adjacent to the LWS is relatively low impact compared to other types e.g. residential garden, and the measures are considered to be stringent enough to protect the LWS. If we do accept this, then these measures should also be conditioned.”

However, Members are advised to note that the County Ecologist has maintained their strong objection to the Bio-diversity Net Gain issues and have stated:

“The section entitled ‘Biodiversity Enhancements’ is not acceptable in lieu of biodiversity net gain calculations. It has not been demonstrated that the development will provide net-gains in biodiversity, as required by the Environment Act 2021 and the NPPF 2021. A net gain calculation is therefore required to demonstrate that biodiversity net gain will be achieved. This is required up front with this application. This should also include a biodiversity improvement plan to show how any losses will be met and a plan that shows where any mitigation/compensation will take place.”

The applicants do not agree with the need to provide and submit the net gain calculations up front as part of this application and have instead requested that these matters could be adequately dealt with by the imposition of a condition on any planning permission that may be granted. Your Officers do not agree with the applicants on this issue and consider that it is essential to have the net gain calculations provided in advance, as they would provide the necessary certainty that an actual net gain could be achieved and actually provided on site as part of the proposed development. In the absence of these net gain calculations, the District Council cannot say for certain that the requirements of Policy CS19 of the Core Strategy nor the requirements of the NPPF nor the provisions of the Environment Act will be addressed and accordingly, a reason for refusal on these matters is included within the recommendation to Members.

Highway Impacts and Mitigation Considerations

Access to the site is proposed off Enderby Road and the development proposes that a right hand turn lane is constructed to access the site when travelling from the west along Enderby Road.

The application as originally submitted generated a response from the County Highway Authority that stated that there was insufficient information submitted with the

application to fully assess the highway impact of the proposed development and the design of the proposed access onto Enderby Road.

Over the following two years a significant amount of “to-ing and fro-ing” between the applicant and the Highway Authority occurred which ultimately resulted in the Highway Authority providing a formal recommendation to refuse this planning application for the following reasons:

- “1. *The Applicant has failed to demonstrate that an appropriate and safe vehicular access would be provided to the proposed development and the proposal, if permitted would consequently result in an unacceptable form of development and could lead to dangers for road users contrary to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) 2021.*
2. *The Applicant has failed to demonstrate that an appropriate level of on-site car parking provision would be made, together with adequate off-street loading/unloading facilities to cater for the size and number of delivery vehicles likely to be visiting the site. The lack of provision of such facilities could lead to vehicles loading/unloading or parking in the public highway which would not be in the best interests of highway safety contrary to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) 2021.*
3. *The Applicant has failed to demonstrate the impact of the proposed development on the highway network would not be severe in accordance with paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) 2021.”*

Following the receipt of additional information, survey data and revised plans which sought to address the highways concerns, the Highway Authority have now confirmed that they no longer have any objections to the revised scheme and have recommended approval subject to the imposition of conditions and have stated the following:

“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.”

On the basis of the above, Members are advised that there are no longer any robust and defensible highways reasons to resist this development on highways grounds.

Residential Amenity and Noise

The application as originally submitted proposed the erection of industrial units in much closer proximity to the nearest residential properties (the most affected being the two bungalows served off Grange Drive). Following concerns expressed by your Officers about the potential impact of the development from the overshadowing and overbearing of the rear elevations of these properties, and the noise impacts arising

from the activities associated with the employment units, the applicant amended the scheme to bring the proposed units further away from the bungalows and to provide a planted buffer zone along the site boundary to reduce the impact of the development on the amenities of the occupants of those properties. On the basis of the amended plans and having regard to the comments of the Environmental Services Officer, the proposed scheme is now considered to be acceptable in respect of residential amenity and noise impacts.

Air Quality

The NPPF states the following in respect of air quality and its relevance to the determination of planning applications:

“Whether air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species). Air quality may also be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity.

Where air quality is a relevant consideration the local planning authority may need to establish:

- *the ‘baseline’ local air quality, including what would happen to air quality in the absence of the development;*
- *whether the proposed development could significantly change air quality during the construction and operational phases (and the consequences of this for public health and biodiversity); and*
- *whether occupiers or users of the development could experience poor living conditions or health due to poor air quality.”*

An Air Quality Assessment was originally submitted with the application and the Environmental Health Officer raised a number of concerns with the findings and methodology (see comments from the Environmental Health Officer earlier in this Report). Following the revisions to the proposal to reduce the amount of development proposed and further survey work being undertaken, a revised Air Quality Assessment was submitted with the result that the Environmental Health Officer is now content with the proposed development, and has commented as follows:

“The comments have addressed the new site lay out and have concluded that the development of the site will not have an adverse impact on air quality, recognising that the new site layout has a reduced total floor-space and there will be a reduction in vehicle trips there will be a lower impact on air quality. Additional traffic data has been provided from Farrow Walsh Consulting to support the assessment.

Extra modelling has been completed for the receptors on Grange Drive and they fall below the Air Quality Objectives for NO₂ and the impact from changes in traffic flow are expected to be negligible.

The report has provided additional information and evidence to address the questions raised and the overall prediction is that impact on Air quality from the development and operation of the site will be negligible.

I have no further objection to make regarding air quality and agree any adverse impact that could occur during the earthworks, construction and trackout phases of the development could be addressed with suitably worded conditions covering the mitigation measures required to minimise the impact from dust. I am happy to help with this.”

Accordingly, the proposed development is deemed to be acceptable in terms of air quality considerations.

Conclusion

The development as proposed is not considered acceptable for the following reasons:

The site is located outside the village of Whetstone in the Green Wedge and it is considered that the combination of the sites location in a strategically important area of Green Wedge and the location of the site outside of the built up area of Whetstone, adjacent to the strong defensible boundary of the disused Great Central railway line, means that this development would represent an unwarranted intrusion of urban development beyond the well-defined edge of the settlement and would cause significant harm to the character and appearance of the local landscape and Green Wedge.

The design of the proposed development is poorly integrated with the existing settlement in terms of connections and proximity to existing facilities and services. Furthermore, the design layout is not aligned to creating a place with a locally inspired or otherwise distinctive character. Accordingly, the proposal is not considered to comply with the aims of securing high quality integrated design.

The proposed development is located within the setting of the Grade II listed Whetstone Grange and it is considered that the proposed development would cause considerable harm to the significance of this designated heritage asset.

In light of the above it is considered that the proposed development conflicts with Policies CS2, CS16, CS19 and CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013), and Policies DM2 and DM12 of the Blaby District Local Plan (Delivery) Development Plan Document (2019) and the aims of the NPPF. In reaching these conclusions your Officers have considered whether there are any overriding reasons which would outweigh the harm resulting from the development. The opinion of your Officers is that this harm is not outweighed by the other benefits that will derive from these proposals, principally from the economic benefits of providing small employment/industrial starter units. Accordingly, the application is recommended for refusal for the reasons stated.

21/1497/FUL

Registered Date
21/12/2021

Mr Martin Ward, Mather Jamie
for Trustees of ERB Drummond (Deceased)

Restoration and Conversion of Abbey Farm site and buildings for 7 dwellings (6 net) and offices under use classes C3 and E(g)(i) and (ii) respectively, demolitions and new building works, laying out of the site including access works, surface and foul water drainage and package plant, parking areas, waste bin storage areas, pedestrian routes, screen walls and landscaping, including a new pond, tree and hedge planting and removals.

Abbey Farm, Lubbesthorpe Bridle Road, Lubbesthorpe

**Report Author: Jill Sampson, Major Schemes Officer
Contact Details: Council Offices. Tel: 0116 2727686**

RECOMMENDATION:

THAT APPLICATION 21/1497/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS;

1. 3 year time limit
2. Approved plans & documents
3. Demolition method & construction environmental/traffic management plan to be submitted.
4. Remediation strategy to be submitted, along with a requirement to address any unexpected contamination found during development and a requirement for the submission of a verification report, following implementation of the approved remediation strategy.
5. Scheme to be carried out in accordance with agreed archaeology programme.
6. Detailed design of the proposed offsite highway works (passing bay and strip widening) prior to commencement.
7. Scheme for the treatment of the Public Right of Way W118 to be submitted to include provision for management during construction, surfacing, width, structures, signing and landscaping, together with a timetable for its implementation.
8. Bridleway / Public Right of Way management plan to be submitted, to include details of temporary diversion, fencing, surfacing, signing and a timetable for provision.
9. Elevation plans showing the location and type of integrated bat boxes to be submitted
10. Swallow mitigation scheme to be submitted.
11. New vehicular accesses not to be first brought into use until existing vehicular accesses to the courtyard on Lubbesthorpe Bridle Way that have become redundant as a result of the proposal have been closed permanently to all vehicular traffic and the proposed pedestrian only entrance gate at the site frontage, along with the highways and verge reinstatement works have been installed in accordance with the details shown. The new gated pedestrian

- access shall be retained and maintained as such, with no access for vehicular traffic in perpetuity.
12. Access arrangements including pedestrian and vehicular visibility splays as shown to be implemented in full and the parking and turning facilities including the provision of the proposed delivery bay to be implemented as shown. On-site parking, turning and delivery bay provision to be kept available for such uses in perpetuity.
 13. Statement of good practice letter, to include photographs of the integrated bat boxes in situ, signed by the consultant ecologist, to be submitted.
 14. Details and location of an historic interpretation board to be provided in accordance with agreed details.
 15. Landscape management plan to be submitted.
 16. Approved landscaping to be carried out within 12 months of completion and to be maintained & retained in perpetuity in accordance with approved details.
 17. No gates, barriers, bollards, chains or other such obstructions to be erected to the vehicular accesses.
 18. The development to be implemented in strict accordance with the approved Precautionary Method Statement (ecology).
 19. To avoid potential disturbance or harm to nesting birds and bats, works on all buildings to be retained shall only commence between the months of September - March inclusive.
 20. The commercial waste servicing arrangements for the development to be carried out strictly and only in accordance with the details contained within Technical Note JNY10507-07- Commercial Waste Collection. The commercial waste servicing arrangements for the site shall conform to the details within this document in perpetuity.
 21. No further gates, walls, fences or other means of enclosure within 15m of the Public Right of Way (W118).
 22. Drainage systems to be designed, installed, operated and maintained in accordance with manufacturer's instructions
 23. Development to be carried out in accordance with approved noise report and installed and maintained in accordance with the manufacturer's instructions, along with the submission of a verification report following completion of the noise related works.
 24. The buildings identified for offices and dwellings shall not be used for any purpose other than their approved uses; office E(g) (i & ii) and residential dwellings (C3) and for no other uses within Class E or outside of C3 unless otherwise agreed in writing by the LPA.
 25. Operational hours restrictions regarding the commercial uses 8am – 6pm Monday – Saturday. Unless otherwise agreed in writing.
 26. No further new openings, extensions, additions or out-buildings or any further fences, gates, walls, means of enclosure or free standing structures.
 27. Use of converted stables restricted as ancillary to the use of proposed commercial office use and/or dwellings and not to be sold, let or sub-let.

NOTES TO COMMITTEE

Policy and Relevant Guidance and Legislation

National Planning Policy Framework (NPPF) (2021)

National Planning Practice Guidance (NPPG)

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

CS1 – Strategy for Locating New Development
CS2 – Design of New Development
CS3 – Sustainable Urban Extension
CS5 – Housing Distribution
CS6 – Employment
CS11 – Infrastructure, Services & Facilities to Support Growth
CS12 – Planning Obligations and Developer Contributions
CS13 – Retailing & Other Town Centre Uses
CS14 – Green Infrastructure
CS16 – Green Wedges
CS20 – Historic Environment & Culture
CS21 – Climate Change
CS22 – Flood Risk Management
CS23 - Waste
CS24 – Presumption in Favour of Sustainable Development

Blaby District Local Plan Delivery Development Plan Document (2019)

DM2 – Development in the Countryside
DM3 – Employment Development on Unallocated Sites
DM8 - Local Parking & Highway Design Standards
DM12 – Designated & Non-Designated Heritage assets
DM13 – Land Contamination & Pollution

Blaby District Character Assessment (2008)

Leicestershire Highways Design Guidance.

Consultation Summary

British Horse Society – have not responded

BT Open Reach – have not responded

Blaby District Council, Environmental Services – have not objected subject to conditions.

Blaby District Council, Neighbourhood Services (waste services) – have not objected

Environment Agency – have not objected

Historic England – have not objected

Leicestershire Fire & Rescue – have provided an advisory

Leicestershire County Council, Landscape & Arboriculture – have not objected

Leicestershire County Council, Archaeology – have not objected subject to conditions

Leicestershire County Council, Ecology – have not objected subject to conditions

Leicestershire County Council, Lead Local Flood Authority – have provided standing advice

Leicestershire County Council, Highways – have not objected subject to conditions.

Leicestershire County Council Historic Buildings Officer – has not objected

Lubbesthorpe Parish Council – Supports the application and has made the following comments:

“The Council agreed to support the above planning application with the following comments.

i) It is important to preserve the historic nature of the site.

ii) The Council request that there are 2 parking spaces next to each property. Currently all parking is to one side of the development. It is felt that residents living in these houses will not always use the communal parking but will pull on the grass verge or leave their vehicles on the roadway as this would be more convenient.

iii) Security of the parking. The development is quite remote. The council would recommend that a gate be put onto the entrance of the parking area and also that the parking area has sufficient lighting.”

National Amenities Society – have not responded.

Ramblers – have not responded

Severn Trent Water – have not objected subject to advisory note

Third Party Representations

No letters of representation have been received from local residents,

Relevant History

11/0100/1/OX - Approved 14/01/2014 - Outline application for 4,250 dwellings, a mixed use district centre and two mixed use local centres featuring a supermarket, retail, commercial, employment, leisure, health, community and residential uses, non-residential institutions including a secondary school, primary schools and nurseries, an employment site of 21 hectares, open spaces, woodlands, new access points and associated facilities and infrastructure, and detailed proposals for two new roads

bridges over the M1 motorway and M69 motorway, and two road access points from Beggars Lane and new accesses from Meridian Way, Chapel Green/Baines Lane and Leicester Lane (as amended).

EXPLANATORY NOTE

The Site

The application site is located within the boundary of the New Lubbesthorpe development, it extends to 0.839ha (8,390 sq.m) and includes all the land currently considered to form Abbey Farm, a contained and defined site comprising; an abandoned and derelict historic building complex with a three storey farmhouse and two quadrangles/courtyards enclosed by farm outbuildings. They include; stable range, iron column barn, arched hemmel cowshed, old barn, granary, smithy range and 3x cowsheds, all of which are no longer in use. There are some bull pens, pig pens and modern metal framed barns which are proposed for demolition/removal as part of the development.

Abbey Farm is one of two historic farm complexes within New Lubbesthorpe and the farm is said to have been built on the remains of an abbey although no documentary evidence exists for this. There is documentary evidence however for chapels at Abbey Farm (early medieval to early post medieval (1067AD-1699 AD) and the farm is documented as being built on the remains of the chapels. Post medieval features remain within the current farmhouse that may date from this period. Historic records also show that the farm was built on the remains of a later manor house built in the 1550's. The farm complex was modernised in around the late 18th early 19th century to update and reflect modern farming practices of that time and much of what remains of the farmstead is largely unchanged. Given its historic significance, Abbey farm is considered as a non-designated heritage asset.

The farm complex is set within an extensive area of retained open space which includes the Scheduled Ancient Monument (the buried remains of the deserted medieval and post medieval village of Lubbesthorpe) which is of national significance. The remains take the form of earthworks and buried features which represent areas of abandonment caused by the contraction and eventual desertion of the settlement. Previous archaeological evaluations have revealed evidence of a medieval settlement in the form of stone building foundations, post holes and large quantities of pottery dated between the 13th and 16th centuries.

The retained surrounding open space now forms parkland proposed as part of the New Lubbesthorpe development; The Commons and Brook Park. The site is located towards the southeastern edge of the New Lubbesthorpe development, to the west of the M1 motorway and north of the M69.

There are occupied residential properties nearby. The Bungalow is the nearest neighbouring dwelling and is located to the rear of the farmstead, its closest point being approx. 30 metres to the southeast. Hopyard Farm is approx. 100 metres to the west and Abbey Cottages, located outside of the Lubbesthorpe development site, are positioned approx. 200 metres to the northeast.

The surrounding land continues to be farmed for arable and pasture, with the land around the farm mostly in pasture given that it is within the Scheduled Monument area.

Lubbesthorpe Bridle Road runs along the front of the site. It once formed a vehicular road between Watergate Lane (Braunstone Town), Lubbesthorpe and beyond. However, it has been temporarily gated for several years now and is closed to all motorised traffic from Abbey farm into New Lubbesthorpe, other than for those vehicles associated with the farms. This link remains open for cycle and pedestrian access however. It is the intention that the Lubbesthorpe Bridle Road will be permanently closed to through motorised traffic in due course and will operate as through pedestrian, cycle and bridle access, with vehicular access for the nearby occupiers only.

A bridleway (W118) (aggregate surfaced track) runs along the western edge of the farm complex (application site) and continues over the M69 via the farm accommodation bridge. The part of the bridleway which forms the western boundary of the farmstead falls within the Scheduled area and any groundworks which impact on the monument are likely to require separate consent from Historic England in addition to planning consent. The applicant has been informed of this and an advisory will also be included on any decision as a 'note to applicant'.

The site is not connected to the gas main or sewer. Foul water is proposed to be treated by a Klargestor unit and associated ancillary equipment, details of which have been submitted. Blaby District Council's Environmental Services Officer has not objected to the drainage proposals subject to conditions. Severn Trent Water, Leicestershire County Council as Lead Local Flood Authority and the Environment Agency have not objected/provided formal comments but have all provided advice to be included on any decision.

The site is located within designated Green Wedge.

The Proposal

The application seeks full planning permission for the restoration and conversion of the former agricultural site for residential and office use; including the sub-division of the farmhouse to provide 1x 3 bedroom and 1x 4 bedroom dwellings, the conversion of single storey out-buildings/barns to provide 1x 4 bedroom and 4x 2 bedroom dwellings (6 net new dwellings), 2x offices and 5x office 'pods'. Associated private gardens, car parking, which meets the requirements of the Leicestershire Highways Design Guide, shared courtyards and landscaping, including tree and shrub planting, pond, orchards and wildflower/grass planting are also proposed as part of the development of this site.

A structural survey carried out on behalf of the applicant found that the buildings are largely in good or reasonable condition given their age and exposure. Re-roofing repair works and brick repair work will be required on most of the buildings. Otherwise, no major structural defects were identified and no major alterations or substantial rebuilding works are proposed for the farmhouse and barns. The conversion of barns and the works to the farmhouse will not result in the raising of existing roof heights. Some modern barns and smaller structures/pens are proposed for demolition/removal.

The Abbey Farm site is owned by the Drummond Estate, who are also the landowners of the surrounding New Lubbesthorpe development site. The farmstead's restoration and conversion was originally envisaged as part of the New Lubbesthorpe development but details of any proposals did not form part of the outline planning permission and is the reason for the submission of this current application which seeks full planning permission.

The restoration and conversion works are being undertaken by The Drummond Estate and it is understood they are to retain ownership and manage the buildings as part of the retained wider Lubbesthorpe estate.

The Council has worked with the applicant over several years to arrive at a scheme which addresses the key national and local Policy requirements with regard the protection and enhancement of heritage assets along with all other relevant policy constraints.

The historically significant parts of the farmstead are to be retained and incorporated into the development. The works propose a restoration and conversion scheme which minimises harm to both the setting of the adjacent Scheduled Ancient Monument and to the significance of the non-designated heritage asset (farmhouse).

Currently, the farmyard is accessed from Lubbesthorpe Bridle Road but this will become a gated pedestrian access only. Parking for the new commercial offices is proposed to the northwest corner of the site and will be accessed off Lubbesthorpe Bridle Road. This small car park bounds both Lubbesthorpe Bridle Road and the bridleway to the west. The car park is to be screened from the road and surrounding open green space by a 1.8 metre high brick wall, post and rail fencing and hedgerow.

Parking for the residential dwellings will be located to the southwest, to the rear of the buildings, accessed off the Bridleway and out of view of the Lubbesthorpe Bridle Road. This car park will be screened from the Bridleway and the open green space to the south by landscaping. A lit and gated pedestrian access will link the residential car park to the internal courtyard and new dwellings.

Two shared courtyards are to be provided within the site for the dwellings and the commercial offices, with these courtyards being important features which retain the historic farmstead character of the site (hence parking being located away from here).

Private rear gardens are proposed for all dwellings, with shared access to orchards and wildlife pond.

The farmhouse works propose the conversion and subdivision of this single dwelling to provide 2 dwellings with a 3x bed dwelling in the northern wing and a 4x bed dwelling in the southern wing. A single storey extension is proposed in the eastern elevation replacing small ancillary outbuildings with a single storey extension, retaining the existing gable and chimney and rationalising the roof profile. The new materials will match those used in the existing dwelling.

The stables are located inside the entrance of the site and face the proposed commercial offices across the shared courtyard opposite (iron column barn & arched hemmel cowshed). Five small office 'pods' are proposed for the stable range and are proposed as either home office units in association with the new dwellings or additional space in association with the two larger commercial offices. A condition is considered appropriate in order to ensure the office pods remain ancillary to the main new uses. Alongside general repair works, new sympathetically designed windows and doors are proposed along with the removal of an existing lean-to.

The iron column barn & arched hemmel cowshed will provide approx. 170 square metres of new office space. These 2 barns form an L shape and will be linked by a shared entrance lobby and WC & kitchen. Entrance into the buildings is from within the shared courtyard (opposite the stables) and also from the commercial car parking area. Alongside general repair works, new glazing and oak boarding will be inserted behind the existing cast iron columns, with a retained, fixed closed cart door on this elevation fronting onto the Lubbethorpe Bridle Road. New glazing, doors, conservation rooflight and new high level (hayloft) window are also proposed.

The remaining 6 barns comprising 3x cow sheds, the old barn, granary and smithy, will be converted to provide 5x new dwellings. The works include general repairs, internal alterations, sensitively designed replacement windows and doors and new conservation rooflights. The scheme also proposes the removal of 3 large modern barns and smaller pen structures.

Planning Considerations

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

National Planning Policy Framework

The National Planning Policy Framework (NPPF) 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

Paragraph 11 of the NPPF sets out a presumption in Favour of Sustainable

Development. For decision-taking this means:

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

Blaby District Council has recently published an updated housing land supply position. This update confirms that the Authority can currently demonstrate a 3.69 year housing land supply. This is notably less than the 5 year supply requirement outlined in paragraph 74 of the NPPF.

This means that for applications involving the provision of housing, the tilted balance applies and the application should be considered favourably unless the proposal conflicts with specified NPPF policies or the adverse impacts would significantly and demonstrably outweigh the benefits (NPPF paragraph 11). This matter is considered in more detail in the section of this report outlining relevant local plan policies and the 'Planning Balance and Conclusion' section at the end of this report.

Building a strong, competitive economy.

Chapter 6 of the NPPF (2021) states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas through the conversion of existing buildings and well-designed new buildings (paragraph 84). Paragraph 85 continues to say that planning policies and decisions should also recognise that sites, to meet local business and community needs in rural areas, may have to be found adjacent to or beyond existing settlements and in locations that are not well-served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Ensuring the vitality of town centres.

Chapter 7 sets out the Government's approach to the growth, management and adaptation of town centres. Paragraph 89 states that the retail sequential approach should not be applied to applications for small-scale rural offices or other small-scale

rural development. The proposal consists of small-scale rural offices and therefore a sequential test for the proposed offices is not required.

Conserving and Enhancing the Historic Environment.

Chapter 16 defines the setting of a heritage asset as “the surroundings in which a heritage asset is experienced.” Significance can be harmed or lost through development within a heritage asset’s setting and any harm or loss to significance (from its alteration or destruction, or from development within its setting) “should require clear and convincing justification.” Paragraph 202 states “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.” Paragraph 203 states: “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

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

The Council has reviewed and published an updated housing land supply position in September 2023. This confirms that the Council cannot demonstrate a 5 year supply of deliverable sites. As this proposal involves the provision of housing, the application is being considered in terms of its accordance with NPPF paragraph 11d and other material considerations. This does not mean that the policies of the Local Plan are ignored but that their requirements can be considered, and given weight, where they accord with the policies of the NPPF.

A housing land supply of 3.69 years is a notable shortfall and therefore significant weight should also be applied in favour of applications that can contribute to increasing housing supply.

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

Policy CS1 Strategy for Locating New Development

This Policy directs most new development in the district towards areas within and adjoining the Principal Urban Area (PUA) of Leicester. The PUA comprises the ‘built-up’ areas of Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town and Glen Parva. The policy requires that a minimum of 8,740 houses will be developed in the District between 2006 and 2029.

A minimum of 68 hectares of employment land will be provided in the district, of which 97.67 hectares of employment land is built or committed to be built. Policy CS1 supports the re-use of previously developed land and underused land and buildings.

Policy CS2 – Design of New Development

This Policy seeks to ensure that a high quality environment is achieved in all new development proposals, respecting distinctive local character, providing opportunities to enhance the natural and historic environment including improvements to green infrastructure and opportunities to promote bio-diversity. Policy CS2 seeks to ensure that design contributes towards creating places that provide a better quality of life for the district's local communities.

Policy CS3 Sustainable Urban Extension

This policy identifies land west of the M1 as a preferred location for a mixed-use Sustainable Urban Extension (SUE) (now New Lubbethorpe). The policy required the SUE be a high quality, sustainable, mixed use development that is well connected and has a functional relationship with the wider area, but allows adequate opportunities to locally access services and facilities. The policy then prescribes the uses that the SUE should contain. The list of acceptable uses in this broad location includes:

- Housing,
- Employment opportunities including, but not exclusive to, those within the District and Local Centres, and
- Opportunities for 'live-work' accommodation.

Policy CS5 Housing Distribution

This policy seeks to distribute housing by settlement in accordance with a settlement hierarchy. The site is in the Parish of Lubbethorpe, which policy CS5 identifies as part of the PUA; the PUA has a combined minimum housing requirement of 5,750 dwellings to provide between 2006 and 2029. At 1 April 2021, 7,078 dwellings were built or committed to be built in the PUA, some 1,328 dwellings over the minimum requirement. The Council's published residential land availability indicates that insufficient homes are likely to come forward before the end of the Plan period in the PUA and this proposal will support the delivery of further homes.

Policy CS6 Employment

This policy seeks to provide the appropriate quantity, quality and mix of employment opportunities to meet the needs of the district's current and future populations, and to meet strategic employment, education and training needs. In order to deliver sufficient employment land and premises to meet strategic needs, the Council will:

- seek to enable the development of new smaller scale employment uses in other settlements, the scale and type of development will be determined by the needs of the area and the ability to accommodate employment growth in light of physical, policy or other constraints;
- seek to enable the provision of office uses in 'defined Town, Village and District centres';
- allow the re-use of agricultural buildings in rural areas for employment purposes, subject to the building being structurally sound and capable of conversion without the need for substantial rebuilding or alteration, suitable for

- conversion, and capable of being development without detriment to the residential or environmental amenity of the locality; and
- allow the provision of live-work units on residential properties, subject to these being capable of implementation without adverse impacts on amenity.

CS11 – Infrastructure, Services & Facilities to Support Growth

This Policy seeks to ensure the delivery of infrastructure, services and facilities required to meet the needs of the population of the district.

CS12 – Planning Obligations and Developer Contributions

This Policy seeks to ensure that the requirements for infrastructure, services and facilities arising from any development will be sought in accordance with the Council's latest *Planning Obligations and Developer Contributions* Supplementary Planning Document (SPD). However, as the scheme is for 6 new dwellings (net), the relevant thresholds have not been reached for developer contributions.

Policy CS13 Retailing and other Town Centre Uses

This Policy is relevant because the development proposes the provision of offices (which are defined as a 'town centre' use) in an out-of-centre location. The Policy requires proposals for retail, leisure and other main town centre uses, as defined in the National Planning Policy Framework to be subject to a sequential test. This requires the hierarchy for main town centre uses to be located within town centres, then edge of centre locations and then, only if suitable sequentially preferable sites are not available, in out-of-centre locations. This issue is fully set out further in the report.

CS14 – Green Infrastructure

This Policy seeks to ensure that the district's natural environment, wildlife, habitats, landscape and geology are considered and protected through good design practices, seeking to protect existing green spaces and provide new good quality, multi-functioning green networks and corridors. The application site is located adjacent to The Commons and Brook Park, to be provided as part of the wider New Lubbesthorpe Development. The rural nature and former agricultural use of this application site has been addressed in the design of the development and its proposed landscaping scheme.

Policy CS16 - Green Wedges

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

- A) retain the open and undeveloped character of the Green Wedge;

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

The policy lists appropriate uses within areas of Green Wedge and this does not include housing or employment uses. This issue is fully set out and balanced further in the report.

Policy CS19 – Bio-diversity and Geo-diversity

Like Policy CS14, this Policy seeks to ensure that the district's natural environment, wildlife, habitats, landscape and geology are considered and protected through good design practices, seeking to protect existing green spaces and provide new good quality, multi-functioning green networks and corridors.

Policy CS20 - Historic Environment and Culture

This Policy recognises the contribution of heritage assets to local distinctiveness and it requires design solutions which preserve and enhance heritage assets where they are impacted by development. The Policy recognises that the district has a number of important buildings, sites and areas of historic value, some of which are at risk from neglect, decay or other threats and that they shall be preserved, protected and where possible, enhanced using a positive approach to their conservation in order to secure their viable and sustainable future through uses that are consistent with the heritage asset and its conservation. This issue is fully set out and balanced further in the report.

Policy CS21 - Climate Change

This Policy states that development which mitigates and adapts to climate change will be supported. The Council will contribute to achieving national targets to reduce greenhouse gas emissions by; focussing new development in the most sustainable locations, in accordance with Policy CS1 and CS5 and seeking site layout and sustainable design principles which reduce energy demand and increase efficiency. This site is located in the PUA, identified by Policy CS5 as the most sustainable location for new development.

Policy CS22 – Flood Risk Management

This Policy seeks to ensure that all new development minimises flood risk vulnerability, providing resilience to flooding by directing new development to locations at the lowest risk of flooding within the district, using sustainable drainage systems (SuDS) and managing surface water run off. The development is proposed in an area defined as Flood Zone 1, an area with the lowest flood risk. Leicestershire County Council as Lead Local Flood Authority have not objected to the proposal. The Environment Agency were also consulted and have not objected. They have provided an advisory note to be included on any decision.

Policy CS23 – Waste

This Policy requires new developments ensure that waste collection is considered as part of the design. Given the specific and unusual limitations due to the site's rural location and heritage constraints, the existing bagged bin collection arrangement currently in place for the farmstead, which uses smaller council caged refuse trucks is to be continued for the residential element of the development. Similarly, the applicant has provided a Waste Management Strategy setting out that the waste servicing arrangements for the commercial element of the development will also be restricted to smaller collection vehicles. This is to be controlled by condition.

Policy CS24 – Presumption in Favour of Sustainable Development

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

Blaby District Local Plan Delivery DPD (2019)

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

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 designated Green Wedge where it is considered that a particular development would not be harmful to the Green Wedge function. This issue is fully set out and balanced further in the report.

Policy DM3 – Employment Development on Unallocated Sites

Like Policy CS6, this Policy seeks to provide the appropriate employment opportunities to meet the needs of the district's current and future populations. It recognises the strategic objectives of Policy CS1 which aims to direct most new development to locations within and adjoining the PUA. This scheme proposes an element of small scale office use in a rural location within the PUA.

Policy DM8 - Local Parking & Highway Design Standards

This Policy requires that housing development, including householder development that affects parking or garage space, will be required to provide an appropriate level of parking provision that:

- a) Complies with the most up-to-date Leicestershire Local Highway Guidance;

b) Is justified by an assessment of the site's accessibility, the type and mix of housing and the availability of and opportunities for public transport.

All new development and changes of use will be required to meet highway design standards as set out in the most up-to-date Leicestershire Local Highway Guidance.

Leicestershire County Council, as the Local Highways Authority, has not objected to the proposal subject to conditions. Highways considerations are set out further in the report.

Policy - DM12 Designated and Non-designated Heritage Assets

Like Core Strategy Policy CS20, this Policy seeks to preserve and enhance the cultural heritage of the district, recognising its contribution to local distinctiveness and to seek design solutions which preserve and enhance heritage assets where they are impacted by development, seeking to ensure that heritage assets are suitably considered and where necessary protected when affected by a development proposal.

Under this policy 'designated heritage assets' and their settings (including Listed Buildings, Scheduled Monuments and Conservation Areas) will be given the highest level of protection to ensure that they are conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment.

In addition, with regard to 'non-designated heritage assets', a balanced consideration will be applied to proposals which may impact non-designated heritage assets. Proposals will be supported where the benefits of the scheme are considered to outweigh the scale of any harm or loss, having regard to the significance of the heritage asset. Historic England, along with Leicestershire County Council's Historic Buildings Officer and Archaeology Officers have not objected to the proposal, their comments have been considered and the issues are fully set out and balanced further in the report.

Policy - DM13 Land Contamination and Pollution

The strategic objectives of this policy aim to minimise the risk of flooding (and other hazards) to property, infrastructure and people. The site is located within Flood Zone 1, identified as having the lowest risk of flooding. Leicestershire County Council as Lead Local Flood Authority has not objected to the proposal. Blaby District Council's Environmental Services Officer provided comments in relation to; air quality, noise, drainage, land contamination. Blaby's Environmental Services Officer is satisfied with the findings and mitigation within the submitted reports subject to conditions.

Other Material Considerations

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

Principle of Development within the Green Wedge

The application site is located within an area designated as Green Wedge by the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and carried through into the Local Plan (Delivery) Development Plan Document (2019). The strategic objectives of Policy CS16 aim to;

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

However, this Policy also recognises that the need to retain Green Wedges should be balanced against the need to provide new development (including housing) in the most sustainable locations.

In addition, Policy DM2 (Development within Countryside) recognises that where development is proposed in designated Green Wedge which would not harm its function, then the objectives of this policy will also apply.

The application proposes the re-use of existing abandoned buildings to provide 6 new dwellings (7 dwellings in total on site) and small office space on a rural site within Lubbesthorpe, an area defined by Policy CS5 as being within the PUA and considered by Policy CS1 as the most sustainable location within the Council's settlement hierarchy.

The site is located within a reasonable distance of the range of services and facilities offered (or soon to be offered) by both New Lubbesthorpe and Braunstone Town. The re-use of the buildings and materials to provide the sensitive restoration of the existing buildings and the provision of appropriate landscaping and parking which is contained within the existing parameters of the farmstead, is not considered would harm or adversely affect the open and undeveloped character of the Green Wedge.

The site is located adjacent and fronting Lubbesthorpe Bridle Road which, through agreements between the New Lubbesthorpe Landowners and LCC Highways officers as part of the wider development of New Lubbesthorpe, has already been closed to through traffic temporarily, with a permanent closure to non-access vehicular traffic envisaged as New Lubbesthorpe is built out.

Lubbesthorpe Bridle Road will form part of the pedestrian, cycle and bridle access linking the green network of New Lubbesthorpe to the wider urban area. In order to enhance the experience of this leisure resource and provide a better understanding of the area's historical context, the applicant has agreed to the installation an historical interpretation board at the site in order to explain the historic context of the site and allow users of the pedestrian/cycleway/bridleway a greater understanding of Abbey Farm, its historic past and how it relates to the buried remains of the adjacent medieval village of Lubbesthorpe. The provision of this will be secured by condition.

The proposals are considered to meet the criteria of Policy CS16 and it is therefore considered that the proposal would not be harmful to the functions of the Green Wedge.

In addition to the above, consideration has also been given to the permitted development rights under section 2, Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended), which allows (subject to a set of criteria) the conversion of rural farm buildings into dwelling houses without full planning permission. Although this application does not meet the criteria which would allow this particular development without planning permission, the provision under the above Order demonstrates that the Government recognises as a principle, new residential dwellings are an appropriate use within Green Wedges and countryside locations. This is a material consideration in assessing the principle of this development.

Impact on character and appearance of the area and neighbouring occupiers

Where new development within Green Wedge locations will not be harmful to the function of Green Wedges, the proposal must also conform to the requirements of Policy DM2 (Countryside). This Policy requires that new development be in-keeping with the appearance and character of the existing landscape, development form and buildings, and that new development will have a satisfactory relationship with other nearby uses that would not be significantly detrimental to the amenities currently enjoyed by the existing or new occupiers, including but not limited to;

- Over-development of the site due to factors including footprint mass or scale
- Privacy, light, noise, disturbance and over-bearing effect
- Vibration, emissions, hours of working, vehicular activity.

In addition, new development shall not undermine the vitality and viability of existing town, district and local centres.

Policy DM2 also sets out that development will be supported where the following criteria for the change of use and adaptation of existing buildings is met;

- The development must be carried out and sustained without need for complete or substantial re-building, alteration or extension; and, the building is structurally sound.

The scheme proposes some repair and sensitive build works, with demolition proposed to some minor outbuildings associated with the farmhouse, along with demolition of some modern barns and small structures, bull pens etc. Works are required to repair damage to the fabric of buildings including brickwork, roof repairs, replacement glazing and doors and internal works to allow for the conversion from farm buildings to habitable accommodation. The palette of materials for the building works and the ancillary works (paths, drives, boundary walls, railings and gates etc) have been chosen to either match, are in-keeping with or are reclaimed from the site in order to respect and be sensitive to the existing and historic agricultural use and its open countryside location. No new buildings or major structural works are proposed. The works will therefore not result in buildings which are at odds with, or out of

character with that of the surrounding area. A materials palette has been provided as part of the submission and this will be controlled by condition.

The application seeks permission for an element of new office use and this use will be controlled by condition to prevent any further intensification or new incompatible uses given the proposed close arrangement of dwellings and offices within the site. Similarly, hours of use restrictions in the form of a condition are considered appropriate in order to limit any adverse impact from the office uses on the occupiers of the new dwellings.

Consideration has also been given to the impact from existing/historic farm vehicle use against the types of traffic and movements associated with 6 new additional dwellings and office uses. There is no doubt that the proposal will see an increase in smaller vehicle movements coming and going from the site. However, the impact on existing surrounding occupiers and uses is likely minimal given the separation distances between the nearest dwellings. The Bungalow is the nearest residential dwelling and is located to the southeast, with the new residential car park proposed on the southern side of the site, approx. 60 metres from The Bungalow. A landscaping belt of hedgerow, apple orchard, new tree and shrub planting and a wildlife pond will separate the car parking area from the edge of the application site (approx. 17 metres in depth) with a green open area of approx. 45 metres separating this part of the site edge and The Bungalow. Hopyard Farm is the second closest property and is located approx. 100 metres to the west of the site. The parking for both the offices and the dwellings is located away from the new dwellings, screened by buildings and boundary walls to limit impact of vehicle noise, headlight sweep and door slamming etc.

Town centre uses outside defined centres

The scheme proposes a modest 160 square metres of office space (and 5 small ancillary office pods). Policy CS6 aims to provide offices in defined town, village and district centres but also recognises the need to enable the development of new smaller scale employment uses in other settlements, with the scale and type of development being determined by the needs of the area. This Policy also allows the re-use of agricultural buildings in rural areas for employment purposes, subject to certain criteria (set out earlier in the report) and recognises the need for the provision of live-work units on residential properties, subject to these being capable of implementation without adverse impacts on amenity. The NPPF (2021) also recognises the need for small-scale rural offices or other small-scale rural development and therefore sets out that a retail sequential approach should not be applied to applications for such development.

A planning condition that restricts the use of the office floorspace to Use Class E(g)(i) and (ii) only and for no other uses within Use Class E is considered appropriate in these circumstances. The reason for this is that the proposed office floorspace is small-scale, in a rural location and therefore does not require the submission of a sequential test (as set out above). Changes to another use, or mix of uses, within Use Class E do not require planning permission and this could lead to the provision of “town centre uses”, such as retail shops, in an ‘out of town’ location when a retail sequential test has not been undertaken for such uses. These other types of ‘town centre’ uses are not considered appropriate in this location.

Further, a condition restricting the use of the small office 'pods' so that they remain ancillary to the new dwellings and/or offices, and cannot be sold, let or sub-let separately, is also considered appropriate.

The impact on heritage assets

As set out above, the site is located adjacent to a Scheduled Ancient Monument (designated heritage asset) and given the historical context of Abbey Farm, its farmhouse and historic barns, whilst not Listed Buildings, have been identified as non-designated heritage assets.

When considering development proposals on, in or adjacent to historic sites, areas and buildings, Policy CS20 of the adopted Core Strategy seeks to ensure development protects and enhances heritage assets and their settings. Policy CS20 also expects new development to make a positive contribution to the character and distinctiveness of the local area.

Similarly, Policy DM12 seeks to ensure that heritage assets are suitably considered and where necessary protected when affected by development.

The NPPF (2021) also places great weight on the retention and protection of heritage assets, Section 16, para 190 requires that local planning authorities consider the impact of development upon any heritage assets, taking into account their particular archaeological and historic significance. The NPPF requires planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal and any harm or loss caused by the development.

The NPPF goes on to state that when considering the impact of a proposed development on the significance of a 'designated heritage asset', great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of assets of the highest significance, including scheduled monuments should be wholly exceptional. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The NPPF further states that the effect of an application on the significance of a 'non-designated heritage asset' should be taken into account in determining the application. In weighing applications that directly or indirectly affect 'non-designated heritage assets', a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

National Planning Practice Guidance (NPPG) requires that a clear understanding of the significance of a heritage asset and its setting is necessary to develop proposals which avoid or minimize harm.

The scheme proposes the sensitive restoration of the farm buildings which will see the retention and re-use of this historic abandoned and deteriorating farmstead, preventing its eventual loss from the landscape. The farm forms part of the setting of the nationally important adjacent Scheduled Ancient Monument and both of these heritage assets appear to share a connected history. It is therefore considered that any loss of the farmstead would to some extent lead to a loss of the understanding of the nationally significant adjacent Scheduled Ancient Monument.

Archaeology surveys, a Heritage Statement and Impact Assessment and structural surveys of the farmhouse and barns were submitted as part of the application. In accordance with statutory duty, Historic England has been consulted and they have not objected to the proposals. They have requested the applicant is reminded that any groundworks affecting the Scheduled Ancient Monument will require separate consent from themselves. This advisory will be included on any permission.

Leicestershire County Council's Historic Buildings Officer and Leicestershire County Archaeology, were consulted for their comments on this application and did not object to the proposals. Conditions have been requested from Leicestershire Archaeology to ensure the works are carried out in accordance with the agreed written scheme of investigation to include a set of criteria and the requirement for recording and publication of archaeological material, in line with standard practice.

It is considered that the retention of the historically significant farmstead buildings, albeit into new uses, through sensitive preservation will minimize harm to both the setting of the adjacent scheduled ancient monument and to the significance of the non designated heritage asset (farmhouse and buildings) and will provide local distinctiveness and variety to the area. Along with the provision of an historical interpretation board at the site (location and details to be agreed by condition), the development is therefore considered will enhance an understanding of both the farmstead and its relationship with the scheduled ancient monument (the buried remains of the medieval village). It is therefore considered that any limited harm caused by the change of use of the buildings to the significance of the heritage assets is outweighed by the public benefits gained through the overall retention of the deteriorating buildings and an enhanced understanding of their setting.

Highways Impact

The site itself is somewhat and understandably constrained by its existing agricultural use, heritage status and proximity to the nationally significant scheduled ancient monument. A Transport Statement was produced by the applicant as part of the application submission, along with technical notes as part of the consultation process with the Highways Authority. The potential impact of the development on highway safety has been considered by officers at Leicestershire County Highways Authority (HA).

The applicant has worked with the HA over many months to provide an acceptable scheme in terms of highways safety and to ensure the scheme complies with the requirements of the Leicestershire Highways Design Guide in terms of car parking, accesses and visibility.

The HA have provided a full response to the submission and have not objected subject to conditions. Their requested conditions include; requirements for the submission of the detailed design of a lay-by/passing bay to be located outside of the site on Watergate Lane, details of the way in which the public rights of way will be managed during construction, the provision of a construction traffic management plan, and conditions requiring the accesses, parking and visibility splays to be provided in accordance with the approved plans. In addition, a condition is required in order that the new uses are not first brought into use until the existing vehicular access to the front of the site is permanently closed off to motorised vehicles. All of the HA conditions are précised in the report above.

The HA are satisfied 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 (2023), subject to the conditions set out in the report.

Landscaping and ecology

The scheme is located within an established agricultural setting. The Commons and Brook Park are proposed for this surrounding area as part of the future wider Lubbesthorpe development. The site is also located within designated Green Wedge which separates the settlements of Lubbesthorpe and Braunstone Town. The applicant has provided a proposed landscaping scheme for the site which includes; new tree, shrub and hedge planting, shared orchards and a wildlife pond which is considered acceptable and appropriate for this open, agricultural location and the proposed new uses. Leicestershire Landscape officers have not objected to the proposals.

Leicestershire County Ecologists have reviewed the submitted ecology reports and noted that no protected species have been recorded on site. The applicant has submitted a detailed landscaping scheme setting out grass and wildflower planting to further enhance on-site habitat and foraging opportunities. A Precautionary Method Statement for bats has also been submitted which County Ecologists consider acceptable. The proposed external lighting scheme is also considered by them to be acceptable. County Ecologists have requested the submission of a landscape management plan, conditions to protect species during demolition and construction including details of proposed locations of bat boxes and Swallow nesting opportunities along with a statement of good practice to demonstrate the nesting boxes have subsequently been installed in accordance with the agreed details. A condition requiring the submission of a landscape management plan has also been requested.

Planning Balance and Conclusion

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

The NPPF, which is a material consideration in decision making requires that planning authorities identify a 5 year supply of deliverable housing sites. Where Planning Authorities cannot identify a 5 year supply of deliverable sites then the provisions of paragraph 11 of the NPPF apply. As stated earlier in this report, this means granting permission for development, unless the application of policies in the framework that seek to protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The proposal does not conflict with NPPF policies that seek to protect areas or assets of particular importance listed in Paragraph 11, footnote 7. In accordance with paragraph 11 of the NPPF, this means that the so called 'tilted balance' is engaged and any harm arising from the proposal must be weighed against the benefits.

Officers have fully considered the application against local and national policy and guidance and against all relevant material considerations as set out above.

The proposal, whilst only limited in scale, would make a meaningful contribution towards increasing housing delivery in a sustainable location in the PUA. Given that the Council cannot demonstrate a 5 year housing land supply, the, the provision of new homes represents a very significant benefit of the proposal.

The proposals will make limited provision for new employment provision which will have an overall beneficial impact on the local economy. The proposal will also support the economic re-use of redundant agricultural buildings in compliance with Policy CS6. The conversion of buildings would also provide a short-term boost to the local economy. Overall, a small to moderate economic benefit is likely.

The scheme proposes the sensitive restoration of the farm buildings which will see the retention and re-use of this historic abandoned and deteriorating farmstead, preventing its eventual loss from the landscape. The retention of the buildings, which are located within intimate proximity to and share an historical connection with the adjacent buried medieval village (scheduled ancient monument), along with the provision of a public historical interpretation board, will enhance public understanding of the nationally significant important heritage asset. Overall, it is considered that any limited harm associated with the proposed change of use of the buildings would be outweighed by the restoration and retention of the otherwise deteriorating, historically significant buildings and an enhanced understanding of their setting. On balance, it is considered that the proposals would have a moderate beneficial weight in respect of heritage considerations.

No technical objections have been received in relation to the proposed development and it is considered that any impacts from the proposal have been addressed through

the design of the scheme or can be appropriately mitigated through the use of appropriate planning conditions which are set out above. In this regard a neutral or at worse, slight adverse effect in respect of impacts of the Green Wedge, neighbour amenity, ecology, landscape and highways is identified within the report.

Officers have fully considered the application against local and national policy and guidance and against all relevant material considerations. It is considered that any harm identified from development can be mitigated through the use of conditions and does not significantly and demonstrably outweigh the benefits of the proposed scheme. Permission for this scheme should therefore be granted without delay in accordance with the provisions set out in paragraph 11 of the NPPF.

23/0091/FUL

**Registered Date
6 February 2023**

Mrs Jacqueline Jackson

Demolition of 5 and 7 Groby Road and erection of a 74 bed care home (Use Class C2) with associated access, parking, landscaping and infrastructure.

5 And 7 Groby Road, Glenfield

**Report Author: Ian Davies Development Services Team Leader
Contact Details: Council Offices. Tel: 0116 2727688**

RECOMMENDATION:

THAT APPLICATION 23/0091/FUL BE APPROVED SUBJECT TO:

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

- **Travel Packs.**
- **Employee Bus Passes.**
- **NHS contribution towards local GP practices**

AND SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1. Statutory time limit.
2. List of approved plans.
3. Materials to be agreed.
4. Approved landscaping to be implemented and retained.
5. Finished floor levels to be agreed and implemented.
6. Archaeological survey work/trenching etc to be undertaken in accordance with a Written Scheme of Investigation to be submitted.
7. Arboricultural Impact Assessment to be submitted, agreed and implemented to identify tree protection measures.
8. External lighting details and CCTV to be submitted and agreed.
9. Construction Method Statement to be submitted, agreed and subsequently adhered to.
10. Additional protected species surveys to be undertaken prior to development commencing, and any mitigation works identified to be undertaken.
11. Approved BNG measures identified in the BNG Assessment Report and shown on the approved landscaping drawings to be undertaken and subsequently retained thereafter.
12. Provision of a Construction Ecological Management Plan to safeguard nearby ecological sensitive areas and on-site species/habitats.
13. Odour assessments to be undertaken on request and results submitted.
14. Timings of deliveries to site restricted in accordance with Noise Impact Assessment.
15. Prior to its construction, details of the proposed substation to submitted and agreed.

16. New access to be constructed in accordance with the submitted plans prior to first occupation.
17. Vehicular visibility splays of 2.4m x 120m to be provided at site access.
18. Pedestrian visibility splays to be provided.
19. Existing accesses to be closed within one month of new access being provided.
20. No gates or barriers to be erected to the site access.
21. Car parking and servicing areas to be provided as shown on the submitted drawings.
22. Secure cycle parking to be provided in accordance with details to be submitted and agreed.
23. No surface drainage into the highway.
24. Submitted Travel Plan to be implemented.
25. Details of surface water management on site during construction to be submitted and agreed.
26. Details of surface water drainage scheme to be submitted, agreed and implemented.

NOTES TO COMMITTEE

Relevant Planning Policy, Guidance and Legislation

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

Policy CS1 – Strategy for locating new development
Policy CS2 – Design of New Development
Policy CS5 – Housing distribution
Policy CS6 – Employment
Policy CS8 – Mix of Housing
Policy CS10 – Transport Infrastructure
Policy CS12 – Planning Obligations and Developer Contributions
Policy CS19 – Bio-diversity and geo-diversity
Policy CS20 – Historic Environment and Culture
Policy CS21 – Climate Change
Policy CS22 – Flood risk management
Policy CS24 – Presumption in favour of sustainable development

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

Policy DM1 – Development within the Settlement Boundaries
Policy DM8 – Local Parking and Highway Design Standards
Policy DM12 – Designated and non-designated Heritage Assets

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework (NPPF)

National Planning Practice Guidance

Consultation Summary

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

Blaby District Council, Historic Buildings Officer – Has no objections and has commented as follows:

“The proposal has been accompanied by a Heritage Impact Assessment, however, this has been prepared in the knowledge that the site has high archaeological potential which has subsequently been confirmed by Leicestershire County Council’s Senior Planning Archaeologist.

It is noted that there are no designated heritage assets on the site or within its immediate vicinity, however, the Historic Environment Record acknowledges the previous alignment and presence of the Leicester to Ashby-de-la-Zouch Turnpike Road, which was later altered to form the current A50.

Aerial photography contained within the report indicates that the dwelling at No. 5 Groby Road was constructed by 1915, with the neighbouring dwelling at No. 7 being constructed by 1930. There are other neighbouring dwellings within the locality that appear to have been constructed prior to 1915 from the early 20th-century in an Edwardian style.

Despite the age of the dwellings being close to 100 years in age, the Historic Environment Record does not recognise these dwellings as non-designated heritage assets. On this basis, I have no specific heritage-based comments to make on the proposed application.

With this in mind, it is advised that the only heritage considerations relating to this application principally concern the site’s archaeological potential. Consideration of these aspects still engages the relevant policies within the Core Strategy (Policy CS20) and Delivery DPD (Policy DM12) along with Section 16 of the NPPF, which remains a relevant material consideration.”

Blaby District Council, Housing Services – Has no objections and supports the proposal.

Charnwood Borough Council – Has no objections to the proposal.

Environment Agency – Has no objections to the scheme.

Glenfield Parish Council – Have commented as follows:

“No objections – concern with egress onto the A50 when leaving the site.”

Leicestershire County Council, Archaeology – Has no objections subject to the imposition of conditions.

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

“An assessment of all trees within the site has been provided in accordance with BS5837:2012. All trees situated within the grounds of 5 and 7 Groby Road are protected by a Tree Preservation Order.

The layout of the development appears to have been designed to minimise the impact upon the existing tree resource and attempts to retain the majority of trees within the site, with the exception of lower category (C) trees/hedges T14, T15, G4, G10 & H1. Three medium category (B) trees would require removal to facilitate the development – T2, T27 & 28.

Overall the loss of these trees from the site would not be detrimental to the local amenity and character and their loss could be mitigated with a robust tree and landscape scheme on site. If the Council are minded to grant permission for the development a condition should be added requiring the submission of an Arboricultural Impact Assessment and Method Statement to identify appropriate tree protection measures to be implemented during construction and consideration towards specialist construction methods for structures in close proximity to trees (e.g. pile and beam foundations/cellular road construction). The production of a robust landscape scheme for the site, including maintenance plan should also be conditioned.”

Leicestershire County Council, Ecology – Following the submission of revised information and survey details (including net-gain calculations) they have no objections in principle subject to the imposition of conditions.

Leicestershire County Council, Highways – Has no objections subject to the imposition of conditions and has commented as follows:

“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.

The updated Highways Note / Memo contains an amended Site Plan which proposes five additional universal parking bays to serve the site. The LHA has scaled the size and layout of these spaces and is satisfied that they comply with the minimum requirements of Figure 8.19 of Manual for Streets.

Consequently, the total number of off-street car parking spaces proposed for the site is 30, with two of these reserved for disabled badge holders and one for use by ambulance / drop offs as required. Considering the maximum anticipated demand for staff as calculated in the previous observations (19 spaces), this would leave 11 spaces for visitors and / or residents. It is also noted that the proposed development would accommodate residents with an average age in excess of 75 (as stated in the Transport Statement) and as such it is likely that the car park would be largely used by staff and visitors to the site, not residents.

The LHA also notes that the newly proposed quantum of off-street car parking equates to a parking ratio of 0.405 per resident, and has considered this in conjunction with the TRICS® Sites Summary (Appendix B of the Note / Memo) and case studies in Wokingham and Bracknell (in the main body of the Note / Memo).

As mentioned in the previous highway observations, some of the surveys used in the TRICS® site summary (Appendix B of the Note / Memo) date back beyond five years (three of the surveys date back to 1996 / 1997), and as such is mindful of the limitations of any conclusions drawn from this data. Notwithstanding this, the LHA accepts that 31 of the 34 sites surveyed did not experience a maximum parking demand of more than 0.405 spaces per resident.

In addition, the LHA has considered the case studies in Wokingham and Bracknell and notes that these sites had much lower 'peak' parking demands (relative to size) compared to the quantum provisions proposed for this development.

Considering all of the above concurrently, based on the evidence submitted and given the site-specific circumstances, the LHA is content that the Applicant has demonstrated an adequate quantum of off-street car parking to serve the proposed development.”

Leicestershire County Council, Lead Local Flood Authority – Has no objections and has commented as follows:

“Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable to the LLFA and we advise the implementations of conditions requiring the pre-commencement submission of a sustainable drainage scheme and details of the surface water management.”

Leicestershire Constabulary (Police) – Leicestershire Police have no formal objections to the application.

Leicestershire Fire and Rescue – No comments received.

Leicestershire Leicester and Rutland Integrated Care Board (NHS) – Has no objections but has commented as follows:

“Request a Planning Obligation to mitigate the likely impact of the new population in terms of number of additional consultations and the total increased population in terms of number of additional consultations/treatment rooms at the practice which will be required by local general practice healthcare.

Any increase in patient registrations at a practice impacts a GPs clinical capacity and adds to their need of increasing that capacity. Request S106 healthcare contributions to support that increase and improve primary care services for the area.

For each of the identified practices to expand to meet their share of the population increase, average calculations for health centres, clinics and group practice surgeries

from the Building Cost Information Service (BCIS) 2022 have been used which indicate the cost of providing additional accommodation for 74 patients would be £14,894.72.”

Severn Trent Water – Has no objections.

Representations

20 letters of objection have been received in respect of the proposal. The letters raise the following issues:

- Currently live next door to a care home that is unable to manage – staff already park on the street - there is a problem with waste disposal – noise is excessive – another care home will only add to this.
- Not enough parking for size of proposal – already a problem in the area with parking from County Hall and Glenfield Hospital.
- Will be an eyesore.
- Loss of wildlife habitat / biodiversity.
- Will create excessive traffic – single entry and exit point on to A50 would be dangerous and create road safety issues - close to the junction.
- Parking provision is considerably short of the requirement in the Leicestershire Highways Design Guide – parking on local streets will be worsened.
- The local medical practice will be unable to cope.
- It will have a catastrophic impact on neighbouring amenities.
- Will allow overlooking of neighbouring properties.
- Overbearing and overshadowing structure.
- Loss of privacy.
- Loss of wellbeing.
- Noise, disturbance, emissions and disruption to neighbours – 24 hour disturbance.
- Over-development of the site – in an established residential area
- Human rights infringement
- Out of keeping with the area.
- Increased potential for standing water and flooding – already flooding on the rear of the plot.
- Loss of a high amenity area.
- Residential dwellings are more appropriate for this site.
- Loss of natural light.
- Illumination at night will cause harm.
- Will result in the loss of a piece of history – properties should be restored not demolished.
- Will set a precedent for the area.

Relevant History

07/0500/1/OX	Land off Groby Road/Gynsill Lane, Glenfield, Outline application for residential development and ancillary works with vehicular access from Gynsill Lane (to include demolition of 5 & 7 Groby	Withdrawn
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	Road)	
08/0715/1/OX	Land off Groby Road/Gynsill Lane, Glenfield, Erection of 24 dwellings with associated vehicular access from Gynsill Lane (outline application) (to include demolition of No. 8 Gynsill Lane, The Paddock and Meadway, Groby Road and Nos. 5, 7, 9 and 15 Groby Road)	Withdrawn
15/0722/OUT	Land off Groby Road / Gynsill Lane, Glenfield, Erection of seven dwellings with associated vehicular access from Gynsill Lane (to also serve No.'s 5 and 7 Groby Road) (Outline)	Refused 01/04/16
21/0052/OUT	Outline application to include the retention of No.s 5 and 7 Groby Road and the erection of a maximum of 8 new dwellings all served by a new shared access (access to be determined - all other matters reserved).	Approved 09/12/21

EXPLANATORY NOTE

The Site

The application site is located to the north side of Groby Road comprising the curtilages of No.'s 5 and 7 Groby Road. Glenfield Parish Council's sports ground lies to the north (classed as important open space within the Neighbourhood Plan), residential properties to the east and west and to the south is Groby Road (A50) dual carriageway across which are residential properties. It is approximately 0.8 ha in area and generally level. The verdant site contains a large amount of established landscaping including mature trees which are covered by Blaby District Council (5 and 7 Groby Road) Tree Preservation Order, 2007. At present two existing vacant residential dwellings sit within the plot which is located on the northwest side of Glenfield within the Principal Urban Area and Flood Zone 1.

Access to the site is proposed onto the A50, to the south of the site, via a new access point. Currently there are two separate access points providing entry/egress to No. 5 and 7 Groby Road. It is proposed to close these once a new single access is provided.

The site already has planning permission for the retention of the existing vacant dwellings and the erection of up to 8 new dwellings. This is an outline planning permission with all matters reserved other than access (21/0052/OUT).

The site is also identified as an 'area of significant archaeological interest' within the Leicestershire Historic Record.

The Proposal

The application seeks full planning permission for the creation of a new 74-bed care home (Use Class C2) with associated access, parking, drainage and landscaping. The

proposed development will involve the demolition of the existing vacant residential properties on the site (No.5 and 7 Groby Road) and their replacement with a new single care home building. The building would have the capacity to meet a range of individual needs including frail elderly care, dementia nursing care, respite and palliative care.

Along with the 74 en-suite bedrooms the proposed care home will also provide facilities for residents including landscaped gardens, a café, a cinema, wellness centre and hairdressers, as well as lounge and dining areas. It has the potential to create approximately 60-100 jobs.

The building has been designed to provide interest and break up the overall mass by introducing varying roof heights and contrasting elevational detail. It would range from 1.5 to three storey and measure, at its maximum, 64m in length by 48m in width and 12.5m in height. At its shortest the building would measure 32m in width (two storey frontage section) 17m in length (projecting rear wings) and 7.2m in height (2 storey section).

A parking and service area would be situated on the east side of the building adjacent to the boundaries with 3 Groby Road and 6 Gynsill Lane. This area would provide 30 car parking spaces, 2 of which would be disabled spaces, a turning area for larger vehicles and an ambulance pull in. The curved driveway has been designed in such a way as to retain much of the existing natural landscaping along the frontage boundary of the site.

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 adopted Core Strategy (February 2013) is part of the Development Plan for the District of Blaby. The following policies are relevant to the proposed development:

Policy CS1 Strategy for locating new development

Most new development in the District of Blaby, including housing and employment, will take place within and adjoining the Principal Urban Area (PUA) of Leicester. The PUA comprises the 'built-up' areas of Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town and Glen Parva. A minimum of 8740 houses will be developed in the District between 2006 and 2029, of which, at least 5750 houses will be provided within and adjoining the PUA.

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.

Policy CS5 – Housing Distribution

Policy CS5 aims to focus new development in the most appropriate locations. The District Council seeks to distribute housing by settlement in accordance with the figures contained within the Core Strategy. The most appropriate location for development is deemed to be the Principal Urban Area.

Policy CS6 – Employment:

Policy CS6 indicates that the District Council will work with employers to support local businesses and ensure that the District has a range of employment opportunities. The Policy is underpinned by the objective of providing an appropriate quantity, quality and mix of employment opportunities to meet the needs of current and future populations.

The Policy also supports the provision of a number of large employment sites and supports the development of smaller scale employment uses in other settlements.

Policy CS8 – Mix of Housing

The policy encourages residential proposals for developments of 10 or more dwellings to provide an appropriate mix of housing types and sizes to meet the needs of existing and future households in the District. It indicates that the Council will work with partners to meet any identified needs of specific groups through the delivery of Special Needs Housing, including:

- a) provision of extra care accommodation to meet identified needs of older persons;
- b) provision of supported housing to meet other identified needs;
- c) ensuring that an appropriate proportion of new housing is designed to meet wheelchair access standards.

Policy CS10 – Transport infrastructure

Seeks to reduce the impact of new development on the highways network by locating new development so people can access services and facilities without reliance on private motor vehicles. Opportunities for safe sustainable and accessible transport modes (including walking, cycling and public transport) will be maximised.

Policy CS12 – Planning Obligations and Developer Contributions

Policy CS12 seeks to ensure that the requirements for infrastructure, services and facilities arising from any development will be sought in accordance with the Council's latest Planning Obligations and Developer Contributions SPD. Developer contributions are proposed to be secured for health and sustainable travel options through the signing of a S106 Agreement.

Policy CS19 – Biodiversity and geo-diversity

Indicates that important areas of the District's natural environment, landscape and geology will be protected and enhanced, where appropriate, and seeks to maintain and extend natural habitats where appropriate.

Policy CS20 – Historic Environment and Culture

The Policy sets out the Council's positive approach to the conservation of heritage assets and the wider historic environment. These assets, which include Scheduled Ancient Monuments, Listed Buildings, Conservation areas and archaeological

remains, will be preserved, protected and where possible enhanced.

Policy CS21 - Climate Change

Development should be focused in the most sustainable locations and layout and design should reduce energy demand and increase efficiency.

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 District Local Plan Delivery DPD (2019)

The Delivery DPD was adopted on 4th February 2019. It sits alongside the Core Strategy to form part of the Development Plan for the District. The following policies are relevant to this application:

Policy DM1 - Development within the settlement boundaries

This Policy seeks to support suitable development located within the boundaries of existing settlements where the proposal will:

- provide a satisfactory relationship with nearby uses that would not unduly impact on neighbours;
- be in-keeping with the character and appearance of the area;
- would not result in overdevelopment;
- is acceptable in layout design and external appearance; and
- would not prejudice the comprehensive development of a wider area.

Policy DM8 – Local Parking and Highway Design Standards

Seeks to provide an appropriate level of parking provision which complies with Leicestershire Local Highway Guidance 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.

Policy DM12 – Designated and non-designated Heritage Assets

The policy seeks to ensure that heritage assets are suitably considered and where necessary protected when affected by a development proposal.

Glenfield Neighbourhood Plan

Glenfield Neighbourhood Plan has been accepted by an independent examiner, with some modifications, and has been recommended to go to public Referendum, to be held on Thursday 23 November. It contains a number of policies which currently carry only a little weight in the determination of this application but nonetheless are relevant to this proposal including:

Policy H1: Settlement Boundary

Development proposals within the Neighbourhood Plan area on sites within the Settlement boundary will be supported where they comply with the policies of this Neighbourhood Plan and the Blaby District Local Plan Core Strategy and subject to meeting design policy and amenity considerations.

Policy H2: Housing Mix

New Housing development proposals should provide a mixture of housing types taking into account the most up to date assessment of housing need. Priority should be given to dwellings of 2 and 3 bedrooms and to homes suitable for older people, including bungalows and dwellings suitable for those with restricted mobility.

Policy H5: Design Principles

Development proposals must respond positively to the character and historic context of existing developments within the Parish and have regard for the character of the immediate area.

Policy ENV3: Important Open Spaces

This policy identifies specific open spaces in Glenfield which are of high value for one or more of sport, recreation, beauty, amenity, tranquillity, and community-led biodiversity enhancement, or as green spaces within or close to residential areas. Development proposals that result in their loss, or have a significant adverse effect on them, will not be supported unless the open space is replaced by equivalent or better provision of its valued features in an equally suitable location, or unless the open space is no longer required by the community.

Material 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 impact of the development on the character and appearance of the area;
- The impact of the development on the residential amenities of adjacent occupiers;
- The impact of the development on the surrounding highway network;
- The impact of the development on the environment, biodiversity and Historic Assets;
- Developer contributions and Section 106 Agreements.

The principle of the development

Policies CS1 and CS5 seek 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 application site is positioned within the settlement boundaries of Glenfield and within the PUA and as such is considered to be in a sustainable location which complies with Policies CS1 and CS5. The principle of the development is therefore considered acceptable subject to consideration of the remaining material considerations.

The proposal would also provide a type of accommodation for which there is an identified need within the district. The type of accommodation proposed is encouraged by Core Strategy Policy CS8 which indicates that the Council will work with partners to meet any identified needs of specific groups through the delivery of Special Needs Housing, including the provision of extra care accommodation to meet identified needs of older persons. It is also supported by Policy H2 of the Glenfield Neighbourhood Plan.

The impact of the development on the character and appearance of the area

Policies CS2 (Design of new development) and DM1 (Development within the settlement boundaries) seek to ensure that a high-quality environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality. The design of new development should also be appropriate to its context and development proposals that are consistent with the policies of the Local Plan are to be supported.

The site benefits from mature landscaping throughout, both internally and along its boundaries. This is particularly the case on the front boundary with the A50. The boundary is made up of large mature trees and hedges which would effectively screen much of the generous scale of the building particularly as it would be set back from the frontage within the site.

The building will also be effectively screened from Gynsill Lane by the natural landscaping and properties already present.

The attractive design of the building will also limit the perceived mass of the building by adding variety and interest which will avoid it appearing as an unduly large monolithic structure from surrounding viewpoints.

In this regard, the proposal is considered to comply with Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and Policy DM2 of the Blaby Local Plan Delivery Development Plan Document (Delivery DPD) (2019).

The impact of the development on the residential amenities of adjacent occupiers

The proposal would change the nature of the site and the amount of development on it significantly. The two vacant residential properties within the generous site would be replaced by a 74 bed care home of a larger scale.

The closest residential property to the new building would be 9 Groby Road to the west of the site. At its closest point the two storey frontage of the new building would be 9m from the boundary and 13.5m to the flank elevation of number 9. The flank elevation of this section of the new building facing the neighbouring property would contain one opening to a hallway at first floor level to control the degree of overlooking.

To the north of the 2 storey front section the building steps in away from the boundary with No.9 creating a distance of 19.5m at its closest point. This elevation would contain openings facing the boundary at ground, first and second floors (2 primary windows on second floor). It is considered that the step away from the boundary would provide sufficient spatial separation and distance to avoid excessive and undue overlooking. However it is acknowledged that a degree of overlooking will occur.

The rear section of the building comprises a T shaped 3 storey wing projecting further towards the boundaries on both sides than the central section. This element of the building would come within 9.5m of the boundary with No.9. The flank elevation of this element of the building facing No.9 would contain no openings at 1st or 2nd floors. The openings in this element face north (towards the rear of the site) and south (towards the front). Whilst there would be some oblique views from the south facing windows towards number 9 it is not considered that these are so serious as to warrant the refusal of the application. The side wall of the property known as The Paddock on the opposite side of the garden of number 9 would be sited approximately 25.5m from this section of the care home.

To the rear of the site is Glenfield Parish Council Sports Ground with means there are no dwellings facing the rear of the site. The closest properties directly to the front of the care home would be across the A50 and as such there will be no material impact to either the front or rear of the proposal.

The eastern boundary of the site is shared with 3 Groby Road (north section) and 6 Gynsill Lane (south section). The very northern section of the sites eastern boundary is also shared with 8 Gynsill Lane.

No.3 Groby Road is sited forward of the existing properties on site and would be forward of the proposed frontage of the new building. It is sited close to the A50 at the front of its plot. The proposed new driveway would be sited close to this boundary with the access road and parking located on this side of the building. In addition, there would be a number of first floor openings facing the back of the rear garden approximately 30m away.

The design of the scheme has considered landscaping in detail. It has given thought to retaining as much of the existing mature landscaping as possible. This has included the retention of the existing mature trees and hedges along the boundary with 3 Groby

Road. The location of this landscaping would reduce the amount of noise and overlooking to a degree which is considered acceptable.

The three storey element of the proposed building would begin at approximately the point at which the boundary changes to 6 Gynsill Lane. This section of the boundary is adjacent to a part of the parking area, the primary access, a sub-station and the turning facilities. Initially the new building would be sited 30m from this boundary with ground, first and second floor openings facing the site. The distance to the boundary would then reduce to 6m at the rear wing element.

The closest point of the new building to 6 Gynsill Lane would be 36m away. There are no openings in the first and second floors flank elevation of the rear wing that would enable overlooking. Openings in this section would face north and south.

There would be a number of ground, first and second floor openings within the central section in the 3 storey element some 30m from the boundary. Whilst there is still some mature landscaping along the boundary with number 6 it does not contain the same amount of mature trees as the first section of boundary with 3 Groby Road. Despite this allowing some degree of overlooking from these windows it is considered that the 30m distance to the boundary is sufficient to avoid an undue level overlooking.

The impact of the proposal on neighbouring properties, from noise, odour and disturbance has also been considered in a Ventilation Statement and Noise Assessment submitted with the application. These reports have in turn been considered in detail by the Council's Environmental Health Department. Whilst no concerns have been raised it is proposed to impose conditions on any approval which;

- Requires the installation, operation and maintenance of the extraction equipment in accordance with the submitted assessment; and
- Requires the carrying out of an odour assessment upon the request of the LPA. The report shall be submitted within 6 weeks of request and identified mitigation requirements implemented thereafter.
- Requires the operation of the care home to be carried out in accordance with the submitted noise assessment.

As set out above it has been determined that the footprint of the proposal, the distance of openings to the surrounding boundaries, the presence of quality mature landscaping, the proximity of neighbouring properties and the use of conditions all combine to reduce the impact of the proposal on residential amenities to a degree that can be considered acceptable.

In this regard, and on balance, the proposal is considered to comply with Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and Policy DM2 of the Blaby Local Plan Delivery Development Plan Document (Delivery DPD) (2019).

The impact of the development on the surrounding highway network

The application as originally submitted proposed a total of 25 spaces for the care home. The Local Highways Authority (LHA) did not object to the highway layout in

general but did raise concerns over a potential under provision of spaces given the scale of the proposed use and requested additional supporting information to justify such a level of parking.

Additional supporting evidence was provided in the form of;

- A revised plan with an amended parking layout providing 30 car parking spaces; and
- A review of the parking demand of other similar uses currently in operation which confirmed that 30 spaces was sufficient.

The LHA has reviewed the new evidence and advised that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. The LHA has commented as follows:

“The total number of off-street car parking spaces proposed for the site is 30, with two of these reserved for disabled badge holders and one for use by ambulance / drop offs as required. Considering the maximum anticipated demand for staff as calculated in the previous observations (19 spaces), this would leave 11 spaces for visitors and / or residents. It is also noted that the proposed development would accommodate residents with an average age in excess of 75 (as stated in the Transport Statement) and as such it is likely that the car park would be largely used by staff and visitors to the site, not residents.”

Some of the surveys used in the site summary date back beyond five years (three of the surveys date back to 1996 / 1997), and as such is mindful of the limitations of any conclusions drawn from this data. Notwithstanding this, the LHA accepts that 31 of the 34 sites surveyed did not experience a maximum parking demand of more than 0.405 spaces per resident.

In addition, the LHA has considered the case studies in Wokingham and Bracknell and notes that these sites had much lower 'peak' parking demands (relative to size) compared to the quantum provisions proposed for this development.

Considering all of the above concurrently, based on the evidence submitted and given the site-specific circumstances, the LHA is content that the Applicant has demonstrated an adequate quantum of off-street car parking to serve the proposed development.

In this regard, the proposal is considered to comply with Policy CS10 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and Policy DM8 of the Blaby Local Plan Delivery Development Plan Document (Delivery DPD) (2019).

The impact of the development on the environment, biodiversity and Historic Assets.

Flooding:

The development is located within Flood Zone 1 which is considered to be the most suitable zone for development as it is at low risk of flooding.

Heritage Assets:

The site lies within an area considered to have high archaeological potential and as such any development needs to be managed carefully.

The District's Historic Buildings Officer has reviewed the proposal and concluded that there are no designated heritage assets on the site or within its immediate vicinity and advised that the only heritage considerations relating to this application principally concern the site's archaeological potential.

It was also considered that despite the age of the existing dwellings on site being close to 100 years in age, the Historic Environment Record does not recognise these dwellings as non-designated heritage assets and there is therefore no objection to the demolition.

The County Council's Archaeological Section have also reviewed the proposal and confirmed that the Leicestershire and Rutland Historic Environment Record (HER) notes that the application site lies in an area of significant archaeological interest. The County Archaeological Section have recommended a conditional approval and have commented as follows:

"The Leicestershire and Rutland Historic Environment Record (HER) notes that the application site lies in an area of significant archaeological interest. Roman and Bronze Age remains have been found in the vicinity, comprising a Roman occupation site including Iron slag that suggests metal working and a Bronze Age artefact. The applicant has submitted an archaeological heritage statement, which is welcomed, and we are generally supportive of its findings which confirm the known archaeological potential of the site.

While the current results are sufficient to support the planning decision, further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme.

NPPF paragraph 205, states that Local Planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.

In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching, followed, as necessary by intrusive and non-

intrusive investigation and recording. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the latter work at the applicant's request.

If planning permission is granted the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, and with relevant Chartered Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development."

Environment and Biodiversity:

The application was accompanied by both an Ecological Assessment and an Arboricultural Assessment. Both of these documents show that detailed consideration has been given to minimising the impact of the development on the existing landscape features and its ecology.

The County Council's Arborist has reviewed the Arboricultural Assessment and concluded that "the layout of the development appears to have been designed to minimise the impact upon the existing tree resource and attempts to retain the majority of trees within the site, with the exception of lower category (C) trees/hedges. Three medium category (B) trees would require removal to facilitate the development. Overall the loss of these trees from the site would not be detrimental to the local amenity and character and their loss could be mitigated with a robust tree and landscape scheme on site.

The County Council Ecologist has not objected to the proposed scheme but initially requested that further information be submitted in relation to Biodiversity Net Gain (BNG) and requested that detailed Net Gain calculations be submitted. The applicant revised their submitted landscaping details and prepared and submitted a revised Biodiversity Net Gain Assessment Report which demonstrated that there would now be a marginal net gain in BNG on the site as opposed to the original net loss shown on the initial plans. The County Council Ecologist has now recommended a series of conditions to be imposed on any planning permission granted.

In this regard, the proposal is considered to comply with Policies CS19, CS20 and CS22 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and Policy DM12 of the Blaby District Local Plan (Delivery) Development Plan Document (2019).

Developer contributions and Section 106 Agreements

Policy CS12 seeks to ensure that the requirements for infrastructure, services and facilities arising from any development will be sought in accordance with Blaby District Council's Planning Obligations and Developer Contributions Supplementary Planning Guidance (2010). A request for funding towards sustainable travel options for residents and employees was subsequently received from Leicestershire County

Council. Furthermore, NHS England have also requested a financial contribution towards medical practices within the locality that will serve the needs of this development. The applicant has agreed to enter into a Section 106 agreement to secure the required developer contributions.

Overall Planning Balance and Conclusion

Overall, 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 opinion that the proposal is acceptable, and accordingly it is recommended that planning permission is granted subject to the applicants first entering into a Section 106 Agreement to secure the required developer contributions and also subject to the conditions stated at the beginning of this Report.
