

**Blaby District Council
Planning Committee**

Date of Meeting **13 June 2024**
Title of Report **Applications for Determination**
Report Author Group Manager – Planning & Strategic Growth

1. What is this report about?

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

2. Recommendation

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

3. Matters to consider

3.1 To avoid unnecessary delay in the processing of planning applications, the recommendations included in this list must often be prepared in advance of the closing date for the receipt of representations. This list was prepared on **04 June 2024** and information of representations received will be updated at your meeting. This updating will also cover any other information which may come to hand in the intervening period. Closing dates are given where they fall on or after the day of preparation of the list.

3.2	Application No.	Page No.	Address	Recommendation
	23/0624/HYB	11	Land West of Glenfield Hospital, Leicester Road, Glenfield	APPROVE
	23/1066/OUT	37	Land to the West of St Johns (B4114), Enderby	APPROVE
	23/1067/FUL	121	Block 82, The Whittle Estate (Alstom Site), Cambridge Road, Whetstone	APPROVE

24/0317/FUL	134	1A George Street, Enderby	REFUSE
24/0318/LBC	146	1A George Street, Enderby	REFUSE

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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23/0624/HYB

**Registered Date
22 September 2023**

Leicestershire Partnership NHS Trust

Hybrid planning application comprising: Outline application for the construction of new wards and associated facilities with all matters except access reserved; Full application for a new service and emergency access road and associated infrastructure.

Land West Of Glenfield Hospital, Leicester Road, Glenfield

Report Author: Stephen Dukes, Development Services Team Leader

Contact Details: Council Offices. Tel: 0116 2727520

RECOMMENDATION: THAT APPLICATION 23/0624/HYB 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:

- Contribution for Travel Plan monitoring
- Biodiversity Net Gain provision

AND SUBJECT TO THE IMPOSITION OF CONDITIONS RELATING TO THE FOLLOWING:

CONDITIONS RELATING TO THE FULL PLANNING PERMISSION:

1. Development to commence within 3 years.
2. Adherence to approved plans in relation to the perimeter road.
3. Construction Method Statement/ Traffic Management Plan for construction of perimeter road to be submitted and approved and adhered to during development.
4. Archaeological Written Scheme of Investigation for construction of perimeter road to be submitted and approved and adhered to.
5. Arboricultural Method Statement for construction of perimeter road to be submitted and approved, including details of 'no dig' methodology in the vicinity of trees.
6. Lighting to perimeter road to be installed in accordance with 'External Road Lighting Layout' drawing.
7. Perimeter road drainage to be installed in accordance with approved drawings.

CONDITIONS RELATING TO THE OUTLINE PLANNING PERMISSION:

1. Application for reserved matters within 3 years and development to commence within 5 years or 2 years from approval of reserved matters.
2. Details of layout, scale, appearance and landscaping to be submitted.
3. Maximum internal gross floorspace of 12,500 square metres.
4. Development to be carried out in general accordance with Parameters Plan.
5. Existing buildings/wards being replaced to be vacated (unless a revised Transport Assessment approved and appropriate mitigation implemented).
6. Materials details to be submitted and approved
7. Site levels/ finished floor levels to be submitted and approved.
8. Details of foul and surface water drainage to be submitted and approved.
9. Details of management of surface water during construction to be submitted and approved.
10. Details of SuDS/ attenuation, and long-term maintenance and management to be submitted and approved and installed.
11. Construction Method Statement/ Traffic Management Plan for construction of building to be submitted and approved and adhered to.
12. Amended Travel Plan to be submitted and approved and implemented.
13. Details of new crossing point on the perimeter road, connections to car parks, and connection to County Hall site to be submitted and approved.
14. Details of cycle parking to be submitted and approved and implemented.
15. Archaeological Written Scheme of Investigation for construction of building to be submitted and approved and adhered to.
16. Arboricultural Impact Assessment and Method Statement for construction of building to be submitted and approved including measures to ensure retention of retained trees.
17. Site Waste Management Plan to be submitted and approved and adhered to.
18. Ground Remediation Statement to be submitted and approved
19. Any ground remediation works to be carried out.
20. Full details of extraction equipment/ fixed plant to be submitted and approved.
21. Noise levels of all installed equipment to meet the recommendations in the Planning Noise Report.
22. Updated noise survey to be carried once all fixed plan is in situ.
23. Details of any CCTV to be submitted and approved.
24. Construction Environmental Management Plan for biodiversity to be submitted and approved and implemented.
25. Landscape and Ecological Management Plan to be submitted and approved. Amended Baseline BNG Metric required if additional tree removal required.
26. Ecological enhancements recommended in Preliminary Ecological Appraisal to be indicated in the finalised landscape plans and implemented.
27. Recommendations in updated Badger Survey (March 2024) to be adhered to. Pre-commencement walkover of the site for badgers to be undertaken.
28. Recommendations in updated Bat Survey (April 2024) to be adhered to. Mitigation measures for bats to be submitted and approved.
29. Updated Great Crested Newt eDNA Survey to be submitted and approved if works not carried out within 2 years of survey (by June 2025) and any recommendations to be followed.
30. Updated Reptile Survey to be submitted and approved if works not carried out within 2 years of survey (by Sept 2024) and recommendations to be followed.

NOTES TO COMMITTEE

Relevant Planning Policies and Guidance

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

Policy CS1 – Strategy for locating new development
Policy CS2 – Design of new development
Policy CS6 - Employment
Policy CS10 – Transport infrastructure
Policy CS11 – Infrastructure, services and facilities to support growth
Policy CS12 – Planning obligations and developer contributions
Policy CS15 – Open space, sport and recreation
Policy CS19 – Bio-diversity and geo-diversity
Policy CS20 – Historic Environment and Culture
Policy CS21 – Climate change
Policy CS22 – Flood risk management
Policy CS23 - Waste
Policy CS24 – Presumption in favour of sustainable development

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

Updated Policy CS15 – Open space, sport and recreation
Policy DM1 – Development within Settlement Boundaries
Policy DM3 – Employment Development on Unallocated Sites
Policy DM8 – Local Parking and Highway Design Standards
Policy DM12 – Designated and Non-designated Heritage Assets

Glenfield Neighbourhood Plan

Policy H1 – Settlement Boundary
Policy H5 – Design Principles
Policy ENV1 – Air Quality
Policy ENV3 – Sites of Natural Environment Significance
Policy ENV4 – Protection of Sites of Local Historic Environment Significance
Policy EV5 – Local Heritage Assets
Policy CC1 – Flood Risk Resilience
Policy CC2 – Energy Efficient Buildings
Policy CC3 – Electric Vehicles
Policy CF2 – New or Improved Community Facilities
Policy CF4 – Medical Facilities
Policy T1 – Traffic Management
Policy T2 – Car Parking

National Planning Policy Framework (NPPF)

National Planning Practice Guidance

Leicestershire Highways Design Guide

Consultation Summary

Blaby District Council, Environmental Services – No objections. Makes comments in relation to land contamination, odour, noise and disturbance, lighting and impact of construction.

Glenfield Parish Council – No comments.

Leicestershire County Council, Archaeology – No objection. Recommends that any planning permission be granted subject to a condition requiring archaeological investigations on the site to be informed by a Written Scheme of Investigation.

Leicestershire County Council, Ecology

October 2023 – Objection. Makes comments in relation to the boundary shown in the Preliminary Ecological Appraisal, the methodology used for the bat presence/ absence survey, the methodology and age of the badger report. Also comments that Biodiversity Net Gain calculations suggest a net loss of -33.02% for area habitats, a net gain of 46.57% for hedgerow units and -23.28% net loss in river units.

March 2024 – Objection. Comments that the red line boundary in the Preliminary Ecological Appraisal has been updated. Comments that an updated site walkover by a professional ecologist should be considered to ensure no significant changes and a statement on the validity of the report. Comments that bat survey reports should be updated and clarification required regarding badger survey. Comments made relating to Biodiversity Net Gain, Construction Environmental Management Plan, Landscape and Ecological Management Plan and ecological enhancements.

May 2024 – Objection

Clarification on details of the site walkover and protected species survey updates have been provided as requested. The updated badger report recommends suitable avoidance and mitigation measures and a pre-commencement walkover for badgers has been recommended. Regarding the April 2024 reissued bat report, further clarification is requested regarding the proposed impacts to the confirmed roost in tree T4. There is also discrepancy between the location of tree T4 in the bat report and Arboricultural Impact Assessment which should be clarified. Appropriate mitigation should be provided and should be clearly illustrated in the finalised landscape plan. Previous points regarding the approval of a Construction Environmental Management Plan, BNG calculations, approval of a Landscape and Ecological Management Plan, and the ecological enhancements in Section 7.2 of the PEA being clearly indicated in the finalised landscape plans are repeated.

Leicestershire County Council, Forestry – Comments on the trees that would require removal but that this is a relatively small number of the overall tree population on site and can be mitigated through new tree planting. Also makes comments regarding the relationship of the development to trees being retained. Comments that the construction of the access road where it impacts on the RPAs of tree groups should be undertaken with ‘no dig’ methodology.

Leicestershire County Council, Highways

November 2023 - No objection.

Comments that the proposed wards and specialist units, as well as part of the training facility are existing services on site that would relocate to the proposed building. Therefore, it is understood that no additional trips would be generated for these elements. The Planning Statement indicates that the existing facilities would be left vacant once the proposed development is constructed and would remain so until demolished or redeveloped. The only additional trips would be associated with the relocation of an existing training facility which is currently off site in Beaumont Leys. The Local Highway Authority (LHA) is content that this proposed relocation would not increase two-way trips by 30 or more in either of the peak hours and that the proposed development would not have a severe impact on the highway network.

The LHA notes that the proposed development would be built on a now closed 122 space 'temporary' car park. The parking survey (undertaken Jan 2023, after the car park was closed) demonstrates that there would be sufficient capacity to prevent parking issues. The proposed secure and undercover cycle parking is welcomed. Regarding the Travel Plan, the LHA recommends more specific commitments to targeted actions alongside the information provided and recommends submission of an amended Travel Plan. Conditions are recommended for a construction traffic management plan and amended Travel Plan, and a contribution for Travel Plan monitoring.

March 2024 – No objection

Following the submission of a revised Site Plan, Parameters Plan and Vehicle Tracking Layout, the Local Highway Authority is satisfied that the proposed development would still be acceptable in highway and transport terms. The LHA notes that the position of the proposed service and emergency access road appears to infringe outside the application site boundary as shown on the location plan. Recommends the same conditions as above.

Leicestershire County Council, Lead Local Flood Authority – October 2023 - Further consultation required. Notes that the site is located within Flood Zone 1 at low risk of fluvial flooding and a low to medium risk of surface water flooding. The proposals seek to discharge at 5 l/s/ha via filter drains and permeable paving to an existing surface water sewer. The scheme utilises a surface water pumping station to reach the sewer and has provided correspondence with the statutory sewer company demonstrating permission to connect to their asset. The applicant has not demonstrated what SuDS/ attenuation is proposed to be utilised to achieve the proposed discharge rate. Advises that the applicant should show the type, location and storage volumes of any attenuation proposed.

Leicestershire Police – No objections. Makes observations in relation to consideration of the use of CCTV coverage, lighting, bin and cycle storage and maintenance of vegetation and boundary treatments to provide clear fields of vision and improve site security.

Sport England – No objection. Comments that although the site would lead to the loss of or prejudice the use of all or part of a playing field, it has not been used for such

purposes within the last five years, and the sports pitches were replaced by a grass adult football pitch and grass cricket pitch on the opposite side of the County Hall site in 2011.

Consultation Responses for application to Leicester City Council (ref. 20231490)

The following consultation responses have been received in relation to the duplicate planning application being considered by Leicester City Council:

Leicester City Council, Highways – No objection. No objections in principle to the internal perimeter road but autotrak analysis is required to demonstrate service vehicles can be accommodated. Comments on the parking survey which demonstrates spare capacity available for those attending the training facility which will be relocated to the site, but that this is a snapshot in time, and that parking demand and supply should be kept under review as part of the Travel Plan monitoring process. Comments that most of the trips associated with the development are internal reassigned trips from the replaced on site facilities and the small amount of additional trips will not have any severe impact on the local highway network.

Comments that the site is well connected to pedestrian and cyclist infrastructure and benefits from good connectivity via local bus services. Comments on the proposed new footpath connection to the County Hall site and that consideration should be given to whether the proposed pedestrian connection works can be contained within the planning application site boundary. Conditions are recommended in relation to a revised Travel Plan, details of a new crossing point on the perimeter road, details of secure and covered cycle parking, provision of the new service road, a Construction Method Statement, and closure of existing access to perimeter road.

Leicester City Council (Lead Local Flood Authority) – No objection, providing the recommended requirements are secured through the use of conditions.

Leicester City Council, Tree Officer – requests an Arboricultural Method Statement to ensure the method of construction is suitably considered. Requests no dig construction for service road within Root Protection Area (RPA) of trees. No new planting has been shown. Any new planting will need to mitigate the loss of trees.

Representations

None received.

Relevant History

13/0861/1/PX - New Child and Adolescent Mental Healthcare Service Facility, ancillary access road, car parking and associated infrastructure – Approved 19 February 2014. *Note – this was a proposal for a building on the area of the temporary car park to the north of the application site but was not implemented.*

15/0871/FUL – Temporary change of use of land for staff car park for 120 spaces including new vehicular and pedestrian accesses – Approved 15 September 2015.

Note – this sought permission for a 120 space car park on the north of the application site for a temporary period, with the intention for the land to revert back to its current use before the extant permission granted in 13/0861/1/PX expired. A condition required the car park to be removed and the land restored to its former condition on or before 15th September 2017.

15/1583/FUL – Temporary extension to car park to provide an additional 75 spaces – Approved 24 February 2016.

Note – it was stated in the officer report that the extension to the car park did not fall outside of the land which had already been granted a permanent permission for the new child and adolescent mental healthcare service facility. A condition required the car park to be removed and the land restored to its former condition on or before 15th September 2017.

16/1648/FUL - Retention of re-arranged existing temporary car park to provide 200 spaces, including new hard surfacing and extension of temporary permission until September 2019 – Approved 2 February 2017.

Note – covering letter submitted comments that the car park provided temporary car parking for members of Leicestershire Partnership Trust staff that moved into the adjacent County Hall building in September 2015. The application relates to the replacement of the existing surface material and an increase in the length of the permission for an additional 2 years.

18/0620/FUL - New child and adolescent mental healthcare service facility, ancillary access road, car parking and associated infrastructure – Approved 22 August 2018.

EXPLANATORY NOTE

The Site

The application site comprises approximately 3.5 hectares of land that is located immediately to the west of the Leicester Glenfield Hospital site, which is located on the northwestern edge of the Principal Urban Area of Leicester. The site is located to the north of the A50 Leicester Road/Groby Road. To the immediate east is County Hall, which accommodates the Leicestershire County Council offices and the Leicestershire Registry Office. To the north of the site lies the Eastern Annexe to the County Hall, beyond which is open countryside. To the south lies the established residential areas of Glenfield. The existing hospital site to the east lies predominantly within the administrative area of Leicester and is a shared campus between Leicestershire Partnership NHS Trust (LPT) and the acute hospital trust, University Hospitals of Leicester NHS Trust (UHL).

The LPT estate consists of Adult Acute (Bradgate Unit), PICUs (Belvoir Unit), Low Secure (Herschel Prins Centre), CAMHS (Beacon Centre), Older Persons and Eating Disorders (Bennion Centre) wards. The estate has evolved over recent decades, with The Beacon Centre being the newest building, completed in 2019. The application site is bound on the north, east and west sides by landscaped tree lines, with The Beacon Centre located to the south. The main existing buildings on the LPT section

of the hospital campus are predominantly single storey, with Herschel Prins Centre being partly three storey.

Whilst the majority of the existing hospital site falls within the administrative area of Leicester City Council, the majority of the current application site falls within the administrative area of Blaby District Council. The hospital campus three main entrances, one off the A563/A50 roundabout, another traffic light controlled entrance off the A563 further to the north, and a third entrance to the south off the A50, which is a non traffic light controlled left in/left out entrance.

The Proposal

The application is a hybrid application, meaning part of the application is for outline planning permission and part is for full planning permission. The outline application is for the construction of new wards and associated facilities with all matters except access reserved for future consideration. The full application is for a new service and emergency access road and associated infrastructure. Separate location plans have been submitted to show the scope of the outline and full applications.

The proposed new building which forms the subject of the outline permission will provide new inpatient accommodation to replace some of the existing mental health wards and facilities. The proposed new building will provide full en-suite bedrooms, flexible therapy spaces both on and off ward, staff accommodation and improved education training facilities. It will consist of the following facilities:

- 4 adult acute mental health wards
- Main entrance area (including Involvement Centre)
- Urgent Care Hub
- Neuromodulation Centre
- Off ward therapy spaces
- Place of Safety Assessment Unit (PDSU)
- Staff offices, change and rest
- Education and Training Centre.

The application proposal is phase 1 of a wider redevelopment of the LPT campus. Four existing wards have been identified as offering the poorest environments currently on site and are therefore to be relocated to the new building. Creating four new wards allows for the Bradgate Wards to be 'decanted' into the new build element, allowing for further redevelopment as part of future phases. It is not anticipated that the existing wards are to be used once the new building is operational.

The new service road which forms the subject of the full permission will provide fire tender accessibility all around the new building as well as allowing for deliveries to the rear of the wards. The access road is viewed by LPT as being an essential enabling works, providing construction access to the development whilst minimising disruption to the existing wards that are to remain operational. The service road will be a one-way single track road with a carriageway width of 3.65 metres with regular service bays allowing service/delivery vehicles to pull in close to the proposed buildings. The access onto the service road will be just south of the existing Beacon Centre and will extend around the south and west to connect with the main hospital perimeter road to

the northeast of the proposed new building. There is an existing informal pedestrian link between the County Hall site and Glenfield Hospital via the application site. This is to be formalised, in agreement with Leicestershire County Council, by the creation of a pedestrian walkway to the north of the new service road.

Although the application for the new building is in outline form, indicative illustrations and plans have been provided within the Design and Access Statement and other plans. These show that the majority of the building is proposed to be single storey (comprising the new inpatient wards), with a two and three storey element to the east side, comprising the main entrance, training centre and other facilities. The detailed design will be agreed as part of a future reserved matters application if permission is granted.

As mentioned, the site lies on the boundary of both Blaby District Council and Leicester City Council, but with the majority of development taking place within Blaby. The development that will take place in Leicester consists of the access and tree works that are required to facilitate the development. The application has therefore been submitted as a 'cross boundary' application, with applications being considered by both authorities.

Planning Policy

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;
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 127 states that local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would meet identified development needs. This includes making more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

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

Policy CS1 – Strategy for locating new development

Policy CS1 sets out the overall strategy for locating new development in the district. It states that most new development will take place within and adjoining the Principal Urban Area (PUA) of Leicester, comprising the 'built-up' areas of Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town and Glen Parva. The site is located within Glenfield, which forms part of the Principal Urban Area of Leicester.

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 CS6 – Employment

Policy CS6 states that the Council will work with partners to ensure that the District has a range of employment opportunities to meet the needs of its residents and wider communities, allowing for growth of existing businesses and for inward investment. Among other measures, the policy seeks to protect key employment sites. Although not a Key Employment Site, the application site is located within Settlement Boundaries and is adjacent to the County Hall site which is a Key Employment Site.

Policy CS10 – Transport infrastructure

Policy CS10 seeks to reduce the impact of new development on the highway 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 CS11 – Infrastructure, Services and Facilities to support growth

Policy CS11 states that new developments must be supported by the required physical, social and environmental infrastructure at the appropriate time. It states that the Council will work in partnership with infrastructure providers, grant funders and other delivery agencies to ensure that development provides the necessary infrastructure, services and facilities to meet the needs of the community and mitigates any adverse impacts of development.

Policy CS12 – Planning Obligations and Developer Contributions

Policy CS12 states that planning obligations and developer contributions will be sought and guided by the latest Planning Obligations and Developer Contributions SPD and other evidence of need.

Policy CS15 – Open Space, Sport and Recreation

This policy has been replaced by Updated Policy CS15 of the Blaby District Local Plan (Delivery) Development Plan Document (2019).

Policy CS19 – Bio-diversity and geo-diversity

Policy CS19 states that sites within the District including Local Nature Reserves, Local Wildlife Sites will be protected and enhanced. The Council will seek to resist proposed development on, or affecting such sites, where the development could be alternatively located in less biodiverse/ geologically sensitive areas. Where there are no alternative sites available, the designated sites should be retained with appropriate buffering and mitigation measures to avoid or reduce any adverse impacts. Where this is not possible, compensatory measures should be sought, including provision of replaceable habitats. The policy also states that the Council will seek to maintain or extend networks of natural habitats. It states that the Council will protect those species which do not receive statutory protection but have been identified as requiring conservation action.

Policy CS20 – Historic Environment and Culture

Policy CS20 states that the Council will take a positive approach to the conservation of heritage assets and the wider historic environment through protecting and enhancing heritage assets and their settings and expects new development to make a positive contribution to the character and distinctiveness of the local area.

Policy CS21 – Climate Change

Policy CS21 supports development which mitigates and adapts to climate change. It refers to focussing new development in the most sustainable locations, seeking site layout and sustainable design principles which reduce energy demand and increase efficiency, encouraging the use of renewable, low carbon and decentralised energy, and minimising vulnerability and providing resilience to climate change.

Policy CS22 – Flood risk management

Policy CS22 states that the Council will ensure all development minimises vulnerability and provides resilience to flooding, taking into account climate change. Among other measures the policy refers to managing surface water run-off to minimise the net increase in the amount of surface water discharged into the public sewer system.

Policy CS23 – Waste

Policy CS23 states that the Council will seek to encourage waste minimisation. It states that new developments should encourage waste prevention, then re-use, recycling, recovery and disposal as a last resort. It promotes the use of Site Waste Management Plans.

Policy CS24 – Presumption in Favour of Sustainable Development

Policy CS24 indicates that when considering development proposals Blaby District Council will take a positive approach that reflects the presumption in favour of sustainable development.

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

Updated Policy CS15 – Open space, sport and recreation

Updated Policy CS15 states that the Council will seek to ensure that all residents have access to sufficient, high quality, accessible open space, sport and recreation facilities. It states that existing open space, sport and recreation facilities will be protected, and where possible enhanced. Where development is proposed on existing open space, sport and recreation facilities, land should not be released, either in total or in part unless it can be demonstrated that:

- (i) it is surplus to requirements for its current play and open space function; and
- (ii) it is not needed for another type of open space, sport and recreation facility; or
- (iii) alternative provision of equivalent quantity, quality and accessibility, or better, can be provided in the local area.

Policy DM1 - Development within the settlement boundaries

Policy DM1 seeks to support suitable development located within the boundaries of existing settlements where the proposal:

- would not unduly impact on neighbouring uses,
- is in-keeping with the character and appearance of the area,
- is not overdevelopment,
- is acceptable in layout design and external appearance; and
- would not prejudice the development of a wider area.

Policy DM3 – Employment Development on Unallocated Sites

Policy DM3 states that proposals for new employment development will be directed to employment land allocations, Key Employment Sites and other suitable locations within the settlement boundaries.

Policy DM8 – Local Parking and Highway Design Standards

Policy DM8 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

Policy DM12 states that 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.

Leicestershire Highways Design Guide

The Design Guide sets out the County Council's principles and policies for highways Development Management. The guidance is intended to be used in the design development layouts to ensure they provide safe and free movement for all road users.

Glenfield Neighbourhood Plan (2023)

Policy H1 – Settlement Boundary

Policy H1 states that development proposals on sites within the Settlement boundary will be supported where they comply with the policies of the Neighbourhood Plan and the Core Strategy and subject to meeting design policy and amenity considerations.

Policy H5 – Design Principles

Policy H5 states that development proposals should respond positively to the character and historic context of existing development within the Parish and have regard for the character of the immediate area. The use of innovative materials and

design will be supported, and encouragement given to schemes that reflect the design principles set out in the policy.

Policy ENV1 – Air Quality

Policy ENV1 states that planning decisions should take account of the impact of new development proposals on air quality in the plan area. Support will be given to proposals which result in the improvement of air quality or minimise reliance upon less sustainable forms of transport.

Policy ENV3 – Sites of Natural Environment Significance

Policy ENV3 states that for those sites identified as being of local significance for their natural environment features, any development proposals affecting such sites should plan for and deliver a biodiversity net gain of 10% (on site wherever possible). The plan identifies a local wildlife site on the western edge of the application site.

Policy ENV4 – Protection of Sites of Local Historic Environment Significance

Policy ENV4 lists sites in Glenfield which have been identified as being of local significance for their historic features, including where there is proven buried archaeology on site. The significance of the features present should be balanced against the benefit of any development that would affect or damage them. The sites include a Roman field system and habitation to the northwest of the application site.

Policy ENV5 – Local Heritage Assets

Policy ENV5 lists a number of buildings in Glenfield as non-designated heritage assets which are important for their contribution to the layout and characteristic mix of architectural styles in the village, and their features and settings will be protected wherever possible. The list includes the County Hall site, to the west of the application site.

Policy CC1 – Flood Risk Resilience

Policy CC1 states that proposals should be accompanied by a Strategic Flood Risk Assessment and a suitable drainage scheme should be implemented that will prevent additional flooding. It states that the design should include sustainable drainage systems as appropriate, with ongoing maintenance provision. It also states development should not increase the risk of flooding to third parties.

Policy CC2 – Energy Efficient Buildings

Policy CC2 states that the design and standard of any new development should aim to meet a high level of sustainable design and construction and be optimised for energy efficiency, targeting zero carbon emissions.

Policy CC3 – Electric Vehicles

Policy CC3 states that the provision of communal vehicular charging points within the parish will be supported where there is universal access and their presence does not impact negatively on existing available parking.

Policy CF2 – New or Improved Community Facilities

Policy CF2 states that proposals that provide new community facilities including medical facilities will be supported provide certain circumstances are met.

Policy CF4 – Medical Facilities

Policy CF4 refers to the expansion of GP premises or proposals for alternative premises. However, the supporting text to the policy also refers to the expansion of Glenfield Hospital just over the border in Leicester and the new development which will take place as wards are moved from the Leicester General Hospital (this relates to the University Hospitals of Leicester NHS Trust section of the Glenfield Hospital Campus).

Policy T1 – Traffic Management

Policy T1 states that all development must demonstrate that the cumulative impact on traffic flows will not be severe, unless appropriate mitigation measures are undertaken, be designed to minimise additional traffic generation, incorporate sufficient off-road parking and manoeuvring space, consider improvements to footpaths and cycleways, and encourage the use of public transport.

Policy T2 – Car Parking

Policy T2 states that development proposals that result in the loss of off-street car parking would only be acceptable where it can be clearly demonstrated that there is no longer any potential for the continued use of the land for parking and that the loss of parking will not aggravate an existing shortfall in spaces in the vicinity, or where adequate and convenient replacement car parking spaces will be provided elsewhere in the vicinity.

Planning Considerations:

The principle of the development

The application site is located within the Settlement Boundaries of Glenfield and forms part of the Principal Urban Area of Leicester, where Policy CS1 indicates that most new development would be focused. Policy DM1 states that within Settlement Boundaries as set out in the adopted Policies Map, development proposals consistent with other policies of the Local Plan will be supported.

The applicant indicates that the application arises from an immediate and urgent need for LPT to improve the mental health facilities and associated infrastructure, currently situated at the adjacent Bradgate Mental Health Unit. The applicant states that the

current accommodation is not suitable for a modern mental health service, or adherent to current guidance for mental health facilities. Successive visits from the Care Quality Commission (CQC) have identified a range of issues at the Bradgate Unit that cannot be rectified without substantial investment. Whilst the applicant indicates that a significant number of improvements have been made, fundamentally the unit's design does not support the level of care required, particularly with regard to privacy and dignity. Specific issues with the existing facilities which are referred to include shared bathrooms, poor lines of sight within wards, low ceiling heights, out of date infrastructure and lack of sufficient therapeutic spaces and access to secure outside areas.

The applicant indicates that this demonstrates a clear and justified overwhelming public need for the provision of a new mental health facility at Glenfield Hospital. If planning permission is granted and the new mental health facility implemented, it is understood that the existing Bradgate Unit site is to be decommissioned for clinical purposes and as part of later phases of the development, the trust will seek to demolish and redevelop the Bradgate Unit site. In the meantime, however, the buildings will remain vacant.

Paragraph 127 of the NPPF refers to making more effective use of sites that provide community facilities such as hospitals. Paragraph 100 also states that to ensure faster delivery of public service infrastructure such as hospitals, local planning authorities should work proactively and positively with promoters.

Although part of the site has previously been granted planning permission for new child and adolescent mental health wards and a temporary car park (which currently occupies the land) it is otherwise a greenfield, previously undeveloped site. However, it would enable LPT trust to meet its need to improve mental health facilities on the existing Glenfield Hospital campus and allow for continuing of existing services, as well as consolidating training facilities on the site.

The application site is in an appropriate location within the Principal Urban Area of Leicester and allows for an expansion of the Glenfield Hospital campus to replace existing out of date facilities to provide an improved level of care for mental health patients without finding alternative land or sites elsewhere. The proposed development therefore accords with the overall development strategy in Policy CS1 and is also within Settlement Boundaries as per Policy DM1 and Policy H1. Given the NPPF encourages effective use of existing hospital sites, the development is considered acceptable in principle subject to full consideration of the impacts of the development.

Potential loss of open space

The application site is on an area of land which was formerly used as sports pitches for employees of Leicestershire County Council. However, it is understood that the site was bought by LPT in 2009 and the recreational open space was replaced on the opposite side of the County Hall site with new cricket and football pitches. The application site is now mainly unused grassland, part of which is occupied by a temporary car park to the north of the site and the Beacon Centre has been built to the south of the site.

Sport England were consulted on the application due to the former use of the site for sports pitches. However, Sport England has indicated that they have no objection as although the lawful use of the site may still be as sports pitches, these have been replaced with alternative provision on the County Hall site. A new grass adult football pitch and grass cricket pitch were both built in 2011 on the west side of the County Hall site to replace the previous facilities and so Sport England's exception 4 of the Playing Fields Policy would apply. In addition, the proposal therefore also accords with Updated Policy CS15 which indicates that where development is proposed on existing open space or sports and recreation facilities, the land should only be released if it is surplus to requirements, not needed for another type of open space or alternative provision can be provided.

Impact on the character of the area

The proposed new building is only being considered in outline form at this stage, with matters of appearance, layout, scale and landscaping to be reserved for future consideration. Only the new service road is to be considered in full at this stage. Nevertheless, the parameters of development have been tested by the applicant on the application site to ascertain the amount of floorspace and configuration of spaces that are required to fulfil the physical requirements of the new mental health facility.

A Parameters Plan has been submitted which indicates that the proposed building will be majority single storey, with two and three storey elements to the east side. The single storey elements are shown as being a minimum of 5.5 metres in height and a maximum of 8 metres, the two storey elements a minimum of 8.5 metres and maximum of 12 metres, and the three storey elements a minimum of 12 metres and maximum of 14.5 metres. The application form indicates that the gross internal floorspace being created by the development will be 12,500 square metres, falling within Use Class C2 (which includes hospitals).

Illustrative designs shown in the Design and Access Statement demonstrate how the building is intended to gradually step up in height from the site periphery to the building entrance to reduce the impact on the surrounding context, and so the three-storey element of the building is located towards the centre of the site. It states that the proposal is likely to introduce a ground level 'plinth' using a differing material for the ground floor and varied materials to break down the massing of the main elevation.

Regarding the proposed layout and design of the perimeter road, the Design and Access Statement indicates that the intention is to retain the mature existing landscaping as much as possible and to maximise views out from the proposed buildings. The proposed perimeter road has been designed to allow a single direction access road with drop off points located to the rear of each access to allow deliveries to be made to each ward minimising disruption to patients. It is understood that the existing perimeter road will remain in place for the time being, as this provided access to existing buildings, but this could be removed as part of future phases.

In summary, although the layout, scale and appearance of the proposed building is to be considered at a future stage, it is considered that the overall parameters of the building are acceptable and have considered the relationship with the site

surroundings. The maximum heights of the single, two and three storey parts of the building as shown in the parameters plan can be controlled by condition. As such, the overall development is considered to accord with Policies CS2, DM1, H1 and H5.

Impact on surrounding uses and buildings

The application site is well screened and set back from the A50 Leicester Road, with the closest residential dwellings to the south being some distance away on the opposite side of the dual carriageway (with the highway being approximately 30 metres in width). The closest residential properties to the north on Buddon Close and Ladyhay Road are at least 200 metres away from the edge of the site and are closer to other parts of the existing hospital campus including the surface level car park to the north. The proposed building and new perimeter road would be close to the existing Glenfield Hospital and County Hall. However, it is not considered that the scale or nature of the development would unduly impact on either of the neighbouring uses and would therefore accord with Policies DM1.

A Noise Report has been submitted which considers the impact of noise from the proposed development on noise sensitive receptors, including wards to the east which form part of the existing hospital, and residential dwellings to the south across the A50. The survey calculates the background noise levels and recommends that noise emissions from any new plant associated with the development should be set at 3dB below the typical background level at each noise sensitive receptor. The Council's Environmental Services team advises that the recommendations be adhered to and that further noise testing should be carried out following completion of the development. An External Lighting report has also been submitted. This includes detail in relation to the lighting associated with the new perimeter road. The Environmental Services team recommend the lighting is installed in accordance with the submitted details. The Environmental Services team has also recommended that a Construction Management Plan be agreed to deal with the impacts of construction, which can be agreed by condition.

Transport and highway matters

A Transport Assessment (TA) and Travel Plan (TP) have been submitted with the application, undertaken by BSP Consulting. This notes that the new building is intended to be built on land which had planning permission for use as a temporary car park (with 122 spaces). However, as part of the TA, a parking survey has been undertaken which has assessed the impact of the closure of the temporary staff car park (which closed in January 2023, prior to the survey being undertaken on 23 January 2023). The car parking survey assessed the number of spaces available in the two other LPT controlled car parks to the northeast and east of the application site. The two car parks have a total capacity of 463 standard spaces and 5 disabled spaces. The parking survey found that whilst car park 2 (to the east) was full (with 7 cars outside of marked spaces), car park 2 had a remaining capacity of 111 spaces (with the temporary car park having been closed).

The Transport Assessment also notes that the proposed new mental health units is being constructed to replace an existing facility, with existing wards being vacated and any future use expected to require redevelopment and further planning permission.

The only increase in trip generation is therefore expected to be those associated with the training facilities relocating from off-site at Beaumont Leys. The additional trips would be distributed across the three vehicular entrances and would equate to around 25 trips at each site access, or 75 additional vehicles in total. The increase in trips on any link on the highway network is expected to be less than the threshold level of 30 two-way peak hour trips, set out in the Department for Transport's former guidance document 'Guidance on Transport Assessment'. The additional parking demand of 75 spaces generated from the additional trip generation is expected to be accommodated by the spare capacity of 104-111 spaces in the large staff car park to the north of the hospital site.

The Local Highway Authority (LHA) has been consulted on the proposed development and considers that the impacts of the development on highway safety would not be unacceptable and the impacts on the road network would not be severe. The LHA is satisfied with the trip generation methodology and is content that the proposed development would not have a severe impact on the highway network in terms of capacity. Regarding the parking survey carried out, the LHA does express some concern that this only provides a snapshot of the parking levels on one day but is satisfied that there are sufficient waiting restrictions in place along surrounding roads to prevent an indiscriminate on-street parking in the surrounding area.

In terms of transport sustainability, the submitted Travel Plan includes an Action Plan for encouraging use of more sustainable methods of transport. The Local Highway Authority has reviewed the TP but does not consider it to be acceptable in its current form and would like to see more specific commitments to actioned targets, specifically in relation to incentives to encourage walking and cycle by staff, the promotion of car sharing schemes, and more specific time frames for actions. The LHA advises that a revised TP could be required by condition. The LHA does welcome the proposal to provide secure and undercover cycle parking facilities.

As the application site crosses the boundary with Leicester, the response of the City Highway Authority has also been considered. The City Highway Authority makes similar comments in relation to trip generation and parking capacity and also recommends changes to the Travel Plan. The City Highway Authority also recommends a condition requiring the closure of the existing perimeter road. However, this road would remain in use as it is required for servicing to existing buildings but could potentially be closed as part of future developments. Details of vehicle tracking were also requested, and this has been carried out for a fire appliance vehicle.

The submitted Transport Assessment also refers to the footpath/ pedestrian route which connects to the County Hall site. This is currently an informal route which crosses a former hard-surfaced tennis court. As part of the proposals, a new pedestrian link is to be created to link to the County Hall car park. Whilst this route does not necessarily follow the existing pedestrian 'desire line', it is understood that the route has been revised to remove significant numbers of pedestrians from walking past the rear of the proposed mental health wards to provide privacy and comfort to patients. The pedestrian connection would be reliant on Leicestershire County Council, as the adjacent landowner, agreeing to the new connection and providing the appropriate connections across their land. Correspondence has been provided from

the Operational Real Estate Manager at Leicestershire County Council which confirms their agreement to the principle of an alternative connection between the County Hall and Glenfield Hospital sites and notes that the current informal and temporary footway is not appropriate as a long-term solution. A condition can be used to require full details of the connection.

In summary, the proposed development is considered acceptable in highway terms and would not result in a severe impact on the surrounding highway network. However, this is based on the assumption that the new wards are to replace existing wards and therefore it is considered appropriate to impose a condition requiring the existing wards which are being replaced to be vacated until such time as they are either demolished and the land redeveloped (which would require a further application for planning permission) or until a revised Transport Assessment is submitted and approved with appropriate mitigation (if the vacated areas of the existing buildings are being brought back into use). The proposed development would accord with Policy CS10 (which encourages development to be located in sustainable locations), and Policy DM8 (which requires compliance with the Leicestershire Highways Design Guide and appropriate parking provision). The proposal also accords with Neighbourhood Plan Policy T1 (by demonstrating that the highway impacts would not be severe) and T2 (as although there is a loss of car parking, it has been demonstrated through the Transport Assessment that this would not result in a shortfall of spaces when taking into account the replacement facility).

Drainage and flood risk

The entirety of the application site is located in Flood Zone 1 (with a low probability of flooding from rivers) and is at very low risk of surface water flooding. However, as the site exceeds 1 hectare in area, a Flood Risk Assessment has been submitted. The report concludes that there are not considered to be any significant safety risks from any type of flooding.

The report also considers the proposed surface water management on the site. As part of the enabling works, the main surface water sewer will be constructed below the perimeter service road and this will be sized to accommodate the flows from the wards and surrounding hard landscaping. From here, surface water is proposed to be pumped to the surface water sewer on Groby Road/ Leicester Road.

The Leicestershire Lead Local Flood Authority (LLFA) has been consulted on the application and commented that the applicant has not demonstrated what SuDS or attenuation is proposed to achieve the proposed discharge rate of 5 l/s to the existing surface water sewer. The LLFA has advised that the applicant should show the type, location and storage volumes of any attenuation proposed.

Following this, the applicant has provided a Sustainable Drainage Strategy Report and SuDS feature detail. This has also been revised to incorporate more detail in relation to the level of on-site attenuation likely to be required for the proposed building. This information has been forwarded to the Leicestershire LLFA for consideration and Members will be updated in relation to their response at the committee meeting.

Given the cross-boundary nature of the planning application, the comments of the Leicester LLFA have also been considered. The Leicester LLFA concludes that there is no objection to the development providing further details in relation to the SuDS features, drainage details, future management and maintenance, and a Construction Method Statement are secured by way of planning condition.

As the majority of the application is in outline form, it is considered appropriate to condition the full drainage details, including in relation to SuDS features and attenuation, for future consideration. In relation to the full element of the permission, the surface water and foul water drains proposed under the new perimeter road will be conditioned to be implemented in accordance with the submitted plans. It is noted that where the proposed road crosses through the Root Protection Areas (RPAs) of trees, the proposed drainage is to be diverted around the RPAs under adjacent land which would help avoid damage to the roots of retained trees.

Whilst some drainage details will not be fully agreed until reserved matters stage, the proposed development would minimise vulnerability to flooding and is capable of managing surface water run-off to minimise the amount of surface water discharged in to the public sewer system and proposes a suitable drainage scheme. As such, the proposed development would accord with Policy CS22 and Policy CC1.

Historic Environment and Archaeology

The proposed development is not located within the vicinity of any designated heritage assets, including listed buildings or conservation areas. However, the Glenfield Neighbourhood Plan identifies a site of historic environmental significance to the rear of the County Hall site, a Roman field system and habitation (ref. MLE 117), approximately 250 to 300 metres from the application site. The Neighbourhood Plan also recognises County Hall as a local heritage asset (or a non-designated heritage asset) which features in the Leicestershire Historic Environment Record (ref. MLE18022).

The Leicestershire County Council Archaeology team has been consulted who have advised that any planning permission should be granted subject to a condition requiring archaeological investigations on the site, to be informed by a Written Scheme of Investigation. This will consider whether there is any impact on areas of archaeological interest associated with the Roman field system to the northwest.

In relation to the potential impact of the development on County Hall, a non-designated heritage asset, it is considered that there would be limited impact given the separation distance of approximately 70 metres between the application site and the main County Hall building, and the intervening mature tree coverage. In addition, the three storey element of the proposed new building is to be located on the east side according to the Parameters Plan and indicative illustrative drawings.

As such, with appropriate conditions in place to secure archaeological investigations on the site, the proposed development is not considered to have a detrimental impact on any heritage assets in the vicinity of the site, and would accord with Policies CS20, DM12 and ENV4 and ENV5.

Ecology and biodiversity

As the application site comprises partly of former playing fields which have not been used for a number of years, the site has been left to regenerate into semi-improved grassland with smaller areas of scrub, tall ruderal and broad-leaved woodland around the edge of the site, based on the Biodiversity Metric Site Baseline. The Biodiversity Metric Assessment has also been submitted with the application, alongside a completed Biodiversity Metric 3.1, which was updated in March 2024. In addition, a Preliminary Ecological Appraisal, Ecological Walkover Survey and protected species surveys in relation to badgers, bats, great crested newts, and reptiles have been submitted. Amended badger and bat reports were submitted in April 2024 due to the age of the original surveys.

The Preliminary Ecological Appraisal (PEA) confirms that the nearest statutorily protected sites for nature conservation are at least 1km from the site and will not be impacted by the proposed development. The Glenfield Hospital Oak 2, which is identified as a candidate Local Wildlife Site (cLWS) is located on the site. In addition, the Glenfield Hospital Oak 1 cLWS and County Hall Oak Local Wildlife Site (LWS) are located within 100 metres of the site.

The County Ecologist has been consulted on the planning application and has requested further information. In the latest response (May 2024) some clarification is sought regarding the updated Bat Report in relation to the bat roost in tree T4 and the proposed mitigation measures. Further information to address these concerns has been requested by your Officers and a further updated Bat Survey has been submitted. This concludes that the tree is used as a day roost and comments that the tree is proposed to be retained during and post development works. However, it comments that due to the proximity of the proposed works to the roost it is likely to be indirectly impacted by increased noise, vibration and dust which may result in disturbance to bats and so works would need to be undertaken under licence from Natural England. The County Ecologist has been consulted on the updated survey and Members will be updated on any further comments at the committee meeting.

The Biodiversity Metric Assessment establishes the baseline habitat value of the site and the indicative scheme would result in a -33% loss of habitat units, a -23% loss of river units and a 46% gain of hedgerow units. The planning application was submitted in advance of the mandatory requirement for 10% Biodiversity Net Gain (BNG) which came into force for major development from 12th February 2024. The Local Plan does not have a specific policy in relation to achieving biodiversity net gain. However, the NPPF seeks to secure 'measurable net gains' for biodiversity. As this is not a legal requirement, this would be a matter to be considered in the overall planning balance. It is noted that Policy ENV4 of the Glenfield Neighbourhood Plan recognises the cLWS on the site as a site of natural environmental significance and seeks to secure a 10% biodiversity net gain. However, this designation only relates to a very small part of the overall application site. Despite seeking to maximise the biodiversity value of the remainder of the site which is not being developed, the applicant has concluded that a biodiversity net gain cannot be achieved on site and therefore would opt to provide an off-site solution for providing BNG. This would be secured through a Section 106 agreement. Any biodiversity improvements on the site itself would be managed through the Landscape and Ecological Management Plan (LEMP) to be submitted to

and approved by the District Planning Authority. Conditions can also be used to secure a Construction Environmental Management Plan for biodiversity and to ensure that the ecological enhancements recommended in the Preliminary Ecological Appraisal are carried out.

Subject to the imposition of the above conditions, along with conditions to ensure measures to protect and mitigate any impacts on protected species are carried out (following the recommendations of the appropriate surveys), and the completion of a legal agreement to secure off-site Biodiversity Net Gain, the proposed development is would result in a net gain for biodiversity and would not harm protected species and would accord with Policy CS19 and Policy EV3.

Impact on trees

The application site is surrounded by trees to all boundaries of the site. None of the trees are protected by a Tree Preservation Order, but as previously mentioned there are three trees on or in the vicinity of the site which are designated Local Wildlife Sites. An Arboricultural Impact Assessment has been submitted with the application to assess the impact of the development on trees.

The report indicates that six individual trees – T7, T8, T9, T10, T20 and T21 would be required to be removed as well as the partial removal of two tree groups – G1 and G3 as well as the hedgerow H1 to implement the proposals. The trees to be removed are all classified as falling within Retention Category C, with T21 Oak being Category B (although the tree is subject to significant decline).

Various aspects of the development also affect retained trees and the report therefore recommends that an Arboricultural Method Statement will be required to be submitted and approved. The Tree Retention Plans show the incursion of the proposed perimeter road into the Root Protection Areas of several trees or tree groups.

The Leicestershire County Council Principal Tree and Woodlands Manager has been consulted and comments that the tree removal required is a relatively small number of the overall tree population on site and can be mitigated through new tree planting within the design proposals. He comments that there is a reasonable separation between the indicative location of the building and G5 tree group to the west of the site, and G4 tree group and H2 hedgerow to the north, but that there is a greater potential for the building to impact on trees to the east, particularly T18 (ash) and T19 (oak), with encroachment into the RPA.

The proposed perimeter road would be located close to tree groups G5 to the west and G7 to the south, but where the road impacts on the RPA of these groups of trees, it is proposed to be undertaken using a 'no-dig' methodology. However, the arboriculturalist is concerned that the road would directly intersect with the mature oak within G5 identified as a Local Wildlife Site.

An Arboricultural Advice Note has been submitted to respond to some of the concerns raised. This comments that all of the stems of the retained trees within G1, G5 and G7 would be situated outside of the footprint of the proposed road and the trees could be retained and adequately protected subject to the adoption of specialist working

practices and tree protection measures to be detailed as part of an Arboricultural Method Statement. Regarding the trees T18, T19 and G3 which could potentially be impacted by the proposed building, the Advice Note comments that at present there is not enough information to definitively state whether the trees can be retained and once the details of the building are finalised the impact upon the trees will be assessed through an Arboricultural Impact Assessment. It is noted that T19 (Oak) is a category A tree, and therefore efforts should be made to seek to retain this tree where possible.

The Advice Note concludes that an Arboricultural Method Statement will address any concerns for works with RPAs of retained trees and that an appropriately worded condition will ensure the protection of retained trees throughout the proposed development and detail how trees in proximity to the proposed access road can be safely retained through the implementation of a no-dig methodology.

Vacating existing buildings

The proposed new building is to replace existing mental health wards and facilities on the site with the Bradgate Unit. The Transport Assessment and assumptions relating to trip generation are based on the existing wards which are being replaced being permanently vacated. These could then be redeveloped as part of a future phase of development which would require a further application for planning permission. However, as the scope of future phases of development is unclear and subject to funding, the Trust wish to retain the existing building for the time being rather than it being demolished.

The applicant has put forward a proposed condition to be used to require the buildings to be vacated as follows:

“Prior to the first use of the development hereby permitted, the areas identified in drawing no.C51805-PHS-ZZ-ZZ-DR-A-07019 shall be vacated (with the exception of circulation space) and shall not be brought back into use until and unless a revised transport assessment has been submitted to and approved by the District Planning Authority and any necessary mitigation works implemented”.

Some initial concerns were expressed regarding whether such a condition would meet the tests for planning conditions, in particular whether the condition would be reasonable, as it would require parts of the existing site with a lawful use as a hospital to not be used for such a purpose. In addition, if the applicant did wish to bring the building back into use in its current form at a future date, the mitigation required is unknown and may consist of measures which require planning permission (such as providing additional parking). It is likely, however that the building would be demolished and the site redeveloped at a future date which would require planning permission in its own right.

Legal advice has been sought, including by Officers at Leicester City Council (as the buildings to be vacated fall within Leicester’s administrative area). The legal advice has concluded that the condition would be sound and would meet the legal tests for planning conditions. It is noted that the area of the exiting building to be closed is not located within the red line application site but is within the blue line as it is land within the control of the applicant.

Overall Planning Balance and Conclusion

In summary, the proposed development would enable the Leicestershire Partnership NHS Trust (LPT) to provide new mental health wards on the existing Glenfield Hospital site to replace existing wards which have been identified as being not suitable for a modern mental health service, or adhering to current guidance for mental health facilities and where issues have been identified following visits by the Care Quality Commission. The proposed development would enable an expansion of the Glenfield Hospital site to the west, on land which is already within LPT's ownership and on a site which is within the Settlement Boundaries of Glenfield and within the Principal Urban Area of Leicester, in a sustainable location which is well-served by the highway network and by sustainable travel options.

As a hybrid application, full planning permission is sought for the proposed perimeter road which would extend around the south, west and north of the site and would provide servicing and emergency access to the development. Outline planning permission is sought for the proposed new buildings, comprising wards, specialist facilities, staff accommodation and a training centre. The gross floorspace of the proposed building is 12,500 square metres. As the application site crosses the Blaby/Leicester boundary, a duplicate application is also under consideration by Leicester City Council.

Whilst details of layout, scale, appearance and landscaping are reserved for future consideration in relation to the proposed building, it is considered that the proposed development can be accommodated on the site, based on the Parameters Plan, without detriment to the character of the surrounding area or neighbouring properties or uses. The site is well screened from the A50 and other surrounding areas by belts of mature trees, the majority of which can be retained as part of the development. Any loss of trees can be mitigated by new planting, to be agreed at detailed design stage.

Although the proposed development would result in the loss of a temporary car park, the submitted Transport Assessment has demonstrated that sufficient parking would remain on site to cater for the proposed development (including the training centre relocating to the site), and the proposed development would not have an adverse impact on the existing highway network (subject to the wards and facilities replacing those existing buildings on site). As such, the areas being replaced would be permanently vacated. A Travel Plan would be used to encourage more sustainable modes of transport, and a contribution for travel plan monitoring has been sought.

The application site is at a low risk of flooding and the application has proposed appropriate surface water drainage, including on site attenuation to avoid any potential increase in flooding. The proposed development would result in some on-site losses in biodiversity, given the site has naturally regenerated following the cessation of the previous use as sports pitches. However, the applicant proposes to mitigate any biodiversity losses through providing for Biodiversity Net Gain off site, to be secured via a legal agreement. The applicant has also demonstrated that any impacts on protected species on site can be appropriately mitigated.

Overall, the application is considered to accord with the relevant policies of the Development Plan referred to in this report and it is recommended that planning permission is granted.

23/1066/OUT

**Registered Date
5 December 2023**

**Mather Jamie Limited for the
Drummond Estate**

Outline application for a commercial development consisting of the erection of warehousing with ancillary offices and gatehouses (Use Class B8) and General Industrial buildings (Use Class B2) with access off Leicester Lane, landscaping and associated infrastructure. All matters reserved, except for the access.

Land To The West Of St Johns (B4114), Enderby

Report Author: Clementyne Murphy-Nelson, Senior Planning Officer

Contact Details: Council Offices. 0116 272 7692

RECOMMENDATION: THAT APPLICATION 23/1066/OUT 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:

- A contribution of £121,800 to upgrade the B4114/Park & Ride and B4114/Penman Way signal junctions to MOVA signal operation.
- A contribution of £263,498 towards the Desford Crossroads scheme improvement.
- Travel Packs.
- Bus Passes.
- An air quality monitoring contribution of £65,000 towards Air Quality Monitoring Station 2 (Mill Hill, Enderby) and other monitors.

And the imposition of conditions relating to the following matters:

1. Statutory outline condition.
2. Submission of Reserved Matters – Appearance, landscaping, layout, scale.
3. Development in accordance with approved plans.
4. Use of development limited to B8 (storage and distribution) and B2 (light industrial) only, with ancillary office accommodation.
5. Phasing strategy, including details and timescale for the provision of primary infrastructure to be submitted and agreed.
6. Revised scheme of pedestrian access and highway improvements, including details of a footway/cycleway scheme from the footway access to Barr Close to the Leicester Lane / B4114 junction and crossing provision as necessary across the Park and Ride, to be submitted and agreed
7. Design code for buildings, spaces, roads, footways/cycleways, street furniture and landscaping to be submitted and agreed.
8. Details to demonstrate how buildings will be designed and delivered to Building Research Establishment Environmental Assessment Methodology (BREEAM) certification 'excellent', to be submitted and agreed.
9. Details of a Construction Method Statement to be submitted and agreed

10. Details of an external lighting strategy, including details of external lighting associated with any loading bays, to be submitted and agreed.
11. Reserved Matters application(s) to include details of CCTV, Gatehouses and location and material sprinkler tanks
12. Details of any extraction, ventilation equipment and external plans and machinery (including roof and wall mounted flues and vents) to be submitted and agreed.
13. Details of seating, interpretation boards and wayfinding along the route of the Fosse Way Roman Road to be submitted and agreed.
14. Details of site boundary treatment adjacent to the M1 motorway boundary to be submitted and agreed in conjunction with National Highways.
15. Details of external lighting and building signage installation, and any details of building frontages, design and illumination, overlooking the motorway to be submitted and agreed in conjunction with National Highways.
16. Details of the scheme of capacity enhancements at the A563 / Meridian South roundabout, or such other scheme of capacity enhancements submitted to and approved in writing and implemented prior to occupation.
17. Details of a scheme for the treatment of the Public Right of Way, including provision for management during construction, surfacing, width, structures, signing and landscaping, together with a timetable for its implementation, to be submitted to and agreed.
18. Construction Traffic Management Plan to be submitted and agreed.
19. Details of access proposals at Leicester Lane to be submitted o and agreed and implemented prior to occupation.
20. Improvement works to Lubbesthorpe Way to be completed prior to occupation.
21. Framework Travel Plan to be submitted and agreed.
22. Public Transport Strategy, including details of bus stop flags, shelters, raised kerbs, lighting, timetable and real time information, to be submitted and agreed.
23. All details of the proposed development shall comply with the design standards of Leicestershire County Council as contained in its current design standards document.
24. Details of foul water and surface water drainage scheme to be submitted and agreed.
25. Details of long-term maintenance of the surface water drainage system to be submitted and agreed.
26. Programme of archaeological work to be undertaken in accordance with a Written Scheme of Investigation to be submitted and approved.
27. If development does not commence within two years from the date of permission the applicant will be required to provide updates to the Ecological surveys for each phase.
28. Construction Environmental Management Plan (CEMP) to be submitted and agreed.
29. Biodiversity net gain assessment and improvement/management plan, including full details of all measures proposed in respect of the enhancement of the biodiversity of the area, details of future maintenance and a timetable and phasing for the implementation of the relevant measures, to be submitted and agreed.
30. 30-year Landscape and Ecological Management Plan (LEMP), including long-term design objectives, management responsibilities and maintenance

- schedules for all landscaped and open space areas to be submitted and agreed.
31. Details of a scheme for onsite ecological mitigation shall be submitted to and agreed.
 32. No site clearance shall take place between 1st March and 31st August inclusive, unless a detailed check of the site for active birds' nests has been undertaken by a qualified ecologist.
 33. A plan showing all boundary hedgerows (including those within the site) to be retained including a 5m buffer zone of open space/natural vegetation, shall be submitted and agreed.
 34. Landscaping planting within buffer woodland planting areas, frontage landscaping and areas adjacent to the site boundaries to be of locally native species only.
 35. If any lighting associated with the operational phase of the overflows onto any retained hedgerows, the light overflow shall be minimised to a value of 1 lux or lower at the edge of the habitats.
 36. Landscaping scheme for any phase of development to be carried out within one year of completion of the phases of the development and if any landscaping dies, is removed or becomes seriously damaged with 5 years it shall be replaced.
 37. If unexpected contamination is encountered, an investigation and risk assessment must be undertaken with remediation strategy.
 38. Details of scheme for gas pipeline and apparatus diversion to be submitted and agreed.
 39. Details of a scheme for control of noise and vibration during construction to be submitted and agreed.
 40. Prior to occupation of any phase of development, details of a scheme for mitigating the control of air quality impacts to be submitted and agreed. The air quality mitigation shall be implemented and maintained for the life of the development.
 41. Details of a Skills and Training plan to be submitted and agreed prior to commencement.
 42. No development shall commence until a badger walkover has been undertaken.
 43. Prior to commencement details of a scheme for cycle parking to be submitted and agreed.
 44. Submission of on-site open space management strategy.

NOTES TO COMMITTEE

Relevant Planning Policy & Legislation

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

Policy CS1 – Strategy for Locating New Development

Policy CS2 – Design of New Development

Policy CS6 – Employment

Policy CS10 – Transport Infrastructure

Policy CS11 – Infrastructure, Services and Facilities to Support Growth

Policy CS12 – Planning Obligations and Developer Contributions

Policy CS14 – Green Infrastructure
Policy CS19 – Bio-diversity and Geo-diversity
Policy CS20 – Historic Environment and Culture
Policy CS21 – Climate Change
Policy CS22 – Flood Risk Management
Policy CS24 – Presumption in Favour of Sustainable Development

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

Policy SA3 – Employment Site Allocation
Policy DM1 – Development within the Settlement Boundaries
Policy DM4 – Connection to Digital Infrastructure
Policy DM7 – Road Related Facilities for HGVs
Policy DM8 – Local Parking & Highway Design Standards
Policy DM12 – Designated and Non-Designated Heritage Assets
Policy DM14 – Hazardous Sites and Installations

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Leicestershire Highways Design Guidance

Consultation Summary

Blaby District Council, Environmental Services

February 2024 consultation: No objections raised in respect of land contamination, noise and disturbance nor impact of construction, however, more information was requested regarding air quality.

“Chapter 13 of the submitted Environmental Statement considers land contamination. A number of supporting documents have also been submitted with the current application, including a Phase II Site Appraisal (dated October 2016). The Phase II assessment includes remedial measures and validation requirements in 8.1.1, which appear to be reasonable.”

“The Environmental Statement includes measures to be taken during any construction phase (Sections 13.5.4 to 13.5.12) and these should be used to inform the production of a CEMP. In terms of the operational phase, Sections 13.5.13 and 13.6.3 reiterate the outcome of the Phase II assessment. Section 13.6.4 considers ground gas from ‘cut and fill’ earthworks. The principles to be used to deal with unexpected contamination are considered in Section 13.6.12. These aspects of the Environmental Statement appear to be reasonable.”

“Chapter 7 of the submitted Environmental Statement (ES) considers Noise and Vibration. The scope of the ES is wider than that the Planning Statement as it includes noise from traffic movements and noise from the operational phase of the proposed

development. Noise from the construction phase is considered later in the Chapter, and would be mitigated by a Construction Environmental Management Plan (CEMP).

Sections 7.4.2 states that a noise survey to assess the baseline conditions was undertaken on specified dates in 2016. The monitoring itself appears to be acceptable. Section 7.4.3 presents an argument that these measurements are still indicative of baseline noise levels, despite being taken in 2016. I am not unhappy with this proposal. However I recommend that additional noise measurements are taken as part of a comprehensive noise impact assessment to be submitted at a later stage”

“The submitted Environmental Statement includes an in-depth assessment of the potential impact of noise and vibration from specified construction activities and recommends appropriate mitigation measures.”

The Senior Environmental Services Officer raised that further information should be submitted regarding air quality given that the applicants submitted Environmental Statement (Chapter 8) cites the Air Quality Strategy as 2007 whereas, the latest updated Strategy is 2023. Furthermore, although relevant, the Local Air Quality Management guidance had not been referenced.

To mitigate the impacts regarding air quality, a developer contribution of £65,000 has been requested to secure replacement equipment and long-term monitoring and management at Air Quality Management Station 2 (M1 corridor in Enderby and Narborough).

April 2024 consultation: No objections. Further information by way of letter from Wardell Armstrong dated 12th April 2024 was submitted in respect of air quality which has satisfied the outstanding concerns of the Senior Environmental Health Officer.

Blaby District Council, Principal Planning and Conservation Officer:

February 2024 consultation: No objection. The Principal Planning and Conservation Officer has commented on the scheme stating;

“It is understood that there will be no discernible harmful impacts on the heritage significance of any designated heritage assets within the wider locality of the application site. However, it is acknowledged that the proposed development could have an adverse impact on known archaeological remains on the site, specifically, the line of the Fosse Way Roman Road, which is regarded as a non-designated heritage asset of importance.

In considering the potential impacts on this non-designated heritage asset, the planning balance dictated within paragraph 209 of the NPPF applies. In this context, along with the significant economic and social benefits of delivering this allocated employment site which is envisaged to make a significance contribution towards meeting the existing and future employment needs of the District local as well as the wider area, I am satisfied that the likely impacts that may result in harm being caused to the alignment of the Fosse Way Roman Road and other archaeological features on the site can be appropriately mitigated and will reduce the harm to significance that is found in these heritage assets in accordance with Section 16 of the NPPF.”

Braunstone Town Council

February 2024 consultation: “Braunstone Town Council recommends that any approval be subject to the following conditions:

- a) *a connecting cycle / footpath be provided by the developer, adjacent and parallel to the northbound carriageway of St Johns (B4114) which connects the cycle/footpath by Barr Close, to the development via the 2019 proposed route of the vehicular access from St Johns (now removed), to the entrance of the Park & Ride, with associated improvements to the crossing points, and connecting to the cycle/footpath by Leicester Lane;*
- b) *prior to commencement of any work, a detailed construction plan must to be submitted and approved by the Local Planning Authority setting out the method of construction and including details of a construction traffic route, an environmental and noise impact assessment, mitigating measures and measures to protect wildlife habitats, trees and water courses;*
- c) *no construction work to be undertaken on the site until the proposed new road (application 19/0179/FUL & 19/0180/RM) and junction improvements (application 19/0178/FUL) had been approved, constructed and completed and confirmation received from the Local Highways Authority that the junction and new road met the relevant standards for a “B” road set out in the Leicestershire Highway Design Guide;*
- d) *no construction work to be undertaken until an application had been submitted to and discharged by the Local Planning Authority setting out how the development would meet the requirements a – n set out in the Site Allocations Policy SA3 of the Blaby District Local Plan (Delivery) Development Plan Document, adopted February 2019; and*
- e) *the proposed units on the site must not be operational until the improvements to the junction on Leicester Lane, the cycle/footpath on St Johns (including site access and crossings) and the site road layout, as set out in the submitted plans, had been approved, constructed and completed, with confirmation received from the Local Highways Authority that these met the relevant standards set out in the Leicestershire Highway Design Guide.”*

Cadent Gas

February 2024: No objections raised but have advised that operational gas apparatus within the application site boundary has been identified. This may include a legal interest (easements and other rights) in the land which restricts activity in proximity to Cadent assets in private land. Cadent have advised that before any work is carried out the following must be adhered to;

“Prior to carrying out works, including the construction of access points, please register on www.linerearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.”

Central networks

February 2024 consultation: No comments received.

Enderby Parish Council

February 2024 consultation: “The Blaby District Local Plan Delivery DPD Pt. 3.33 highlights the importance of the detailed design and siting of the Employment site and that this should not adversely affect recognised environmental, social or economic matters. Therefore particular attention to its impact, especially the development on the line of the Fosse Way Roman Road (a non-designated heritage asset) should be sympathetic to the area and proportionate to the need for employment so as not to result in unacceptable adverse impacts on the landscape or residential amenity. This is particularly important with ‘high bay’ warehouse buildings (described as their height to have eaves to 15m which would undoubtedly mean the roofline would finish considerably higher).

- 1. That a robust Traffic Management Plan be put in place in advance of the commencement of the development of the Employment site to mitigate the increased volume of traffic movements visiting the site from the direction of Junction 21 of the M1 and Fosse Park and that appropriate transport infrastructure improvements be introduced which will mitigate the impact of the proposed development on the local and wider road network in compliance with Policy SA3 b) and c) of the Local Development Plan.*
- 2. Enderby Parish Council seeks a Construction Method Statement to be produced in advance of the proposed phasing of the development, which shall include the following:*
 - a. the parking of vehicles of site operatives and visitors;*
 - b. loading and unloading of plant and materials;*
 - c. storage of plant and materials used in constructing the development;*
 - d. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate*
 - e. wheel washing facilities;*
 - f. measures to control the emission of dust and dirt during construction;*
 - g. a scheme for recycling/disposing of waste resulting from construction works;*
 - h. measures for the protection of the natural environment;*
 - i. hours of construction work, including deliveries; and*
 - j. measures to control the hours of use and piling technique to be employed*
 - k. measures to control and minimise noise from plant and machinery*

This is to be submitted to, and approved in writing, by the Blaby District Council Local Planning Authority. The approved statement shall be adhered to throughout the construction period and verified where appropriate.

Development within the Settlement Boundaries

Enderby Parish Council would make the following observations to support the extreme local opposition of residents to this development. Residents do not wish this to be approved as they do not feel jobs will be created for local people and are fearful of losing their Village's identity with the proposed reduced separation between residential areas and built up commercial areas in Enderby resulting in the loss of settlement boundary which will be harmful to the Enderby Parish.

It is the District Council's Strategic objective Blaby District Local Plan (DM1 (vi) (v) (xii) to protect the important areas of the District's natural environment (species and habitats), landscape and geology and to improve biodiversity, wildlife habitats and corridors through the design of new developments and to preserve and enhance cultural heritage in recognition of its contribution to local distinctiveness and to seek design solutions which preserve and enhance heritage assets where they are impacted by development. In addition, to prevent expansion where this will result in an unacceptable impact.

Location

It is not felt this development will have a satisfactory relationship with nearby uses and that this would be significantly detrimental to the amenities enjoyed by existing residents when considerations of light, noise, disturbance and overbearing effect, vibrations, emissions, hours of working and vehicular activity are assessed.

The District Council's Policy DM12 supports the preservation and enhancement of the District's heritage in recognition of its contribution to local distinctiveness and works to preserve and enhance heritage assets where they are impacted by development. The development land is a historical public right of way, the old Fosse Way Roman Road, which is an important non-designated heritage asset and there are concerns regarding the scale of development which outweigh the benefit of the proposal. This land has long been used as farming land which helps to maintain the village's identity and should be protected as this remains the only green field separating the Village from the already existing commercial units on Grove Park, Leicester Lane and Fosse Park.

Residential Amenity

The proposals may impact upon the residential amenities of the adjacent/nearby properties at St Johns by reason of overlooking and loss of privacy, loss of light and the development being overbearing in nature.

Little consideration has been given to the impact on existing residential areas surrounding the development, especially to the existing settlement of Blaby Road and in particular residents of Barr Close, Thomas Close, Peters Close. With the proposed site being operational 24 hours a day 7 days a week there will be an increase in vehicular movements within the site causing increased noise and light pollution. It is felt that no amount of sound proofing and screening will mitigate the scale and mass and positioning of the warehousing which is deemed unsympathetic to bordering residents and Enderby Parish as a whole.

Enderby has sufficient commercial development, and it already offers plenty of employment opportunities with the extension of Fosse Park, the new Everards Meadows development and Castle Acres along with the nearby New Lubbesthorpe Strategic Employment Site within a short distance. Everards Meadows has also been granted planning permission for a Hotel to be built with office space. There is also Grove Park, Warren Park Way Industrial Estate, Granite Way Industrial Estate, and NEXT's Head office within close proximity. Enderby has more commercial development and employment opportunities than most areas within Blaby District when combined.

Light Pollution & Privacy

It is also extremely important that considerations of light pollution and loss of privacy to residents be considered. The NPPF encourages good design to limit the impact of light pollution particularly in dark landscapes and the natural habitat. This development will prevent residents' enjoyment of the night sky.

Noise/Vibration

Blaby District Council's Environmental Health Officer has raised queries in respect of the proposed development and it is unclear as to whether these matters have been addressed and it is felt noise and vibration would be an issue should the site begin operation. The operational times of the site may cause noise issues for local residents if allowed to be operational during unsociable hours.

Land Contamination and Pollution

The District Council seeks to minimise the risk of flooding (and other hazards) to property, infrastructure and people as such adverse impacts do need to be significantly mitigated.

Pollution & Air Quality

Air Quality Management in Enderby and Narborough (M1 corridor) has shown no change in levels recorded by diffusion tube monitoring, however Continuous Monitor 1 (CM1) located north of the boundary has shown an elevated value in comparison to 2020 yet remains below the national objective. The monitoring also occurred during the height of the Covid pandemic and does not therefore accurately reflect the traffic movements as they are now returning to their pre-pandemic state. Additional air quality monitoring is essential as this is likely to increase should the development be built.

Loss of this green land would be detrimental to the environment as this mitigates existing air pollution along the M1 Corridor.

There are significant issues with air quality in Enderby (AQMA6, B582 on Mill Hill, Enderby). There remain significant concerns regarding pollution in respect of residents' health and the natural environment without the Enderby Relief Road it is felt there is no mitigation.

Wildlife & Ecology & Biodiversity

Blaby District Council's Ecologist within their consultation response dated 27th May 2019 raised an objection. A request was made for updated survey information in respect of badgers. In addition, the proposed development will endanger the habitats of many different species of wildlife [...] bats, rabbits and a variety of birds.

Employment Site - Overdevelopment of the Area

Everards has permission to build a hotel and offices. The ever-expanding Lubbethorpe development. New houses within existing St Johns. Already expanded Fosse Park (which has its own problems with the car park exit format). Already approved commercial developments include Fosse Park, Everards, Carlton Park, Grove Park, Warren Park Way, Meridian, Whetstone and Next. There are also commercial warehouses on Leicester Road, next to Palmers Garden Centre.

Magna Park is expanding on a regular basis and can facilitate more companies in the warehouses being built. This does not need to expand to Enderby.

Enderby has a very low unemployment level and is in particular lower than the national average.

Traffic Study

The traffic study undertaken during the pandemic does not give an accurate account of the regular traffic usage post pandemic. Leicester Lane is not wide enough for HGV vehicles to pass safely. The public footpath in parts is not wide enough due to overgrown vegetation and poor maintenance.

Traffic Congestion - Key points: -

- Proposed M69 bridge is included in the modelling despite it not forming part of this application and no concrete timeline is provided for its delivery.*
- Traffic model (PRTM) uses signal timings from 2014 which is far out of date.*
- The majority of junctions are shown to have reduced capacity / over capacity in most scenarios.*
- Modelling shows traffic re-routing through Enderby back roads (Seine Lane) which are unsuitable.*
- Delays at junctions as a result of the application is unclear – there is no journey time analysis for Enderby residents travelling to the M1, who will pass through 5 affected junctions.*
- Traffic mitigation proposals do not meet Blaby Local Plan, or Leicestershire County Council's Local Transport Plan objectives.*
- Public Transport, walking and cycling options are extremely poor/token gestures, and do not prioritise these methods over motor vehicles as policies direct.*

Further comments have been submitted which expand on the points above, these are detailed within the formal comments submitted by Enderby Parish Council.

General comments across most documents

References to “training hub” still in some documents, and Enderby Relief Road. Appendix 4 of the RPS Report shows proposed walking & cycling routes which are outside the scope of this planning application & therefore shouldn't be considered.

Still no upgrade of the St Johns uncontrolled crossing to controlled crossing as had been made in Enderby Parish Council's previous comments.

Planning statement outlines compliance with policy SA3 of the Blaby District Local Plan as follows “A comprehensive package of transport improvements informed by a robust transport assessment will be required. The improvements should include: i. Improvements to junction and link capacity in Enderby Village Centre (including opportunities to complete the Enderby by-pass linking the B582 at Enderby to Leicester Lane via Warren Park Way and Leicester Lane Strategic Employment Site); ii. Improvements to junctions and links on the B4114 / B582; iii. Improved capacity at junction 21 of the M1 if necessary; iv. Improvements to junctions on the A563 (Lubbesthorpe Way) and B5460; and v. Provision of a signal controlled junction at the access to the site on Leicester Lane.”

Yet there are no proposed improvements to Enderby Village Centre and the relief road is not part of these proposals, in fact none of the recommended proposals in the policy are part of this application with the exception of the signal-controlled access onto Leicester Lane.

The 3m-combined cycleway/footway does not properly connect with the existing on the outbound side of the B4114, as it uses an existing uncontrolled crossing across a 50mph dual carriageway, it doesn't meet the standards of LTN 1/20 and therefore should not be described as such.

Leicester is the UK's 7th most congested city according to the TomTom Traffic Index. According to DfT figures for 2022, the average speeds around the Fosse Park area are less than 20mph. Any application which causes longer delays would be considered severe in such a heavily congested area.

Highway Network Improvements to Mitigate Congestion

There is no mitigation or consideration to the Village of Enderby which coincidentally is in a Conservation Area adjacent to a Heritage site which needs to be protected.

Leicester Lane is already overly congested especially at peak times. More traffic and especially HGV's would only exacerbate the situation.

The B4114 is regularly congested at peak times, both at the Foxhunter Roundabout and the Fosse Park junctions. Only recently an accident caused the closure of the M69 in both directions, forcing the traffic to redirect onto the B4114 and neighbouring villages leading to Enderby Village becoming gridlocked. The Foxhunter roundabout would not cope with the additional traffic movements.

However, a relief road will not necessarily make any difference to the HGVs heading towards A5/Hinckley therefore there will be additional traffic using the B4114. This is already a fast road which again is within a residential area with children walking to

schools/colleges. A reduction in the speed limit on the B4114 should be considered to be reduced from 40mph to 30mph in consideration of pedestrians.

Consideration needs to be given to the impact on roads in surrounding villages when accidents occur on major routes with appropriate modelling.

Public Transport

The public bus service is not reliable or frequent enough to Enderby as it is, so it will not cope with additional users and the bus route currently does not include Grove Park. Enderby is at risk of less and less public transport. Issuing bus passes to employees will not therefore mitigate the issue of increased traffic movements to and from the site.

Flood Risk

The land in question is routinely flooded and often referred to by residents as 'Enderby lake'. When flooding is particularly bad this floods Leicester Lane especially under the motorway bridge leaving the road impassable. The proposed entrance/exit on Leicester Lane is susceptible to regular flooding. If retention ponds are proposed to run parallel against B4114 like the one on Enderby Road next to the river, this is likely to overflow and flood the surrounding area including the B4114. The water does not drain away due to the nature of the ground in this area.

This land already performs as an area for carbon storage due to its close proximity with the M1, it acts as flood risk mitigation, as a habitat for wildlife and is used by dog walkers for recreation which is supported by the aims of the National Planning Policy Framework (NPPF) (pt.11)."

Environment Agency:

February 2024 consultation: No objection to the proposed development providing conditions requested are attached to the decision notice should the application be approved.

Glen Parva Parish Council

February 2024 consultation: No comments received.

Health and Safety Executive:

February 2024 consultation: No objection raised as the site does not lie within the consultation distance of a major hazard site or major accident hazard pipeline.

Historic England

February 2024 consultation: No objection, Historic England have suggested to seek the views of the District specialist Archaeological advisers.

Leicestershire Archaeological and Historical Society

February 2024 consultation: No comments received.

Leicester City Council Transport

February 2024 consultation: Do not object to the principle of the proposed development but outlined some detailed issues that required addressing for the application to be fully acceptable to the City Highway Authority.

“Initial transport modelling results indicate forecast increase in general traffic flows using Narborough Road (A5460) and Soar Valley Way (A563) as key routes in and out of the City. Although these increases are fairly modest (typically less than 20 vehicles per hour in the peaks) they nonetheless impact on major junctions in the City that are already congested at peak times.

Of principal concern to us is the A563 / A426 Soar Valley Way / Lutterworth Road junction.

Due to existing highway network constraints in the city, the relatively small increases in vehicle trips have the potential to result in a disproportionate impact upon this junction. We readily acknowledge that physical improvements to this junction would, on one hand, be unduly and unreasonably expensive in this context and, on the other hand, such improvements could themselves draw in still more vehicle trips, pushing the problems to other locations further downstream. For this reason, we consider a sustainable transport-based mitigation strategy aimed at reducing and off-setting those additional vehicle movements would be the most appropriate, rather than seeking targeted physical highway improvements. This strategy would most likely focus first on bus service improvements and/or associated incentives, but could reasonably cover improvements to the general networks for non-motorised modes. Such an approach is, of course, consistent with the strategy already outlined in Travel Plan (TP) for the site. However, that TP is understandably focussed principally on reducing the site’s own trip generation. In order to go beyond this to offset additional vehicle trips (even after successfully minimising them through the TP) its scope would most likely need to be broadened to trips generated beyond this site.”

April 2024 consultation: The applicant provided a technical note to the City LHA which the City LHA confirmed was acceptable and therefore, addressed any concerns.

Leicester City Council Planning

February 2024 consultation: No objection.

Leicester, Leicestershire Enterprise Partnership

February 2024 consultation: No comments received.

Leicestershire County Council, Archaeology

February 2024 consultation: No objections have been raised in relation to the proposed development providing the imposition of a condition for a Written Scheme of Investigation (WSI) to be undertaken by an organisation acceptable to the planning authority, prior to the commencement of development should the application be approved.

Leicestershire County Council, Ecology

February 2024 consultation: Objection, further information required on the following points;

The following points have been highlighted and require clarification:

1. *“The ecological appraisal by FPCR is dated July 2023, however refers to survey data collected in Jan 2022 which do not appear to have been updated in 2023. Clarification is required on the age of the data in the report. Otherwise for data between 18 months to 3 years old, as per CIEEM’s 2019 Technical Note: On the Lifespan of Ecological Reports and Surveys, an ecologist will need to undertake a Site visit to ensure no significant changes have occurred. Other ecological surveys associated with the report may require updating including the hedgerow assessment, ground level tree roost assessment, badger survey, Habitat Suitability Index (HSI) assessment for great crested newts and assessment for the potential of barn owl.*
2. *Jan 2022 survey was undertaken during sub-optimal time of year (January) for botanical surveys. This is a concern as later emerging and notable species may have been missed, such as bee orchid which has historically been located at this Site (referred to in Section 3.10). This may lead to undervaluing of habitats, resulting in a lower biodiversity net gain (BNG) value being determined for the Site baseline and inappropriate post-development habitat compensation/management subsequently being proposed. As such, the ecological appraisal should be updated at a suitable time of year (ideally May-Sept for grasslands).*
3. *Commuting & foraging habitat for bats has not been categorically defined in the report in accordance with industry standard terminology (e.g. Low, Moderate or High). After adequate evaluation, an appropriate number of activity surveys should be recommended as per Bat Conservation Trust good practice guidelines 4th edition. Any bat surveys recommended by the report should be undertaken.*
4. *Section 3.11 and LRERC indicates skylark and lapwing have historically been recorded on Site. The report does not fully evaluate impacts of the development on skylark, other ground-nesting birds such as lapwing and farmland birds. As such, Bird Surveys are advised to be carried out. Given the substantial loss of arable land, field margins and hedgerows resulting from the proposed development, a Mitigation Strategy for skylark may need to be planned to ensure appropriate compensation for the loss of foraging and breeding habitat.*
5. *Section 3.24 refers to an instance of invasive non-native species (INNS) Japanese knotweed noted ‘close to the southern Site boundary’. The distance of this stand should be made clear as the Site may fall within the buffer zone for this species,*

thus impact on proposed development. Measures to control and prevent spread of this INNS should be included in a Construction Ecological Management Plan (CEMP).

6. *There is a note in Section 4.3 that a full search for non-statutory sites has not been completed and the report will be updated on receipt of the relevant information. The report should be updated for this information and potential impacts of the development on the identified non-statutory sites should be evaluated. Measures to protect sites should be clearly indicated, if appropriate, including any recommendations to avoid impacts on the Enderby Lodge Local Wildlife Site (LWS) which is immediately adjacent to the southern Site boundary.*
7. *The BNG report shows net gain of over 10% for habitats and watercourses has been achieved but not for habitat units which has a net gain of +3.33%. Further BNG should be achievable on Site, if agreed with the LPA. Clarification as to the age of data used to inform the BNG should be given and updated if necessary (as per point 1). The baseline date of the calculation should be stated and agreed upon with the LPA. While the minimum 10% net gain has been achieved, the applicant should agree with the LPA what further meaningful net gain, if any, is required in terms of local policy. Section 5.1 of the BNG report states that Biodiversity Metric 4.0 has been used to input the data from the survey, however this metric is not attached in full to Appendix A, as stated, and not uploaded separately on the planning portal. This metric should be made available for review.”*

May 2024 consultation: No objection, the applicant provided further information and updated reports to satisfy the outstanding information identified within the first consultation response. Conditions have been requested should the application be approved to include production of a Construction Ecological Management Plan (CEMP), A pre-commencement badger walkover is advisable, A 30-year Landscape Ecology Management Plan (LEMP) and a lighting design strategy for bats (and other nocturnal wildlife).

Leicestershire County Council, Forestry

February 2024 consultation: No objection but request conditions be attached to the final decision notice should the application be approved comprising of an Arboricultural Impact Assessment and Method Statement and a detailed landscaping plan and landscape maintenance plan should also be a condition of planning to ensure the successful implementation of new planting.

The County Forestry Officer commented that *“based on the proposed masterplan for the site, the majority of trees and hedges to the outer boundary of the site are proposed to be retained, with internal hedges (entirety of H1, H2, H5, H6, H8, H9 and H10) removed to facilitate the development. With the exception of H2, which is classified as moderate quality, the remaining hedgerows are considered to be low quality and typical of those found on intensively managed agricultural land. A small number of trees (T9 – U class Ash, T10 – C class Hawthorn and G12 – Class area of scrub) are proposed for removal. Whist any tree or hedge removal is regrettable, those proposed*

for removal are generally of low quality and could be mitigated through a robust landscaping scheme.”

The County Forestry Officer also raised that the submitted Arboricultural Assessment was undertaken and dated February 2022 and therefore, an updated report may be necessary to ensure all information is current. Upon further discussions with LCC Forestry they have concluded that any updated measurements of crowns etc to inform the Arboricultural Assessment could be undertaken as part of any reserved matters to inform the final Arboricultural Impact Assessment and Method Statement for the site should the application be approved.

Leicestershire County Council, Highways

February 2024 consultation: No Objections. LCC Highways have concluded the following;

Trip Generation

The Trip Rates used in the Pan Regional Transport Model (PRTM) assessment for the B8 use have been based upon previous discussions with the LHA and agreed with LCC and NH as part of application Ref: 19/0164/OUT.

It can be demonstrated from the table above that the proposed development which includes for the removal of training centre and increases the overall B8 use will reduce the car trips associated with the overall development by 42 two-way trips in the AM Peak and 25 two-way trips in the PM Peak. Whilst there is a minimal increase in HGV movements of 4 two-way movements in the AM Peak and 1 in the PM Peak, in total there is a reduction in trips compared to the previous application.

As there is an overall reduction in trips, the LHA are satisfied with the previous PRTM assessment which was agreed by the LHA which demonstrated the trip assignment and distribution associated with the development onto the highway network and therefore there is no further highway impact assessment required.

Internal Layout

As the application is in outline, with only access to be determined at this stage, the submitted indicative site layout and matters such as the proposed numbers of parking spaces have not been reviewed or considered by the LHA in preparing this response. The LHA advises that the proposed internal roads and parking are required to be designed in accordance with the prevailing Leicestershire Highway Design Guide (LHDG) when a future reserved matters application is submitted.”

The County Highway Authority recommended the imposition of 8 conditions should the application be approved, relating to the following:

1. Access to be implemented in full prior to first use of the development;
2. Scheme for a footway and cycleway scheme from the footway of Barr Close to the Leicester Lane/B4114 junction, including crossing provision across the Park and Ride access junction;
3. Scheme of capacity enhancements at the A563/Meridian South roundabout;

4. Agreement of amended Framework Travel Plan;
5. Scheme for the treatment of Public Rights of Way;
6. Submission of a Public Transport Strategy;
7. Compliance with Leicestershire Highways Design Standards;
8. Submission of a Construction Traffic Management Plan.

Contributions were also sought for the following:

1. Lubbethorpe Way widening scheme – £6,700,000;
2. Upgrades to the B4114/Park and Ride and B4114/Penman Way signal to MOVA signal operation – £121,800;
3. Desford Crossroads improvement scheme - £263,498;
4. Travel Packs for all new employees, one per employee – £52.85 per pack;
5. 6 month bus passes, one per employee – £360.00 per pass.

May 2024 revised comments: No changes to the proposed scheme and therefore, all previous comments and conditions remain the same. Notwithstanding this, following on from the appeal of the 19/0164/OUT application, the Lubbethorpe Way widening scheme is now proposed to be secured via a 'Grampian Condition' imposed on any grant of planning permission. As such, this has been omitted from the contributions list and an additional condition is proposed to be added to the list. All other contributions are to remain the same. This condition is to read;

9. No occupation of the scheme until the improvement works to Lubbethorpe Way as shown on drawing 0164.000/A1/1 has been completed

Leicestershire County Council, Lead Local Flood Authority

February 2024 consultation: Objection, further information required. Leicestershire County Council as Leald Local Flood Authority (LLFA) have stated that the 33ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a generally low to risk of surface water flooding. However, the provide a substantive response required the follow further information;

1. Evidence demonstrating that the land on which the surface water outfall on St. Johns Road is to be located is under developer control or within the development site boundary. Where the outfall is located within third party land, formal agreement is required to demonstrate viability.
2. Details of a suitable SuDS treatment train for surface water run-off and consideration of source control and conveyance SuDS.
3. A drainage strategy plan with indicative levels and falls supporting the SuDS level and placement should be submitted for review. The plan should show the locations of outfalls and their levels with sufficient details demonstrating their viability. Additionally, any retained or diverted surface water drainage features should be identified on the plan.
4. While upstream catchments to the proposed outfalls and the downstream outfall capacities have been assessed and deemed suitable, there is no overarching plan showing a detailed route and level detail associated with the downstream catchment. A plan showing this identifying culverted and open sections should be submitted.

5. Based on the catchment plan requested above, full consideration of surcharging from the River Soar in a peak 1 in 100 year (plus climate change) flood event should be considered. Where there is any cause for the LLFA to remain concerned about this effect, a modelling condition may be set to support any future reserved matters application.

April 2024 consultation: The LLFA did not provide update comments at this stage as they could not view the applicants updated Flood Risk and Drainage Assessment.

May 2024 consultation: No objection, further information provided from the Applicant is satisfactory in addressing all 5 items requested from February 2024 consultation. Conditions have been requested to be added to the decision notice should the application be approved for;

1. The submission of a surface water drainage scheme;
2. The submission of details in relation to the management of surface water on the site during the construction period;
3. The submission of details in relation to a long-term maintenance of the surface water drainage system within the development; and,

Leicestershire County Council, Planning, Minerals and Waste Management

February 2024 consultation: No objection raised.

Leicestershire Fire & Rescue Service

February 2024 consultation: No comments received.

Leicestershire Police

February 2024 consultation: objection to the proposed development.

“In my opinion this would have a detrimental and significant impact on Leicester Lane and the potential congestion caused by a single-entry point for HGV traffic. The current situation within Leicester Lane includes a filter lane which is part of a multi sequence traffic light access, which already backs up towards the Everards traffic island creating a knock-on effect for Motorway traffic and access to the A563 Outer Ring Road. Other considerations are the access to traffic to the Leicestershire Police Force Headquarters in affected by congestion in this area.”

It is noted that the access point has not changed since previous application 19/0164/OUT where Leicestershire Police had no objections. As such, further communication was undertaken with the Police to ascertain the reason for the objection on the current scheme. Further communication stated that the scheme had not changed from the 2019 application where the Police did not object to the revised scheme, and that no significant policy changes had taken place since the determination of this scheme that could result in change.

May 2024 consultation: After further communication with Leicestershire Police regarding the current application, the Police confirmed after further examination of the

Applicants submission, including HGV numbers, and having due regard to their position on the previous application 19/0164/OUT, they had no objection to the application.

A list of general recommendations were provided for consideration and the ones relevant to commercial developments are included below:

1. Street lighting columns to BS 5489 are recommended.
2. Appropriate fencing should be used to enclose the perimeter and is recommended to be 1.8m in height. This can be via planting or manufactured fencing.
3. Key access points leading into the development should be considered for CCTV coverage supported by lighting to allow identification during day and night. This would allow vehicle and facial recognition in key areas. Appropriate signage should be in place to be compliant with the Data Protection Act.
4. Lampposts at vehicle entry points recommended to have electrical spur to allow power supply for CCTV.
5. Natural surveillance should be possible via ground level foliage being trimmed to 1m high and trees to have no foliage lower than 2m from the ground to allow a clear field of vision.
6. Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.
7. Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate.
8. Commercial sites may benefit from smoke cloaking devices to deter access and reduce potential loss.

Lubbesthorpe Parish Council

February 2024 consultation: No comments received.

Narborough Parish Council:

February 2024 consultation: Objects to the application;

“Notwithstanding that the site in question is zoned for light industrial use in the current Local Plan, Narborough Parish Council is unable to support the current proposal as it feels the direct and indirect impacts that the development would generate, including congestion, noise and pollution would be both significant and unacceptable. It is also felt that any detailed assessment of the traffic flows needs to be based on more up to date and comprehensive monitoring and modelling than that provided by the applicant.”

National Grid:

February 2024 consultation: No comments received.

National Highways (formerly Highways England)

February 2024 consultation: No objections subject to the implantation of conditions, should the application be permitted, requiring details of details of the site boundary treatment adjacent to the M1 motorway boundary and details of any external lighting and building signage installation, and details of any building frontages, design and illumination, overlooking the motorway to be submitted prior to commencement of the development.

“Trip generation

We have noted that the applicant has used TRICS V 7.10.1. Generally we recommend that trip rates assessments are carried out using the latest version of TRICS V7.10.4.

The trip rates for the warehousing element of the proposal were extracted from the Magna Park site. We understand that this is due to the lack of comparable sites provided by TRICS. This approach is acceptable.

From our independent checks using TRICS, we note that for the warehousing element, there is an underestimation of trips in the PM peak. The industrial element of the proposal is appropriate, based on our checks. However, when we consider the overall total trips likely to be produced by this proposal, we consider that the trip generation presented in the TA is satisfactory and can be accepted in this instance.

Trip distribution

According to the consultant, Leicestershire and National Highways had already agreed to adopt the Pan Regional Transport Model (PRTM) for the trip distribution process for the employment site as part of application reference 19/0164/OUT.

Therefore, this proposed agreed methodology set out in the original TA remains valid.

Traffic assignment

The methodology for traffic assignment uses the PRTM and this has been checked against TA Appendix 12 (Appendix 6.3 Part 3). From our checks we can see that the trips are higher than the number of trips calculated during the trip generation process. We therefore consider that the traffic assignment presented in the TA is robust.

Traffic flows and junction capacity assessment for the M1 Junction 21

Considering the PRTM model was previously agreed with National Highways, from our checks we note that the capacity assessments are very similar to those from the original TA. There are also minimal changes in the traffic flows.

As such, we consider the results of the junction capacity assessment for the M1 Junction 21 is suitable and can be accepted.

In addition, the development site shares its western boundary with the M1 motorway, further details regarding the site's boundary treatment, external lighting and building signages, etc. should therefore be provided for review by National Highways prior to commencement of works."

Natural England:

February 2024 consultation: No objection raised and considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Ramblers Association

February 2024 consultation: No comments received.

Severn Trent Water

February 2024 consultation: No comments received.

Whetstone Parish Council

February 2024 consultation: No comments received.

Active Travel England

As of June 2023, Active Travel England (ATE) became a statutory consultee in England for some planning applications. Given this site is classified as a 'Major Development' ATE were consulted in line with the legal requirements for this. Previous application 19/0164/OUT was not validated at a time where ATE was a statutory consultee and therefore, items listed below, whilst considered in the design of application 19/0164/OUT, were not considered in line with the design specifications and parameters set out by ATE.

February 2024 consultation: Requested the application be deferred for further information and evidence. ATE comments relate to;

- Approach to foot/cycle ways;
- Permeability and connectivity and the approach taken to off-site contributions;
- Cycle parking;
- Travel Plan.

Concerns were raised in all the above areas;

Foot/cycle ways

It is recognised that the surrounding area is predominantly served by shared footway/cycleways and so if the Local Planning Authority (LPA) is minded to approve the current approach, ATE would emphasise that well designed shared use routes can still offer benefit, providing they 'meet the needs of cycle traffic – including its width, alignment and treatment at side roads and other junctions' (LTN 1/20 4.4.4).

It is understood that a principal vehicular access will be provided off Leicester Lane opposite the junction to Smith Way at Grove Park and this this will be the main all vehicle and pedestrian access to the site. The Planning Statement (5.23) explains that this access arrangement mirrors the previous application (ref: 19/0164/OUT) and was agreed as per consultations with the County Highway Authority.

Shared use walking/cycling routes should typically be avoided unless they are designed to meet the needs of cyclists. The Proposed Site Access Leicester Lane includes a number of staggered toucan crossing facilities. ATE would encourage the applicant to consider a design which achieves a more direct design in accordance with core design principles within LTN 1/20.

Permeability and connectivity and the approach taken to off-site contributions St Johns:

In addition to the main site access, the Planning Statement explains that an access off St. Johns (B4114) will be provided for pedestrians and cyclists only, linking with the existing shared footway/cycleway (Paragraph 5.24). ATE note that this access is currently served by an uncontrolled pedestrian refuge, however given the increased usage of this crossing as a direct access into the site, ATE would seek to understand whether a signalised crossing facility has been considered in this location.

The Design and Access Statement also points out that 'there is currently not a continuous footway along the eastern side of the site along St Johns. The provision of a footway may be supported by the County Council however this would involve the removal of trees and hedges along the boundary.' ATE would support this provision and seek clarity regarding discussions to provide this.

Blaby Road/Fosse Way:

It is welcome that Blaby Road will facilitate pedestrian/cycle access via Fosse Way, however further clarity is sought regarding 3rd party approval requirements, as an appropriate contribution should be secured towards this upgrade. The Planning Statement also notes that an additional access to Fosse Way through the Enderby Park and Ride would be provided. Whilst this is welcome, it appears this route would require users to head toward Leicester Lane rather than maximising desire lines between the two sites.

Barr Close

There also appears to be a new footpath north of Barr Close delivered as part of the recent housing development. Understanding whether this could provide additional access into the site would be welcome.

ATE would like to highlighted that all footpaths links should be well lit given likely changing shift patterns and nighttime activity on the site.

Cycle Parking

The approach to cycle parking and changing facilities is generally supported, however it will be important to review specific detail, quality, and design as part of reserved matters/discharge of condition applications.

Travel Plan

Table 4-2: Baseline and target modal split show that walking and cycling will constitute a small proportion for anticipated travel with just 12% of journeys targeted to be undertaken by walking or cycling. This represents a 4% increase in walking and cycling journeys. This is unsurprising given a total of 1,164 car parking spaces will be provided across the proposals.

Paragraph 5.23 of the Transport Assessment explains that the level of parking proposed is approximately 7% above the maximum parking standards identified in LCC's Design Guide. Whilst it is necessary to provide parking for disabled users, the overall provision indicates a lack of commitment towards 'a 10% decrease in single occupancy car use' as outlined in the Travel Plan as well as being incompatible with site allocation Policy SA3 e) ii which expects the development to be designed in a way that seeks to achieve a modal shift away from private car use.

April 2024 consultation: The applicant provided a technical note to address all the outstanding matters referenced above. ATE's Senior Planning Casework Officer confirmed that the note satisfied concerns regarding all outstanding matters outlined within the February 2024 consultation with the exception of the proposed crossing facility to the site entrance. As such, a further meeting was held between the Applicant, Blaby District Council and ATE to address this matter.

The requested crossing facility could not be provided to the standard ATE had requested due to the existing Highway constraints within the network around this location. Implementing such crossing facilities as requested by ATE would result in a restriction of capacity at the junction to the proposed development, impacting the wider network. The Applicant provided further evidence of this with a further technical note.

May 2024 consultation: Conditional approval: ATE have confirmed that all further information and evidence submitted was satisfactory;

“Approach to foot/cycle ways

ATE highlighted a concern with the approach being taken to shared use walking and cycling facilities as opposed to providing segregated routes. The applicant has confirmed that the provision of the footways and cycleways has been undertaken in conjunction with the Local Planning and Highway Authorities and agreed with them. The proposals reflect the land available to deliver this infrastructure and enhance the footway /cycleway provision and also to reflect the existing facilities within the neighbouring area.

ATE is content with the above rationale and would stress the need for shared use facilities to be of the highest quality in line with LTN 1/20 guidance.

ATE noted that the site access had previously been agreed as part of 19/0164/OUT and the Highway Authority is generally content with the proposals. ATE suggested that the proposed staggered toucan crossing arrangement with a “sheep pen” could be restrictive for cyclists when crossing, particularly when interacting with pedestrians, in line with Paragraph 10.4.20 and Figure 10.9 of LTN 1/20.

The applicant has considered an alternative arrangement put forward by ATE however highlighted that the proposed layout will operate close to capacity and requires pedestrians and cyclists to cross whilst other traffic streams are running. This minimises any all red stages within the signal control. ATE believes the applicant has put forward sufficient justification for the proposed arrangement with full context.

Permeability and connectivity and the approach taken to off-site contributions

ATE questioned whether the uncontrolled crossing on St. Johns (B4114) would require any upgrades to serve the development. The applicant has confirmed that it is considered that the level of use of this crossing does not require a signalised crossing facility and that controlled crossing facilities are provided at the junction to the south on St Johns. The position is accepted.

It was welcome that Blaby Road will facilitate pedestrian/cycle access via Fosse Way. The applicant has confirmed that the development secures the opportunity to upgrade the Fosse way through the site and connect to Blaby Road via the existing surfaced route highlighted on the masterplan which is outside the application site. However, this is an existing surfaced route. This position is accepted, and wording has been suggested to manage this via planning a condition.

A more direct route from Enderby Park and Ride was suggested by ATE however the applicant has confirmed that the existing Park and Ride site is a secured site and access from the application site directly into the Park and Ride site is restricted. The position is accepted.

ATE queried if the proposals would link into an existing footpath connection on Barr Close. The applicant has confirmed that Land ownerships would prevent a direct connection from W24 into the site, however the pedestrian access to the site is adjacent to the connection of W24 to St Johns. The position is accepted, subject to conditions within Leicestershire County Council Response 2023/1066/01/H/R2.

ATE queried the approach to lighting footpaths. The applicant has confirmed the site will be appropriately lit. ATE has put forward a suggested condition to secure this.

ATE was content with the suggested approach to cycle parking and trip end facilities, however requested specific detail on quality, and design as part of reserved matters/discharge of condition applications. A condition has been put forward to deal with this matter.”

ATE have requested a number of conditions to be attached to the planning decision notice should the application be approved;

- Cycle parking – Details of cycle parking submitted to and approved in writing in conjunction with ATE.
- Lighting scheme – Details to be submitted to and approved in writing in conjunction with ATE to ensure safe and adequate lighting to pathways and cycle ways.
- Travel Plan – Details to be submitted to and approved in writing in conjunction with ATE to promote sustainable travel.
- Infrastructure – Details to be submitted to and approved in writing in conjunction with ATE to ensure walking and cycling infrastructure has been carried out in accordance with approved plans.

It should be noted that the above conditions whilst required by ATE are also covered by other Statutory Consultees such as Leicestershire County Council Highways and Ecology and BDC Environmental Services.

Third Party Representations

The total number of representations received has been calculated by the Councils database. 2699 letters of representation have been received during the course of this Outline planning application being under consideration. 2660 letters received objected to the application and 30 representations were made in support of the application. In addition to the letters of representation received, Blaby District Council also received a petition with 753 signatures, all of these signatures objected to the application. Finally, Blaby District Council received a 59 page report by ‘Snub the Hub’, a local action group detailing concerns regarding the Proposed Development.

All concerns raised across the three types of representations received above have been summarised below;

Impact on Highways and Transport

- Traffic congestion – fuel wastage, increase in travel to work/general commute times;
- Capacity and congestion issues at M1/M69 will be worse;
- Increase in commute times forcing people to leave Enderby
- A site with direct access off the M1 would be better, rather than using J21
- Inadequate existing road network, specifically Leicester Lane into Enderby

- village;
- Foxhunter roundabout will not be sufficient in scale to cope with the increased traffic and vehicle size;
- Already too many HGVs driving around Enderby;
- Routeing of HGVs associated with the operational development;
- Impacts on highways safety, including more accidents;
- Impacts on pedestrian and cyclist safety, with an emphasis on child safety due to proximity to local schools;
- Lack of formal/signalised crossing points along St Johns making it difficult to cross the road;
- Questions regarding what plans are in place to mitigate the highway impacts;
- Significant road infrastructure required to mitigate the development;
- No highway mitigation measures are proposed;
- Why is a the 'Enderby Relief Road' not included in the application; y;
- Existing public bus services are unreliable;
- Questions whether existing bus stops be improved;
- Existing bus stop outside of the application site is dangerous;
- Concerns that the proposed Enderby Relief Road will not be built;
- Impacts on the designated walking areas/public right of way within the site will be more dangerous to use;
- Insufficient parking for existing commercial sites, situation will get worse, over spilling on streets in local area;
- Impact on emergency services accessing/egressing Leicestershire Police HQ, prolonging response times to emergency incidents;
- Leicester already an extremely congested city;
- Poor road surface conditions are likely to be worsened by increased traffic.

Environmental Impacts

- Proposal will add to the 'Climate Change' problem;
- Pollution/air quality issues will lead to increase in respiratory problems locally;
- Enderby already above the World Health Organisation recommended levels of air pollution;
- Dirt and dust during construction phase will be unbearable and dangerous;
- Proposal is not environmentally friendly and will lead to an increase in greenhouse gas emissions;
- Noise pollution caused by the 24 hour use;
- Reversing alarms from HGVs and forklift trucks;
- Noise emanating from the site will disturb sleep patterns of local people;
- Locals unable to open their windows due to noise and poor air quality;
- Substantial increase in light pollution from buildings and roads;
- Proposal is contrary to BDC's 'Green' policies;
- Concerns around mitigation for pollution;
- Increase in littering on and around the application site.

Character and Appearance

- Loss of last area of green space between Enderby and Fosse Park;
- No separation from the City;
- Loss of green wedge/green space;
- Loss of trees and hedgerows on the site;
- Loss of 'yellow posted' public right of way (Fosse Way);
- Already a lack of green space in Enderby;
- Developing the site will lead to the joining of Narborough and Enderby;
- Overdevelopment of the site;
- Large buildings on the site will have a negative impact on the landscape and will change the character/appearance of the area;
- Village will lose its defined character/identity;
- Other major developments on neighbouring land around Fosse Park has eroded the rural character;
- Proposed landscaping will be out of character and unsympathetic.

Impact on Residential Amenity

- Poor relationship with occupiers of Barr Close, Thomas Close and Peters Close;
- Negative impacts on human wellbeing and mental health;
- Overbearing and overshadowing;
- Loss of privacy to residential properties;
- Loss of outlook/view;
- Impact on neighbouring residential properties;
- Worse quality of life for local people;
- Loss of dog-walking area;
- Potential loss of pedestrian footways and cycleways;
- Lengthy construction period will lead to prolonged disturbance;
- Several vulnerable populations less than a mile from the site;
- Cycle storage should be secure & monitored as per current guidance.

Impact on the Historic Environment

- Impact on the historic alignment of the old Fosse Way Roman Road;
- There would be an impact on a Scheduled Monument;
- Harmful impact on known archaeology in the area;
- No evidence of a staged programme of archaeological work;
- Impact on the setting of the graveyard to the Grade II* Church of St John the Baptist; Impact on a Conservation Area.

Impact on Drainage and Flood Risk

- Developing on flood plain;
- The application site floods;
- Negative impact on surface water drainage as a result of rainfall and will exacerbate flooding elsewhere e.g. Jubilee Park;
- Proposed lakes (attenuation ponds) insufficient to deal with surface water drainage;

- Exacerbate existing issues.

Impact on Ecology

- Impact on the habitats of wildlife, including protected and non-protected species;
- Loss of flora and fauna;
- Habitat loss on the site – vegetation, hedges, grasses, trees, pond;
- No biodiversity net gain calculation has been carried out;
- Not enough trees will be provided by the development;
- No replacement habitats are being created by the development;
 - There are known badger setts on the site.

Economic Impacts

- There is already enough commercial development in Enderby;
- Enderby and Blaby have already met its employment targets;
- Lack of employment 'need' for this type of use for people in Enderby;
- The development will attract wider employment opportunities rather than local;
- There is an over-provision of logistics buildings in Leicestershire and logistics demands can be met elsewhere in the County on more suitable sites e.g. Magna Park;
- Limited economic benefits due to logistics being personnel light;
- The proposal doesn't support/provide accommodation for smaller enterprises/businesses;
- Question as to what will happen if the units remain unoccupied like one of the logistics buildings off Leicester Lane;
- No local need for a logistics training academy;
- No local need for training facilities/rooms;
- Low skilled, minimum wage jobs created which does not align with local population;
- Distribution hub provides no benefit to immediate area;
- Increased crime rate.

Miscellaneous Concerns

- Enderby residents do not feel like they are being listened to;
- Inappropriate location due to proximity to schools, houses and smaller businesses;
- Public perception that the developers and the Council are greedy and don't care about local people;
- Applicants are not local and do not know or care about the needs of the local area;
- No proven need for this development;
- Should be building on brownfield sites;
- Inaccurate baseline data – data gathered during pandemic (traffic data questioned on a number of occasions);
- A National Grid North Sea Gas mains runs through the site underground;

- The local area is already over-developed and will be over-populated due to the development;
- Loss of recreation space;
- Lack of community benefit, no provision of recreation/leisure/social spaces;
- Negative impact on house prices in the local area;
- Loss of agricultural land;
- On balance, negatives outweigh the benefits;
- Construction traffic concerns (temporary traffic lights, parking, access, noise, hours, health, and utilities interruption to surrounding area).

In reviewing the concerns raised through the public consultation process, officers have read and given careful consideration to the matters raised in all forms of submitted correspondence. Some of the concerns raised form part of an important suite of material considerations which will be addressed later in the report.

Some of the concerns that have been raised question the validity of the baseline data and studies/surveys undertaken and included within the submitted Environmental Statement and the subsequent Addendum. It is noted that in some instances where this has occurred, only hypothetical assumptions or anecdotal evidence has been submitted to support such claims, with no formal assessment or surveys being undertaken to refute the evidence within the Environmental Statement and Addendum.

Officers understand and wholly acknowledge the sensitive nature of this development proposal. Extensive liaison has taken place with the applicant and their consultants on all concerns raised as part of the consultation process to establish the facts of the various assessments undertaken in support of this application. On this basis, in instances where evidence has been refuted by an objector in isolation without supporting evidence to quantify the concern, officers are unable to attribute significant weight to that objection.

From the representations of support, the following points have been raised:

- The development will provide jobs and some employment benefits, which is welcomed;
- There will be sustainable transport opportunities to encourage local workers to cycle/escooters/foot; The development provides an opportunity to link up and enhance local cycle/pedestrian routes with Fosse Park and the City.

Relevant History

16/05/EIASCO	Scoping Opinion in respect of proposed Development At land to the south of Leicester Lane, Enderby (Environmental Impact Assessment Required)	EIAREQ 17.06.2016
19/0164/OUT	Outline application for commercial development consisting of the erection of x4 warehouse buildings with ancillary offices and gatehouses (Use Class B8) and x1 training and education centre (Use Class F1) including associated access off Leicester Lane	REFUSED 18.10.2023

EXPLANATORY NOTE

Site Description:

The site, which is located to the south of Leicester Lane and to the west of St Johns (B4114) in Enderby has been allocated for employment uses in Policy SA3 of the Blaby District Local Plan (Delivery) Development Plan Document (the “Delivery DPD”, adopted February 2019), of which the policy states that the site shall be primarily for B8 (storage and distribution) uses. Policy SA3 also states that ancillary uses and what were formerly known as Class B1 (b and c) and B2 uses will be allowed where it can be demonstrated that any adverse transport impacts can be mitigated.

The application site comprises an area of approximately 33 hectares of agricultural land. At its longest, the site’s north to south dimension running parallel with the alignment of the Fosse Way is some 870 metres in length. The site is at its widest running some 590 metres from east from the B4114 to the M1 motorway embankment to the west.

The site is constrained by the following features:

- To the site’s northern and north-eastern extents by Leicester Lane and the Enderby Park and Ride facility;
- To the site’s southern and south-east by Blaby Road, an area of ridge and furrow pastureland, and a residential development at Barr Close;
- To the site’s eastern extents by the alignment of St Johns (B4114); and
- To the site’s western extents by the embankment of the M1 motorway.

The site is bound by a series of mature hedgerows and would be accessed via the construction of a vehicular access off Leicester Lane, immediately to the south of Smith Way, which serves Grove Park.

Whilst the application site area is approximately 33 hectares in size with a gross development area of some 33 hectares, the net developable area on the site will be less due to the need to provide strategic landscaping to protect the alignment of the Fosse Way Roman Road and to provide a buffer to nearby residential properties, including any sensitive areas of landscape.

The Proposal:

This application seeks Outline planning permission with all matters reserved excluding access, for a commercial development consisting of the erection of warehouse buildings with ancillary office accommodation and gatehouses. The proposed use of the site is for storage and distribution uses (Use Class B8) and general industrial (Use Class B2) along with ancillary office uses (Use Class Eg(i) and Eg(ii), formally B1b and c) to support the primary employment function.

A previous application 19/0164/OUT was refused by Blaby District Council in October 2023, This application currently under consideration is a revised application. Whilst many elements of the application remain unchanged, the proposed training centre, which was to be delivered should the required feasibility study be undertaken show a need for it, has been omitted from this application and replaced by B2 (general industrial) units.

Similarly to application 19/0164/OUT, the access to the proposed development would be located on Leicester Lane, opposite the entrance into Grove Park via Smith Way providing points of entry and egress from the site for all vehicles.

The access point is the only matter reserved for consideration under this Outline application and therefore, matters of scale, appearance, layout and landscaping are not matters for consideration at this time. It is noted that an indicative masterplan has been provided to provide an indication of the proposed building lines and to demonstrate the set-back from the St John frontage, access and circulation for vehicles and pedestrians existing and proposed landscaping features to provide buffers between existing residential properties and sensitive landscape features, including provision of open space and attenuation ponds and water bodies for surface water drainage. The plans also outline four B8 units and three B2 units with an upper limit for eaves heights (not ridge height) in each respective development zone of 15 metres.

In addition, the applicant has applied for separate planning permissions to deliver a new 'link-road' (known colloquially as the Enderby Relief Road) between Harold's Lane and Warren Park Way and the road currently serving Leicester Commercial Park to the north of Leicester Lane in Enderby. The application reference numbers for these applications are, 19/0178/FUL, 19/0179/FUL, 19/0180/RM, 20/1446/FUL and 20/1447/RM, respectively. Furthermore, this proposed road infrastructure sought to provide a new roundabout to serve the Leicester Commercial Park and highway widening improvements to the junction of Warren Park Way and Mill Hill.

The applications associated with the above-mentioned road proposals were initially linked to the previous Outline application 19/0164/OUT (informed by transport modelling and a Transport Assessment) as a means of mitigating the perceived transport impacts. However, during the consideration of application 19/0164/OUT the County Highway Authority requested the undertaking of a further transport modelling assessment to establish the necessary mitigation measures for the proposed logistics development. The further assessment that was undertaken did not identify a need for the delivery of a new road as mitigation for the proposed employment development but did instead identify a series of other mitigation measures. This modelling and

mitigation are still relevant for the current application 23/1066/OUT, these matters are to be discussed in further detail later in this report. Whilst this additional road infrastructure is not required to mitigate the proposed employment development, these applications remain live and are pending consideration.

Environmental Impact Assessment:

This Outline planning application has been submitted with an accompanying Environmental Statement. The process of Environmental Impact Assessment in the context of town and country planning in England is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The aim of the Environmental Impact Assessment Regulations is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision-making process. The Regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental impacts.

The applicant established during pre-application discussions for previous application 19/0164/OUT that the proposed development met the relevant threshold in Schedule 2 of the Regulations requiring the submission of an Environmental Statement. This position has not changed for the current application 23/1066/OUT. The applicant carried out the initial 'Scoping' process with the District Planning Authority in 2016 and provided an updated Scoping Report with the current application dated May 2023. The assessment identified that the following environmental impacts should be considered under relevant chapters in the Environmental Statement:

- Transport
- Noise and Vibration
- Air Quality
- Landscape and Visual
- Ground Conditions
- Soils and Agriculture
- Archaeology and Heritage
- Ecology
- Socio-economics
- Residual and Cumulative Effects.

The consultation on the Environmental Statement took place in February 2024 in accordance with the requirements of the Regulations. In addition, the Secretary of State was notified of the application.

The Regulations state that when determining an application to which an Environmental Statement has been submitted, the local planning authority must examine the environmental information, reach a reasoned conclusion on the significant effects of the proposed development on the environment, integrate that conclusion into the

decision as to whether planning permission is to be granted, and consider whether it is appropriate to impose monitoring measures.

Planning Considerations

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

National Planning Policy Framework

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

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

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

For decision-taking this means:

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

Other relevant policies of the NPPF are referenced within the main body of the material considerations.

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

The adopted Core Strategy (February 2013) is part of the Development Plan for the District of Blaby. It is an up-to-date plan that is consistent with National Policy. Therefore, the policies of the Core Strategy should be given full statutory weight. The following policies are the most relevant to the proposed development:

Policy CS1 – Strategy for Locating New Development

Policy CS1 seeks to focus new development in the most sustainable locations in the district, primarily within and adjoining the Principal Urban Area (PUA) of Leicester (Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town and Glen Parva).

Policy CS2 – Design of New Development

Policy CS2 seeks to ensure that a high quality environment is achieved in all new development proposals, respecting distinctive local character and providing opportunities to enhance the natural and historic environment.

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 CS10 – Transport Infrastructure

Policy CS10 ensures that appropriate measures are taken to mitigate the impacts of the development and ensure that it is supported by the provision of adequate infrastructure and does not overburden existing infrastructure. In addition, the policy seeks to deliver the transport needs of the District and encourages the use of more sustainable forms of transport (including walking, cycling, other forms of non-motorised transport and public transport).

Policy CS11 – Infrastructure, Services and Facilities to Support Growth

Policy CS11 seeks to deliver the infrastructure, services and facilities required to meet the needs of the population of the District of Blaby, including those arising from growth. The Infrastructure Plan in Appendix D of the Core Strategy identifies strategic infrastructure to support the scale and distribution of development proposed in the Core Strategy.

Policy CS12 – Planning Obligations and Developer Contributions

Policy CS12 ensures that the impacts on local infrastructure, services and facilities are mitigated through the use of planning obligations. Where requirements for infrastructure, services and facilities arising from growth are identified, it is expected that developers will contribute towards their provision.

Policy CS14 – Green Infrastructure

Policy CS14 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, multifunctioning green networks and corridors.

Policy CS19 – Bio-diversity and Geo-diversity

Policy CS19 seeks to safeguard and enhance sites of ecological and geological importance of national, regional and local level significance. The policy also states that the Council will seek to maintain and extend networks of natural habitats to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats. The policy also seeks to protect those species which do not receive statutory protection but have been identified as requiring conservation action.

Development proposals should ensure that these species and their habitats are protected from the adverse effects of development through the use of appropriate mitigation measures. The policy also states that the Council will seek to ensure that opportunities to build in biodiversity or geological features are included as part of the design of development proposals.

Policy CS20 – Historic Environment and Culture

Policy CS20 recognises the need for the Council to take a positive approach to the conservation of heritage assets by considering proposals for development on, in, or adjacent to historic sites, areas and buildings against the need to ensure the protection and enhancement of the heritage asset and its setting. This Policy goes on to state that proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting. It will also expect new development to make a positive contribution to the character and distinctiveness of the local area.

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

Policy CS22 seeks to ensure that all new development minimises flood risk vulnerability, providing resilience to flooding by:

- a) directing new development to locations at the lowest risk of flooding within the District;
- b) using sustainable drainage systems (SuDS) to ensure that flood risk is not increased on site elsewhere;
- c) managing surface water run off to minimise the net increase in surface water discharged into the public sewer system; and,
- d) Closely consulting the Environment Agency in the management of flood risk.

Policy CS24 – Presumption in Favour of Sustainable Development

Policy CS24 requires that when considering development proposals, Blaby District Council will take a positive approach that reflects the presumption in favour of sustainable development and planning applications that accord with the policies in the Local Plan Core Strategy will be approved without delay, unless material considerations indicate otherwise.

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 relevant to this application;

Policy SA3 – Employment Site Allocation

Policy SA3 allocates land to meet the residual need for employment need. Taking account of completed sites, land with planning permission and actual and proposed losses to existing employment land and premises there is the evidence that supports Policy SA3 recognised need to identify about 25.38 hectares of employment land. Since the adoption of Policy SA3, the District's employment land need has been monitored. Based on the current evidence as a result of this monitoring, the residual need for employment land has increased, with some 30.65 hectares of employment land needing to be identified.

The boundary of the proposed development is consistent with the Local Plan Delivery DPD. The wording of the policy is included in full below:

Employment Site Allocation

Land West of St Johns, Enderby, as set out on the Policies Map, will be allocated for employment uses (approx. 33 hectares gross).

The development will meet the following requirements:

Mix of uses

- a) The site shall be primarily for B8 (storage and distribution) uses. Ancillary uses and B1 (b and c) and B2 uses will be allowed where it can be demonstrated that any adverse transport impacts can be mitigated. Planning applications for B1(a) office uses of 2,500 square metres or more shall be subject to a sequential test and accompanied by an impact assessment in line with policy CS6.

Transport

- b) Transport infrastructure improvements will be required to mitigate the impact of the proposed development on the local and wider road network.
- c) A transportation strategy will be prepared in advance of the determination of any planning application. The timing of the delivery of transport infrastructure will be determined through an agreed phasing plan. The transport impacts assessed and any phased mitigation will identify the cumulative impacts of the proposal with other developments close to junction 21 of the M1 including: Lubbethorpe Sustainable Urban Extension and Strategic Employment Site, Castle Acres retail development and Everards Meadows.

Highway improvements

- d) A comprehensive package of transport improvements informed by a robust transport assessment will be required. The improvements should include:
 - i. Improvements to junction and link capacity in Enderby Village Centre (including opportunities to complete the Enderby by-pass linking the B582 at Enderby to Leicester Lane via Warren Park Way and Leicester Lane Strategic Employment Site);
 - ii. Improvements to junctions and links on the B4114 / B582;
 - iii. Improved capacity at junction 21 of the M1 if necessary;
 - iv. Improvements to junctions on the A563 (Lubbethorpe Way) and B5460; and
 - v. Provision of a signal controlled junction at the access to the site on Leicester Lane.

Sustainable transport measures

- e) The proposed employment development will be designed to incorporate:
 - i. Segregated cycling and pedestrian links. The design of the proposal will link with existing cycle routes on St Johns, Leicester Lane and the B582.
 - ii. Measures that seek to achieve a modal shift away from private car use including provision of a Travel Plan for employees which includes measures to encourage the use of more sustainable transport; and
 - iii. Potential to encourage employees to use local bus services. Where insufficient capacity exists in local bus services financial contributions will be required.

Heritage

- f) The design and layout of any proposal will seek to minimise any impact on designated and non-designated heritage assets. In particular, the design and layout of the site shall seek to retain the integrity of the alignment of the Fosse Way Roman Road by avoiding development (other than necessary access infrastructure) along its length. Opportunities to provide 'interpretation' and increase awareness of the asset will be encouraged.
- g) Archaeological evaluation shall be undertaken in accordance with a scheme to be agreed with the County Archaeologist prior to determination so that the design and layout can respond to the importance of any associated features with the line of the Roman Road. Finds shall be treated in a manner proportionate to their significance.

Biodiversity

- h) Detailed proposals shall respect the integrity of important habitats and species and demonstrate that the impacts of development on these matters of importance are satisfactorily mitigated. Design solutions will include planting trees and hedgerows to enhance the wildlife corridors along the Fosse Way and western boundary.

Landscape

- i) The strategic landscaping shall be identified on the masterplan accompanying the planning application.
- j) Existing important hedgerows and tree belts on the site boundaries shall be retained where possible and a landscape buffer provided to the eastern and southern boundaries of the site. The submitted masterplan shall clearly provide a landscape structure to the site and identify where additional planting will be included to mitigate any adverse impacts and soften and screen built development.

Surface Water

- k) New development shall avoid areas of built development in areas that are prone to flooding. Measures to address and resurface water drainage including Sustainable Drainage Systems will be required.

Masterplan

- i) A masterplan shall be prepared and agreed in advance of, or as part of, submission of a planning application for the allocation. The masterplan will set out in detail: the proposed access points and road structure; the protected area on and adjacent to the Fosse Way Roman Road; important environmental features to be retained (trees, hedges, ponds etc.); new areas of planting and landscaping; design principles including scale, materials, design concept and architectural parameters.
- l) Planning permission will not normally be granted until a comprehensive masterplan has been completed to the satisfaction of the Local Planning Authority.

Phasing and delivery plan

- n) A phasing and delivery plan shall be prepared and agreed in advance of, or as part of, submission of a planning application for the allocation. The phasing and delivery plan will set out in detail the timescale for delivery of key infrastructure including transport improvements. The delivery plan will indicate how transport mitigation will be co-ordinated with that proposed as part of the approved Lubbethorpe Sustainable Urban Extension and other approved commercial developments in the vicinity of Junction 21 including Castle Acres, Everards Meadows and the Leicester Lane Strategic Employment Site.

Policy DM1 – Development within the Settlement Boundaries

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

Policy DM4 – Connection to Digital Infrastructure

Policy DM4 states that all new build major residential and commercial development should be served by fast, affordable and reliable broadband connection in line with the latest Government target. It states that developers will liaise with broadband infrastructure providers to ensure that a suitable connection is made. The wording of the policy was amended following public examination to state that new development should be served by this type of infrastructure rather than specifically requiring it. This was considered necessary to introduce flexibility into the policy given that delivery of a broadband connection would likely be reliant on a third-party contractor over which a developer is unlikely to have any control.

Policy DM7 – Road Related Facilities for HGVs

The policy requires 'Major development proposals' for B8 uses to include provision, of an appropriate scale, for road related facilities for HGV drivers. Facilities to include toilets and secure parking, within the development site.

Policy DM8 – Local Parking & Highway Design Standards

Policy DM8 seeks to provide an appropriate level of parking provision within new development which complies with Leicestershire Local Highway Guidance and is justified by an assessment of the site's accessibility and the availability of and opportunities for public transport. It states that all new development will be required to meet highway design standards as set out in the most up-to-date Leicestershire Local Highway Guidance.

Policy DM12 – Designated and Non-designated Heritage Assets

Policy DM12 states that 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. The policy states that designated heritage assets and their settings 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.

Policy DM14 – Hazardous Sites and Installations

Policy DM14 states that development proposals within the consultation zones for major hazard sites and major hazard pipelines, as set out on the Policies Map, will take account of the requirements to keep separate housing and other land uses that may be incompatible with the major hazard and prevent damage to major hazard pipelines or installations.

Relevant Documents

Blaby District Council Planning Obligations and Development Contributions Supplementary Planning Document (February 2010)

This Supplementary Planning Document outlines Blaby District Council's strategy for securing relevant developer contributions in relation to new development. It sets out when Blaby District Council will request contributions, whether for the District Council or on behalf of another service provider, and how the payments will be collected, distributed and monitored.

Leicestershire Highways Design Guide (LHDG)

The LHDG deals with highways and transportation infrastructure for new developments in areas for which Leicestershire County Council is the highway authority.

Blaby Landscape and Settlement Character Assessment (January 2020)

Provides up-to-date landscape and settlement evidence to inform the emerging Blaby Local Plan and help guide development management decisions. The assessment states that “understanding the character of a place is a key part of ensuring the protection and enhancement of built and natural environments, managing sustainable economic growth and improving the health and wellbeing of local communities”.

The Leicester and Leicestershire Housing and Economic Needs Assessment 2022 (HENA)

The HENA provides analysis on the future employment land needs by type from 2021 to 2036, 2041 and 2050. It considers the labour demand (baseline and growth) scenarios provided by Cambridge Econometrics, as well as completions trends using Council monitoring data.

The Strategic Warehousing Study ('Warehousing and Logistics in Leicester & Leicestershire: Planning and Managing Change / Growth') 2022

Provides recommendations regarding the future volume of warehouse floor space and area of land required to accommodate it that should be planned for from 2020 to 2041. The study looks at large scale logistics and defines this as warehouse floor space that is more than 9,000 square metres in total.

Joint Strategic Flood Risk Assessment Final Report (October 2014)

The purpose of this document is to provide information on the changes to planning, policy and guidance since the previous Strategic Flood Risk Assessment, provide a detailed assessment of any flood hazard within the Flood Zones, provide information on existing defences and flood risk management measures, and to allow for a sequential approach to site allocation.

Material Considerations

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

This section of the report considers the material planning considerations in further detail, and is divided into the following sections:

- Principle of Development
 - Site Location
 - Current Market Conditions and Need
 - Training and Education
 - Socio Economic Impacts
- Loss of Agricultural Land
- Impact on the Highway Network
 - Access
 - Trip Generations
 - Highway Impacts and Mitigation
 - Walking, Cycling and Sustainable Travel
 - Parking
- Flood Risk and Drainage
 - Flood Risk from Rivers
 - Flood Risk from Surface Water
 - Surface Water Drainage
 - Foul Water Drainage
- Ecology and Biodiversity
 - Amphibians
 - Badgers
 - Bats
 - Birds
 - Reptiles
 - Otter and Water Vole
 - White Clawed Crayfish
 - Trees and Hedgerows
 - Biodiversity Net Gain (BNG)
- Landscape and Visual Impact
 - National Character Assessment
 - Leicester, Leicestershire and Rutland Landscape Strategy
 - Blaby District Landscape and Settlement Character Assessment
 - Landscape Visual Impact Assessment
 - Landscape Strategy
- Design Code
- Open Space
- Environmental Impacts
 - Air Quality
 - Noise and Vibration
 - Light
 - Neighbouring Occupiers and Uses
- Construction Management and Phasing
- Impact on heritage assets
 - Archaeology
 - Fosse Way Roman Road
 - Enderby Conservation Area

- Setting of the Church of St John the Baptist
- Setting of Enderby Hall
- Setting of Scheduled Monument – Site of St John’s Church, Aldeby
- Conclusions on Heritage
- Climate Change

Principle of Development

A key element of the Delivery DPD is to identify sites for employment land. In this regard, the application site has been allocated for employment development under Policy SA3 of the Blaby District Local Plan (Delivery) Development Plan Document.

The commentary within Policy SA3 provides the context regarding the District Council’s employment requirements and how it seeks to meet its strategic objective of providing 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 during the plan period.

Policy CS6 of the Council’s Core Strategy, which was informed by the 2011 Blaby Employment Land and Premises Study, established a minimum requirement to provide approximately 68 hectares of employment land, with the primary aim being to deliver employment sites within the Principal Urban Area of Leicester (PUA). At the time of drafting the Core Strategy there was a residual requirement for some 17 hectares of employment land. Subsequent monitoring carried out in connection with the emerging Delivery DPD prior to 2019 identified that the residual requirements to meet identified employment land requirements had increased to 25.4 hectares.

This is summarised in the table below, which is from page 13 of the Blaby District Local Plan (Delivery) Development Plan Document (2019). The table identifies that the increase in the need for employment land was as a result of some existing employment sites being lost from employment to other uses as well as loss of sites that were allocated or with permission being removed as they were unlikely to be delivered during the plan period. With these losses being added to the previous residual requirement, a total residual employment land requirement of approximately 26 hectares has been identified.

Hectares	Requirement	Completed or with Permission	Losses	Residual requirement and losses
Core Strategy Requirement	68.00	64.55	0	3.45
Sites in the supply position at April 2011	23.64	15.75	7.89	7.89
Actual losses to existing employment land and premises since 2011			14.04	14.04
Total				25.38

In order to meet this outstanding requirement, the land subject to this application for Outline planning permission was proposed and accepted as an employment allocation.

The District Planning Authority has continued to monitor its residual employment land requirements since the adoption of its Delivery DPD. The continued monitoring has identified a small increase in the amount of employment land completed, under construction or with permission since the Delivery DPD became adopted.

However, it is understood that there has also been a number of losses, which includes a revoked allocation at Quarry Lane, Enderby and revoked permission at Blaby Hall, Blaby as well as the former Everards Brewery site now forming part of the motorway retail area at Fosse Park.

With this in mind, the current position based on the latest available figures has resulted in the total residual requirement and losses for employment land increasing from 25.38 hectares to 30.65 hectares, representing an overall increase in the requirement of 5.27 hectares.

Site Location

The application site is situated on land to the west of St Johns (B4114) and south of Leicester Lane, on the outskirts of Enderby. The administrative area of Blaby District contains the junction of the M1 and M69 motorways and is within the northern tip of an area known as the 'Golden Triangle', due to it being in an attractive location for business, particularly associated with storage and distribution.

By virtue of the application site's location and proximity to the strategic road network alongside other large-scale commercial uses and a nearby source of labour, the site is considered to be highly attractive to the market, offering employment opportunities for the local population in a location which is accessible by walking, cycling and public transport.

Current Market Conditions and Need

The proposed development would seek to provide employment opportunities in the storage and distribution industry (Use Class B8) and would respond to the clear demand for 'B8' uses identified in the Leicester and Leicestershire Strategic Distribution Study of 2015.

Since the Core Strategy and Delivery DPD were adopted, there have been a number of further studies that will influence the employment land requirements for the emerging Local Plan and could be considered as material considerations.

The Leicester and Leicestershire Housing and Economic Needs Assessment 2022 (HENA) provides analysis on the future employment land needs by type from 2021 to 2036, 2041 and 2050. It considers the labour demand (baseline and growth) scenarios provided by Cambridge Econometrics, as well as completions trends using Council

monitoring data. Consideration is also given to margins for flexibility, vacancy and replacement demand.

The HENA makes recommendations regarding future needs for office, industrial and local warehousing / distribution units under 9,000 square metres. Large scale warehousing/ distribution unit needs are reported in the Strategic Warehousing Study prepared by GL Hearn with MDS Transmodal and Icen Projects and finalised in April 2022.

The HENA indicates a need for further employment land provision 2021 to 2041 for Blaby, stating a requirement to identify 34.7 hectares of industrial/distribution space, excluding strategic storage and distribution spaces.

The HENA also gives guidance on locational approach to meeting these needs. For industrial and local distribution it indicates that the key locations of demand for industrial and local distribution from a market perspective are at accessible locations in proximity to the labour force ideally at motorway or A-road junctions. There are numerous examples of recent and ongoing developments of mid-sized industrial stock around Leicester such as Optimus Point and Leicester Distribution Park which represent market preferences. On this basis, the application site meets this specification, with delivery of warehouses at Optimus Point in Glenfield demonstrating a strong market demand for B8 storage and distribution uses in the area.

The Strategic Warehousing Study 2022 ('Warehousing and Logistics in Leicester & Leicestershire: Planning and Managing Change / Growth') should also be considered as relevant as its main purpose is to recommend a future volume of warehouse floor space and area of land required to accommodate it that should be planned for from 2020 to 2041. The study looks at large scale logistics and defines this as warehouse floor space that is more than 9,000 square metres in total.

In summary, the study indicates an overall need for 2.5 million square metres of strategic scale (over 9,000 square metres) space for warehousing and logistics across Leicester and Leicestershire. Fortunately, there are already a number of existing commitments across Leicester and Leicestershire to accommodate a large part of this need. The outstanding need is for:

- 768,000 square metres of rail based space; and,
- 392,000 square metres of road based space.

The land at St Johns which forms the application site to this Outline planning application is included as part of the existing supply in the study.

Training and Education

Part of the proposed development under application 19/0164/OUT sought consent for the provision of a potential training centre. This was intended to provide training opportunities in the logistics sector for local people, who would subsequently benefit from the employment opportunities created through the proposed development. The training centre proposed under application 19/0164/OUT was subject to a feasibility study to establish the need for an on-site logistics training and education facility.

The current application brought before Committee omits the training centre from the application and instead replaces this with use class B2 units. Notwithstanding this, the Applicant has agreed to submit a skills and training plan, which is to be obtained via Planning Condition. The skills and training plan will outline targets for the Applicant to achieve by way of local employment, school leavers and apprenticeships.

The application remains policy compliant without the proposal for a training centre, as this was not required under Policy SA3. However, the submission of a Skills and Training plan prior to commencement of the development would ensure set targets that the Applicant/Developer would need to meet for local employment. These aims usually include targets for a % of school, prison, care and armed forces leavers to be employed within the site. Furthermore, targets are usually set to ensure Small Medium Enterprises (SME's) are utilised for the construction of the proposed development.

Socio Economic Impacts

The chapter of the Environmental Statement relating to socio-economic impacts identifies that the proposed development would result in a positive contribution to the local economy and community, including the following:-

- Increase in employment (the development is expected to create approximately 2,479 jobs in total (1,811 direct jobs, 125 construction related and a further 543 potential indirect jobs));
- Increasing the amount of money earned and spent in the local area;
- Attracting workers to the area and keeping people of working age within the area;
- Reducing the number of people commuting out of Blaby for work; and
- Supporting local and regional economic growth.

Loss of Agricultural Land

The site is currently in agricultural use for arable purposes. Development of the site would result in agricultural operations ceasing on the developed land. The NPPF contains reference to agricultural land at paragraphs 174 and 175 and states that LPAs are required to take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

The Agricultural Land Classification (ALC) places land in England and Wales into five categories, with the 'best and most versatile agricultural land' being defined in the glossary to the NPPF as land in grades 1, 2 and 3a of the Agricultural Land Classification. Land within areas graded as 3b, 4 and 5 are of less sensitivity in this regard. A combination of climate, topography and soil characteristics and their interaction determines the limitation and grade of the land.

Natural England has an ALC map for the East Midlands which indicates that the application site is all grade 3 land (good to moderate value). The Environmental Statement has provided further assessment to whether the land constitutes Grade 3a

or 3b land using the ALC and identifies that the application site has mixed agricultural land quality, with 22.8 hectares (approximately 70% of the site area) falling within subgrade 3b, owing to soil wetness. Approximately 8.5 hectares (some 26% of the site area) falls within subgrade 3a, with approximately 1.4 hectares (approximately 4% of the site area) being classed as Grade 2 land. A small area of the Site is Non Agricultural land (land without agricultural potential).

Therefore, the proposed development would result in the loss of under 10 hectares of 'best and most versatile agricultural land', with the remainder of the site of approximately 23 hectares falling within subgrade 3b. This loss of 'best and most versatile agricultural land' is considered to be minor adverse in terms of effect as subgrade 3a land is relatively common in the Leicestershire area. On this basis, the loss of this site for agricultural purposes is not considered to be severe in environmental terms and would broadly accord with the requirements of the NPPF.

Impact on the Highway Network

The application site is situated on land to the west of St Johns (B4114) and south of Leicester Lane, on the outskirts of Enderby. The proposed development would be in close proximity to the junction of the M1 and M69 motorways and is within the northern tip of an area known as the 'Golden Triangle', due to it being in an attractive location for business, particularly associated with storage and distribution. Furthermore, the site is surrounded by a busy, local road network which forms one of the key routes into the City of Leicester and the Motorway Retail Area at Fosse Park.

The Environmental Statement and subsequent Addendum have been supported with a suite of documents and evidence to inform the likely impacts of the proposed development, including its design.

Leicestershire County Council are the relevant Highway Authority responsible for providing comments on the likely impacts on the local highway network.

National Highways are the relevant organisation responsible for commenting on the potential impacts on the strategic road network. Although not a statutory consultee on Highway matters, Leicestershire Police have also made comments on matters such as access.

Access

The access arrangements remain the same as that agreed by Leicestershire County Council under application 19/0164/OUT. In their consultation response of 22.05.2024, the County Highway Authority made the following comments:-

"The LHA understand that the access into the site will be the same as the previous planning application 19/0164/OUT, therefore direct the reader to the LHA's detailed comments for that application regarding the site access proposals.

On the basis that the site access proposed is the same as that previously accepted by the LHA, the LHA are satisfied that a safe and suitable site access can be achieved at the location. It is in accordance with the LHA's design standards and has been subject

to a Stage 1 Road Safety Audit, and has been subject to Swept Path Analysis, which demonstrates vehicles can enter and egress the site in a safe and suitable manor..”

Having regard to the above observations, the County Highway Authority have deemed the proposed access arrangements to be acceptable and have recommended a condition to ensure that the proposed development is served by a safe and suitable vehicular access prior to the development being first brought into use.

As stated earlier in this Report, Leicestershire Police initially raised concerns regarding the single access point located on Leicester Lane stating that the proposed development would have a significantly detrimental impact on Leicester Lane and would lead to the potential for congestion owing to the presence of HGVs on the local network, the existing road layout and traffic management systems.

During the determination of application 19/0164/OUT the Applicant wrote to the relevant officers at the Police to clarify how access and egress to the site would be gained, providing further clarification on the extent of highway modelling work that has been undertaken to inform the proposed design and access arrangements, including clarification concerning both the local and wider traffic impacts associated with the proposed development. The letter also provided further clarification on the package of mitigation measures required to address and off-set these impacts. As such, Leicestershire Police confirmed that they were satisfied with the access arrangements.

Therefore, further communication with the Police was undertaken to address the issues raised and also outline that the modelling work and access arrangements as agreed under previous application 19/0164/OUT remained the same. After further communication Leicestershire Police confirmed that they accept the County Highway Authority's position on these matters and are satisfied that the package of mitigation measures requested by Leicestershire County Council are appropriate to mitigate the highway impacts associated with the proposed development and therefore, have no objection.

Trip Generations and Assignment

The trip assessment for this application used the Pan Regional Transport Model (PRTM), the same modelling used for previous application 19/0164/OUT. Given that the training centre is no longer proposed for the scheme, the total traffic flows have marginally decreased.

“Application 19/0164/OUT included the provision of a Training Centre which is no longer being provided as part of this application. The resultant change in total traffic flows between the TA for 19/0164/OUT and the TA for this application is demonstrated in table 6.7 which has been extracted from the TA.

Table 6.7: Proposed Traffic Flows – All Uses

	Arrivals		Departures		Two Way	
	Cars	HGVs	Cars	HGVs	Cars	HGVs
Application Ref: 19/0164/OUT						
AM Peak	205	12	50	16	255	28
PM Peak	63	9	148	12	211	21
Current Application						
AM Peak	173	14	40	18	213	32
PM Peak	43	10	143	12	186	22
Difference						
AM Peak	-32	+2	-10	+2	-42	+4
PM Peak	-20	+1	-5	-	-25	+1

It can be demonstrated from the table above that the proposed development which includes for the removal of training centre and increases the overall B8 use will reduce the car trips associated with the overall development by 42 two-way trips in the AM Peak and 25 two-way trips in the PM Peak. Whilst there is a minimal increase in HGV movements of 4 two-way movements in the AM Peak and 1 in the PM Peak, in total there is a reduction in trips compared to the previous application.

As there is an overall reduction in trips, the LHA are satisfied with the previous PRTM assessment which was agreed by the LHA which demonstrated the trip assignment and distribution associated with the development onto the highway network and therefore there is no further highway impact assessment required. The LHA would refer the reader to the LHA's final observations for 2019/0164/01/H/R3 dated 23 December 2022 for detailed comments in response to the highway impact assessment."

Highway Impacts and Mitigation

The applicant engaged and consulted with officers from both National Highways and Leicestershire County Council's Highways when establishing the baseline data for the modelling work which directly helped to produce a strategic overview of the development proposal's potential impacts on both the local and strategic highway network.

Having regard to the potential impacts on Junction 21 of the M1 motorway, National Highways have provided the following comments;

Considering the PRTM model was previously agreed with National Highways, from our checks we note that the capacity assessments are very similar to those from the original TA. There are also minimal changes in the traffic flows.

As such, we consider the results of the junction capacity assessment for the M1 Junction 21 is suitable and can be accepted.

In addition, the development site shares its western boundary with the M1 motorway, further details regarding the site's boundary treatment, external lighting and building signages, etc. should therefore be provided for review by National Highways prior to commencement of works.

We therefore recommend that the following conditions should be attached to any planning permission that may be granted, to ensure the safety of the motorists on the SRN:"

Moreover, Leicestershire County Council Highway have confirmed that they are satisfied with the PRTM model and highway safety implications of the scheme;

"The Applicant has submitted the same Personal Injury Collision (PIC) data for the period 1st January 2017 – 16th December 2022 as previously submitted for the 19/0164/OUT application.

The area covered includes the following links and junctions:

- *Leicester Lane in the vicinity of the site;*
- *Leicester Lane / B4114 St Johns – signalised junction;*
- *B4114 St Johns in the vicinity of the site between junction with Leicester Lane and Blaby Road;*
- *B4114 St Johns / Enderby Park and Ride / Police HQ – signalised junction;*
- *B4114 St Johns / Blaby Road - roundabout junction; and*
- *B4114 St Johns / A563 Soar Valley Road signalised junction*

Whilst the LHA note that the PIC data does not cover the most recent five-year period, the LHA have reviewed their own PIC database and consider the proposed development should not exacerbate the existing highway safety situation, as there are no common patterns of collisions."

Moreover, Leicestershire County Council Highways have made comments regarding the off-site implications of the proposed development on the local area. The modelling has identified some areas which would require mitigation to ensure appropriate capacity within the highway network;

"As part of its review of application 19/0164/OUT, the LHA and Applicant acknowledged that the local area and junctions have capacity issues which are impacted further as a result of the proposed development. Therefore to improve capacity, conditions/contributions were sought towards the following schemes. As part of these revised proposals, the Applicant has agreed to provide the same mitigation to mitigate the impact of the development traffic.

- *Delivery of a highway scheme of capacity enhancement at the A563 / Meridian South roundabout;*
- *Improvement works to enable capacity enhancements to Lubbethorpe Way;*

- *Contribution of £121,800 to enable the upgrade of the B4114/P&R and Penman Way Junctions to MOVA signal operation; and*
- *Contribution towards the LHA's Desford Crossroads scheme improvement of £263,498.*

A PT strategy is also proposed to encourage the use of non-car modes and will be secured via a condition.”

Having regard to the above, the County Highway Authority have concluded that the impacts of the proposed development on the local and wider highway network are not severe, and are therefore not unacceptable in planning and highway terms. The County Highway Authority's position on the acceptability of this development proposal is fundamentally based on the imposition of the suggested conditions and subsequent agreement by the applicant to provide developer contributions in accordance with the County Highway Authority's request.

Walking, Cycling and Sustainable Travel

The site is in a location which is not only close to the strategic highway network, but is also well-located to an existing pedestrian and cycle network that surrounds the Fosse Park and Soar Valley Way area. In addition, the site is served by two existing bus services, namely the 50 Leicester to Fosse Park and X84 – Rugby to Leicester services. Narborough train station is also located approximately 1.6 miles away.

Active Travel England (ATE) have also been consulted on the scheme. ATE became a Statutory Consultee in June 2023 and therefore were not consulted on previous application 19/0164/OUT. ATE recommended various design changes to the scheme, including revision to the access to provide better cycle and pedestrian links. However, upon further consultations with the Applicant evidence was provided that should the design changes be undertaken to the access it would likely have an impact on the capacity of the access and egress of the site. Notwithstanding this, ATE have requested the imposition of conditions should the application be approved to ensure the Applicant submits information prior to commencement of works for items such as lighting and cycling parking. ATE specific condition regarding cycle parking has been added to the recommended conditions set out above. Other conditions listed by ATE have also been requested by BDC Environmental Services and Leicestershire County Council Highways.

Furthermore, in considering the existing sustainable travel network, and in particular walking and cycling provision, officers identified a number of benefits that the development could deliver. There is a stretch of the B4114 northbound carriageway which does not have a footpath, and furthermore the existing bus stop is only accessible via a narrow grass verge.

The applicant has sought to improve pedestrian access along the B4114 and into the site by proposing enhancements to the alignment of the Fosse Way which would enable both pedestrians and cyclists to traverse the site from Blaby Road to Leicester Lane. In addition, significant enhancements are proposed along the western half (northbound carriageway) of the B4114 by providing a combined footway and cycleway which would effectively connect the footway access and bus stop at Barr

Close to the Leicester Lane/B4114 junction to the north, including crossing provision as necessary across the Park and Ride access junction. The proposal also seeks to provide both pedestrian and cycleway access into the site from a dedicated access off the B4114 into the open space on the site's western extents.

A condition is proposed to require the submission of a detailed design for these enhancements to the B4114, including the provision and delivery of an open space strategy as part of a developer contribution to enable pedestrians and cyclists to access and use the open space. A further condition requiring an updated site-wide Public Transport Strategy and Framework Travel Plan is also recommended to be imposed to promote walking, cycling and sustainable travel.

Parking

The Illustrative Masterplan provides an indicative overview of a potential layout that could be delivered in the event that planning permission is approved. This includes parking provision and turning/manoeuvring spaces for private cars for employees/visitors along with dedicated parking bays and turning circles for HGVs within the yard areas that serve each logistics building. In addition, the Illustrative Masterplan identifies allocated parking spaces for wheelchair users and electric vehicles.

As the Masterplan is for illustrative purposes only, it is essential that in the event of Outline planning permission being approved, all future Reserved Matters applications must meet the design requirements detailed within the Leicestershire Highway Design Guide (LHDG).

Flood Risk and Drainage

Paragraph 167 of the NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Policy CS22 of the Core Strategy states that the Council will ensure all development minimises vulnerability and provides resilience to flooding, taking into account climate change. This includes directing development to locations at the lowest risk of flooding giving priority to land in Flood Zone 1, using Sustainable Drainage Systems (SuDS) to ensure that flood risk is not increased on-site or elsewhere, managing surface water run-off, and ensuring that any risk of flooding is appropriately mitigated, and the natural environment is protected.

Flood Risk from Rivers

The application site is located entirely in Flood Zone 1, with this indicating a low risk of flooding from all other sources, assessed as having a less than a 1 in 1,000-year probability of flooding (0.1% in any year). A Flood Risk Assessment has been submitted with the application as required by the NPPF due to the site area being greater than 1 hectare in size.

The Flood Risk Assessment concludes that the risk of fluvial (river) flooding is low due to the application site's location in Flood Zone 1 and that the site is not at risk of tidal flooding due to the site's inland location.

Flood Risk from Surface Water

The Environment Agency Risk of Flooding from Surface Water map identifies areas in the north of the application site adjacent to Leicester Lane and St Johns of the site to be at 'Low', 'Medium' and 'High' risk. The flood risk is identified along the alignment of existing culverts and ditch courses, subsequent pooling in low points adjacent to St John's and Leicester Lane

The Flood Risk Assessment states that the hydraulic surface water modelling that contributes to the data presented in the Environment Agency's Risk of Flooding does not include culverts and/or ditches within the vicinity of the site.

Surface Water map does not take into account the performance and capacity of all culverts and ditches that are present within the application site and predominantly identifies them as low points or depressions in the topography.

The Flood Risk Assessment has assessed of the capacity of the existing ditches and culverted watercourses to accommodate the surface water runoff and concludes that the culverts (that are small than their associated ditch courses) may surcharge but can convey the surface water runoff from the associated catchments without flooding during the 100year events. The assessment also concluded that the application site is not at risk of flooding during the 1 in 100 year event.

The Flood Risk Assessment highlights a known flooding incident that occurred on Leicester Lane to the north of the application site which led to parts of the site itself being affected. This incident resulted in flooding from failure of the motorway drainage system. The potential flooding of Leicester Lane is acknowledged as a potential risk owing to its low lying topography compared with the elevated ground levels of the adjacent highway. As a means of mitigating this potential risk, some of the proposed attenuation and open space to serve the proposed development is to be sited in the location identified as being at risk from surface water flooding.

In addition to the above, it is also acknowledged that part of the application site adjacent to the northern extents of the Fosse Way, is prone to gathering water during heavy rainfall. Locally, the body of water that forms in this location is referred to as "Enderby Lake" and occurs due to the combined effect of the lower-lying ground levels and the clay-like nature of the soil which ultimately provides ideal conditions for precipitation to accumulate in a specific area for a prolonged period of time due to the slower rate of infiltration into the ground.

This is entirely consistent with the findings of the Lead Local Flood Authority (LLFA), who state in their consultation response that although there are some parts of the site to the north (and east) that are at high and medium risk to surface water flooding, the site is entirely located within Flood Zone 1 and is considered to be at low risk of fluvial flooding, with the majority of the site shown to be at low risk of surface water flooding. Areas identified for site access are proposed at these high risk areas of surface water flooding, however, mitigation is proposed in this location to reduce these localised impacts.

Having regard to the proposed mitigation schemes, which includes the provision of swales and attenuation ponds, surface water flooding is not now considered to be a significant risk at this site, with the LLFA commenting that the proposed development is considered to be acceptable, subject to the imposition of conditions requiring a surface water drainage scheme to be submitted and implemented, along with the submission of details requiring details in relation to the long-term maintenance of the surface water drainage system. The revised submitted Flood Risk and Drainage Addendum has not resulted in any discernible changes from a flood risk perspective and as such the LLFA are satisfied with the Applicants amended Flood Risk Assessment dated April 2024 and have not made any additional comments given this satisfies any concerns raised from the February 2024 consultation.

Surface Water Drainage

One of the effects resulting from built development is that the increase in 'hard' surfaces can typically reduce the permeability of a site which will consequently change how the site responds to rainfall. Therefore, a drainage strategy is required to ensure that the surface water runoff regime is managed appropriately and that the proposed development does not increase flood risk on the site and/or to surrounding areas.

The National Planning Practice Guidance states that the types of sustainable drainage system which may be appropriate to consider will depend on the proposed development, its location and the site's ground conditions. It states that where possible, surface water should be discharged according to the following hierarchy of drainage options:

1. Into the ground (infiltration);
2. To a surface water body;
3. To a surface water sewer, highway drain, or another drainage system;
4. To a combined sewer.

The Flood Risk Assessment identifies that infiltration is unlikely to be feasible across the application site due to the clay like nature of the ground profile. On this basis, Sustainable Urban Drainage Systems (SuDS) in the form of attenuation basins are proposed to be used.

Attenuation basins are generally described as depressions in the surface designed to store water and, where the ground conditions permit it, allow discharge to the ground via infiltration. For this outline design there are five basins proposed where no infiltration has been assumed until infiltration testing has been completed, along with two subterranean storage tanks with a capacity of 21,660 cubic metres. It is understood that two of the attenuation features adjacent to the B4114 are designed as attenuation ponds with permanent water to provide dilution of pollutants.

Foul Water Drainage

The Flood Risk Assessment indicates that it is proposed to discharge foul sewerage from the proposed development into the public Severn Trent Water sewerage system within the B4114 (St Johns) adjacent to the eastern boundary of the site, subject to approval from Severn Trent Water.

A Sewer Capacity Assessment in 2016 determined that the proposed discharge location was appropriate and that there was only low impact on sewer flooding and combined sewer overflows, however, there is high impact on the sewerage pumping station at Jubilee Park in Enderby and concluded that capacity improvements are required. Severn Trent also commented that a sewer modelling study may be required to determine the impact that the proposed development will have on the existing system and if flows can be accommodated. The applicant has agreed for this modelling work to be undertaken at the detailed design stage, which would be secured via the imposition of a planning condition.

Ecology and Biodiversity

Policy CS19 of the Core Strategy has the strategic objective of protecting the important areas of the District's natural environment (species and habitats), landscape and ecology and to improve biodiversity, wildlife habitats and corridors through the design of new developments and the management of existing areas.

The application site currently comprises largely of fields in arable use with a small pocket of lowland mixed deciduous woodland along the western boundary of the M1 Motorway. The site also includes a number of hedgerows with field ditches. A small pond located to the west of the alignment of the Fosse Way regularly accumulates standing water during heavy rainfall, but also dries out during periods of dry weather.

There are no international statutory wildlife designations within 10km of the site. Whilst there are also no statutory designations covering any part of the site, it is acknowledged that there are three statutory designated sites of national importance all within 1 kilometre. These include Enderby Warren Quarry SSSI approximately 550 metres to the north-west; Glen Hills Local Nature Reserve some 790 metres to the east of the site; and Narborough Bog SSSI some 980 metres to the south of the site. It is understood that all non-statutory designations are remote from the application site and isolated by a busy local and strategic highway network.

An Ecological Appraisal of the site's habitat potential for protected and non-protected species has been prepared, informed by investigative site surveys. The Ecological Appraisal forms part of the appendices of the Environmental Statement submitted and updated in 2023. Further updated surveys were carried out in 2024 to provide further information and clarification on the following;

- Clarification on the age of the data in the Ecological Appraisal.
- Update to the Botanical survey, originally undertaken during a sub-optimal time of the year.
- Amended to the commuting & foraging habitat for bats within the Ecological Appraisal to ensure industry standard terminology is used.

- Amended to the Ecological Appraisal to ensure full evaluation of the impacts of the development on skylark and other ground nesting birds such as lapwing and farmland birds.
- Clarification on the distance of non-native species Japanese knotweed from the southern site boundary.
- Updated report for a full search of non-statutory sites
- Clarification around BNG metric and data.

The following subheadings below will address the proposal's impacts on the various species of flora and fauna covered in the Ecological Appraisal.

Amphibians

Several water bodies and field boundary ditches within the application site and within 500m of its boundary were investigated for the initial Environmental Statement to check their suitability for providing habitats for Great crested Newts (GCN).

The submitted Ecological Appraisal concluded that the majority of the site is considered to be unsuitable terrestrial habitat for Great Crested Newts due to the predominance of intensively managed arable habitats, with other potential habitats outside of the application site being isolated or cut-off by major highways that would act as barriers to movement.

One pond identified as P1, located to the north of the site, was identified as being dry in previous survey however, supported water and had around 50% cover of aquatic vegetation (predominately brooklime). The habitat directly adjacent was largely unsuitable for GCN with heavily cultivated arable habitat and only limited margins comprising ruderals. Similarly other ponds identified as P2 and P3 located 20m and 220m to the south of the Site, whilst hold water for at least some of the year, were considered low suitability for GCN. Pond P5 (known locally as Enderby Lake) was also considered, however, due to the size and nature would limit the suitability for GCN. Finally, pond P6 identified is an attenuation feature within a recently completed residential development adjacent the southern boundary but was separated from the Site by a new road (Barr Close). However, given its regular drying during the amphibian breeding season, it is considered below average suitability for GCN habitats.

Notwithstanding the above, Pond P4 is a man-made drainage lagoon located 10m north of the Site, within the Enderby park and ride facility. This pond was created around 2010/2011 (according to publicly available historical aerial imagery). Although this pond was assessed to have a habitat suitability of "excellent" in 2018, given the recent age and presence of major barriers to dispersal, it is considered unlikely that GCN would have colonised this pond since its creation.

In summary, pond habitats within the Site and in the immediate vicinity are considered to be relatively isolated and lacking in extensive terrestrial habitat and provide limited suitability for GCN.

Badgers

Previous surveys undertaken for application 19/0164/OUT identified the presence of badger setts beyond the application site that could be impacted on a short-term basis. However, similar to application 19/0164/OUT upon further re-examination these setts did not indicate any evidence of recent activity or occupation. Therefore, the likely impacts are not considered to be significant.

The Ecological Appraisal submitted for the current planning application states that all inspections of the site were consistent with records from a previous inspection in 2019 (for application 19/0164/OUT). Holes were either blocked with detritus and vegetation or partially collapsed except for a single entrance in the northernmost sett, which was unobstructed but supported a deep leaf layer and a thorough search found a single guard hair. This single hole, part of the northernmost sett, was considered to be only partially used. No fresh digging, cleared mammal paths, or latrines were recorded in association with either sett.

Overall, the habitats present within the Site (predominately agricultural) are considered to be of limited suitability to badgers but some areas such as the wider grassland margins could be used for foraging and form part of a territory (if badgers are present in the area). The site is considered to be of local value to badgers if the species remain present in the area or were to recolonise the area. As such, Leicestershire County Council Ecology have advised that a pre-commencement badger walkover of the Site is undertaken, this will be secured by condition.

Bats

The Ecological Appraisal submitted in support of the Environmental Statement indicated that the field compartments were considered to be of low value for foraging bats. The role of the existing hedgerows as foraging habitats for bats is also considered to be low due to their location immediately next to the M1 motorway and established development in the surrounding area, all of which is well lit. However, higher quality foraging habitat exists in the wider area to the east of the site along the River Soar valley. But conclude overall that the site provides only limited opportunities for roosting, foraging and commuting bats with only common and widespread species likely to use the site either transitionally or occasionally.

Leicestershire County Council's Planning Ecologist outlined that the Ecological Appraisal did not categorically define the commuting & foraging habitat for bats with industry standard terminology. LCC recommended that after adequate evaluation, an appropriate number of activity surveys should be recommended as per Bat Conservation Trust good practice guidelines 4th edition and these bat surveys recommended by the report should be undertaken. As such, further information was provided including an additional bat survey.

The additional bat survey recorded five species of bat including common pipistrelle, soprano pipistrelle, noctule, brown long-eared bat and Myotis species. The dominant species recorded was common pipistrelle with significantly lower numbers of other bat species. However, the site is considered to be used by low numbers of common and

widespread species of bats and usage is not considered to be exceptional, therefore, the site is considered to be of Local value for its bat species.

A condition is proposed in order to secure details of any external lighting scheme are to be submitted prior to installation.

Birds

The proposed development is likely to result in the loss of potential foraging and breeding habitat for birds, both from the loss of agricultural land which may be used by small numbers of ground nesting farmland birds, and from the loss of hedgerows which may be used by other perching and bird species that nest in vegetation. However, given the relative isolation of the site, with main roads and development on all sides, and the limited incidental sightings of birds during previous site surveys, the assemblage of birds likely to use the site is considered unlikely to be significant. Moreover, further surveys (discussed in detail below) concluded that the removal of the habitats to allow for the development of the Site will result in a Negligible effect on the present bird assemblage.

Leicestershire County Council Ecologists recognised that the Leicestershire and Rutland Environmental Records Centre (LRERC) stated that skylark and lapwing have historically been recorded on site. The Ecological Appraisal does not fully evaluate impacts of the development on skylark, other ground-nesting birds such as lapwing and farmland birds. As such, Bird Surveys are advised to be carried out. The Applicant completed further surveys in May 2024.

The Breeding Bird Survey Report undertaken in May 2024 which concluded a total of 31 bird species were recorded. Of the 31 species recorded as present during the survey, one was confirmed as breeding. This was the non-notable species robin. This species is BoCC Green-listed and therefore, of low conservation concern. In conclusion, the site was assessed against published criteria for Local Wildlife Site (LWS) selection in the Guidance for the Selection of Local Wildlife Sites in Leicestershire to determine whether it achieved any of the thresholds for county value. The recorded bird assemblage of this site does not meet the requirements to be eligible for selection as a LWS. Furthermore, the habitats within the site supported an assemblage of common and widespread, generalist species in small numbers, typical of the habitats present and the size of the site. Therefore, the site was considered to be of no more than site level importance for its overall breeding bird assemblage.

Reptiles

The Ecological Appraisal only recorded limited habitats suitable for reptiles (field margins) and having due regard to the site, which is isolated by main roads and built development on all sides (which would act as significant barriers to dispersal), it is considered very unlikely to support a reptile population.

This conclusion is further supported by surveys reported to have been conducted in 2006 for the adjacent Enderby Park and Ride (FPCR June 2006. Enderby Park & Ride, Leicester Ecology Progress Report) which did not identify any reptiles. As such,

reptiles are considered to be likely absent from the site and would not pose a constraint to development.

Otter and Water Vole

The application site encompasses a small number of wet ditches and a small pond which provide limited potential for otter and water vole. However, given the limited connectivity of the site with surrounding habitat, its isolation by a number of major roads, and the absence of field signs during the site surveys, it is considered that the site has no conservation value for otters or water vole. It is therefore not considered appropriate or necessary to provide mitigation for otters and water voles.

Trees and Hedgerows

The Ecological Appraisal identifies 13 hedgerows within or bordering the application site and supported native species. None of the hedgerows are considered important under the wildlife and landscape criteria of the Hedgerow Regulations 1997, but due to the high percentage of native species they qualify as Habitats of Principle Importance under the Natural Environment and Communities Act 2006.

There are few mature trees within the application site boundary, however there are several tree belts that lie immediately outside of the application site adjacent to boundary hedgerows along the northern, southern, western and eastern boundaries.

A small block of native broad-leaved woodland named 'Johnstone Spinney' is located along the western site boundary next to the embankment of the M1 motorway. The woodland, being of apparently secondary origin with only a limited diversity of ground flora and associated woodland species, is not considered to be of high nature conservation interest. However, it is likely to provide a breeding and foraging resource and shelter for a range of common and widespread woodland species.

Approximately 1,320 metres of existing hedgerow are likely to be lost as a result of the development proposals due to the implementation of development plots and footpaths. In addition, one mature tree within a hedgerow is to be felled. A substantial length of hedgerow running along the alignment of the Fosse Way is to be retained, including the block of native woodland along the western site boundary. As a result of a combined footway/cycleway being provided along the site's eastern boundary to improve existing walking and cycling links in the area, the eastern boundary hedgerow is to be removed along with all trees situated within the grass verge on highway land.

To compensate for these losses, the proposed development includes a suite of enhancement measures in the form of the following:-

- New native hedgerows to replace the majority of those that are lost with the aim of providing continuous hedgerows at least 3-4m tall and wide;
- New woodland planting along the western and southern edges of the development augmenting existing woodlands and increasing connectivity;
- Native species will be used in accordance with targets for net gain;

- Small areas of dense vegetation such as scrub will be planted around attenuation facilities to deter flocks of winter wildfowl and provide habitat for smaller species;
- The attenuation facilities/swales to be created with diverse landforms;
- Species-rich hedgerow planting, with trees where appropriate;
- Biodiverse neutral grassland seed mixes;

The above would be secured not only as part of the landscaping requirements via the submission of a Reserved Matters application, but would also be subject to a conditional requirement for the provision of a Biodiversity Management Plan as well as a Landscape and Environmental Management Plan (LEMP) at the detailed design stage, as requested by the County Ecologist.

Biodiversity Net Gain (BNG)

Biodiversity Net Gain (BNG) is a strategy to develop land and contribute to the recovery of nature. It is a way of ensuring that habitats for wildlife are in a better state after development than before. The Environment Act 2021 made provisions for all planning permissions in England (with a few exemptions) to deliver at least 10% biodiversity net gain. The habitats can be delivered on-site, off-site or via statutory biodiversity credits. This mandatory duty came into effect on the 12 February 2024 and given the application was submitted to the District Planning Authority on the 5 December 2023, the application is not subject to this mandatory net gain.

Whilst 10% BNG is not yet a statutory requirement for this application given its date of submission, BNG is already required through national policy. Paragraph 174 of the NPPF refers to “minimising impacts on and providing net gains for biodiversity”. Whilst the Development Plan for Blaby District does not currently include any policies requiring BNG to be provided, the NPPF is still a material consideration in decision making.

The baseline conditions of the application site consists primarily of agricultural land in arable cultivation, with the existing level and quality of habitats not being considered to be strategically significant in relation to ecology.

The applicant has provided a BNG report alongside BNG calculations using Metric 4.0 to show gains within the 3 areas of BNG;

Table 3: Biodiversity Metric 4.0 Headline Results

Baseline	Habitat Units	72.56
	Hedgerow Units	39.62
	Watercourse Units	0.00
Post-Intervention	Habitat Units	74.97
	Hedgerow Units	44.28
	Watercourse Units	1.25
Total Net Unit Change	Habitat Units	+2.41
	Hedgerow Units	+4.65
	Watercourse Units	+1.25
Total Net Percentage Change	Habitat Units	+3.33%
	Hedgerow Units	+11.74%
	Watercourse Units	+100.00%

It is noted that there is only a 3.33% percentage change for Habitat Units, however, given there is no statutory requirement for the Applicant to provide the full 10% net gain, the application could not be refused on these grounds. In addition to the calculations and habitat creation the following enhancements are also to be included in the scheme, however, these items do not count towards units for BNG;

- Lighting scheme to be submitted and agreed will consider the potential presence of bats and provide appropriate screening and lighting design to minimise disturbance to habitats which may be important to bats (where possible).
- Bat and bird boxes to be installed (where possible and appropriate) throughout the Site on retained habitats or if appropriate on buildings.

Whilst Leicestershire County Council's Ecologist did raise that 10% BNG had not been achieved for Habitat Units, given there is not statutory requirement for this and therefore, the application could not be refused on this basis.

Conditions are to be imposed at the request of the County Ecologist to require the submission of a 30-year Landscape and Ecological Management Plan (LEMP) to demonstrate how the net gain will be achieved.

Landscape and Visual Impact

The NPPF places an onus on the planning system to perform a role in relation to the environment that 'contributes to the protection and enhancement of our natural, built and historic environment'. This underpins the strategic guidance set out in the NPPF in relation to landscape and visual matters. Section 12 of the NPPF ('achieving well designed places') aims to ensure that developments are 'visually attractive', are sympathetic to local character (including the surrounding built environment and landscape setting) and to establish and maintain a strong sense of place. It also makes specific reference to the use of tree planting which can make an important contribution to the character and quality of urban environments. Section 15 of the NPPF ('conserving and enhancing the natural environment') states that decisions should protect and enhance existing valued landscapes and also recognise the intrinsic character and beauty of the countryside.

Various local planning policies are relevant to landscape and visual matters, including CS14 (Green Infrastructure), CS15 (Open space, sport and recreation), CS16 (Green Wedges) and CS18 (Countryside) of the Core Strategy. The site allocation policy, Policy SA3 of the Delivery DPD, means the site is no longer designated as 'Green Wedge' but is within the 'Settlement Boundaries' of Enderby and on the fringes of Key Employment Sites and the Motorways Retail Area of Fosse Park.

The application site is located within the Leicestershire Vales (NCA94) National Character Area. It is part of the 'Upper Soar' LCA within the Leicester, Leicestershire and Rutland Landscape and Woodland Strategy. At the time of submission in 2019, the application site was located within the 'Sence and Soar Floodplain' (LCA13) in the Blaby District Landscape Character Assessment (2008).

However, since the submission of this Outline planning application, the Blaby District Landscape and Settlement Character Assessment was produced in 2020 and the site now lies within an area defined as Lubbesthorpe Agricultural Parkland (LCA10).

National Character Assessment

Within the National Character Assessment, the key characteristics of the Leicestershire Vales NCA are:

- An open landscape of gentle clay ridges and valleys with occasional moderately steep scarp slopes.
- Overall visual uniformity to the landscape and settlement pattern;
- Land use characterised by a mixture of pasture and arable agriculture;
- Distinctive river valley of the Soar and Swift with flat flood plains;
- Woodland character derived largely from spinneys and copses on the ridges and undulating land, and waterside and hedgerow trees and hedges;
- Diverse levels of tranquillity with contrasts between busy urban and deeply rural parts. Large settlements dominate the open character of the landscape and are often visually dominant;
- Frequent towns and villages characterised by red brick buildings and stone buildings;
- Frequent imposing spired churches.

Leicester, Leicestershire and Rutland Landscape Strategy

The Leicester, Leicestershire and Rutland Landscape and Woodland Strategy indicates that the 'Upper Soar' Landscape Character Area has the following characteristics:

- Large villages with evidence of industrial past;
- Urban influences from larger settlements and Leicester;
- Mixed agriculture – arable emphasis to west, pasture to east;
- Little woodland;
- Local rock outcrops and former quarries;
- River Soar a significant feature through built up area.

The document also sets out guidelines to achieve an enhancement of landscapes within this character area. This includes enhancing existing woodland through improved management, increasing woodland cover in small and medium sized blocks, and strengthening the hedgerow network through improved management and new planting.

Blaby District Landscape and Settlement Character Assessment

At the time of submission, the application site was described in Blaby Landscape and Settlement Character Assessment of 2008 (BDLSCA) as the Sence and Soar Floodplain. This area comprises a large and varied character area which follows the narrow floodplain of the Rivers Sence and Soar respectively. These rivers flow between the settlements to the south-west of Leicester, including Enderby, Blaby, Glen Parva, Narborough, Littlethorpe and Braunstone Town.

The character area is a low-intensity managed landscape with a naturalistic feel shaped by riparian vegetation and well-developed hedgerows, with the edges of the character area defined by urban development.

The study describes various development pressures for the LCA. Those most relevant to the site and the proposed development include:

- Loss of field boundary vegetation within the south-west of the character area reduces the intimate and enclosed scale of the character area.
- Loss of waterside vegetation, copses and vegetation along urban edges would significantly alter the character of this area, potentially opening views of industry and the urban edge and reducing the rural character of the area.
- Pressure for new developments around settlement edges increasing urbanising influences in the landscape.
- Expansion would also increase the risk of coalescence of settlements surrounding the character area.
- Increasing pressures on the undeveloped areas including levels of traffic reducing tranquillity and demand for countryside access.
- Uncertain future for agriculture (including levels of funding support and market prices for livestock), further threatening the viability of the remaining farms.
- Loss of mature trees would have a severe impact on the wooded character of the LCA.

The BDLSCA also sets out guidance and opportunities for the LCA which includes the following which would be relevant to the application site and proposed development:-

- Promote and enhance woodland planting (native species) along the periphery of the character area to soften the appearance of the urban edge.
- Provide better connection between areas of existing woodland through localised planting to ensure better interconnectivity between existing habitats.
- Protect existing hedgerows through appropriate management to ensure that further fragmentation is prevented and restore current 'gappy' hedgerows.

- Conserve and enhance the existing wetland habitats through the creation of new wetlands, reed beds and scrapes.
- Continue the sensitive management of the recreational areas for the benefit of nature conservation, designing new open spaces to reflect the naturalistic characteristics of other open spaces within the area.
- Seek to link up the public rights of way network.

The updated BDLSCA of 2020 has re-categorised the location of the application site to now fall within the Lubbesthorpe Agricultural Parkland LCA. This re-categorisation has occurred due to the site's landscape characteristics being associated more towards the character of the Lubbesthorpe Agricultural Parkland rather than the Sence and Soar Floodplain.

The BDLSCA acknowledges that the New Lubbesthorpe developments and the application site (allocated for employment development) lie within the LCA. The character of the area is described in the following terms:

“This LCA is located towards the north of Blaby District. It is an agricultural landscape largely enclosed by built form, lying between the settlements of Leicester Forest East to the north, Enderby to the south and Braunstone to the east. Topography is gently undulating and overlain by mixed agricultural land uses. Significant blocks of woodland, the parkland setting of Enderby Hall and a sparse network of roads combine to make this a distinctly rural landscape, despite the urban influences from the edges of this LCA and the presence of the M69 and M1.

This LCA is fragmented by the M1 and M69, with the noise and movement of traffic exerting a strong influence on the landscape. The north west of the character area retains a more rural character and the influence of major roads on the landscape is reduced. The building of New Lubbesthorpe commenced in 2014 with the new town situated in the north of the character area. Despite its urban surroundings and influences, the primary land use is still agriculture.”

The study describes various development pressures for the LCA. Those most relevant to the site and the proposed development include:

- Plans for the urban extension of New Lubbesthorpe and its associated strategic employment site will dramatically alter the character of the landscape due to a significant change in land use for much of the area, with the construction of significant amounts of residential and employment development. The development of the employment land allocation to the west of the B4114 would also alter views and landscape character.
- In addition to the built development, New Lubbesthorpe also aims to include 325 acres of new parklands, with over half of the site planned to be open space. The plans also seek to conserve and enhance wildlife habitats.
- Knock-on effects from an increase in population in the LCA, including levels of traffic impacting on tranquillity and more demand for countryside access.
- Uncertain future for agriculture (including levels of funding support and market prices for livestock), potentially leading to changes in management or land use.

- Further diversification of land uses to non-agricultural enterprises, with associated loss of traditional landscape features such as the remaining hedgerow network and in-field ponds.
- Already sparse hedgerow trees and mature trees such as those in the parkland around Enderby Hall may become more susceptible to damage from more frequent and intense storm events as a result of climate change. The remaining stock will need replacing in the coming years to maintain their presence as key landscape features in the longer term.

The site is not included in any landscape related designations and no statutory or local landscape designations apply. The BDLSCA study concludes that the LCA is of 'Medium' sensitivity to both small-scale commercial (E and B2) and large-scale commercial development (warehousing – B8) use categories.

Landscape Visual Impact Assessment

The developer has commissioned a Landscape and Visual Impact Assessment to consider the landscape character at a local level. Photographs taken from 16 different viewpoints within the vicinity of the site were submitted as part of the assessment and your Officers consider that these are representative of the visual receptors in the area, illustrating numerous views of the site in the context of its surrounding landscape.

The assessment concludes that there would be a slight reduction in local effects due to the removal of the second access road from the B4114 and the extension of the public open space area within the eastern part of the application site. Given the localised nature of these changes, it is considered that these would not result in any changes to the levels of landscape effects assessed in the 2023 Environmental Statement and would remain as 'Slight-Moderate', which is not considered to be significant in landscape visual impacts terms.

The proposed development will lead to some change with noticeable effects upon public highways, particularly those that border the site. It should also be noted that views from all public highways and roads will be of a transient nature and as such are considered to be of medium sensitivity. In addition, there are a number of designated Public Rights of Way that lie within the application site and its vicinity. It is considered that the receptors (i.e. walkers etc) using public rights of way would be of high sensitivity.

Whilst some of the views from public rights of way would be 'Very Substantial Adverse' in nature, in the case of the Fosse Way this is considered to be unavoidable due to its location within the application site itself, even with mitigation. That is not to say that these impacts are unacceptable, as views from other rights of way in the vicinity of the site are considered to be 'Very Substantial Adverse' during construction, reducing to 'Substantial Adverse' upon completion, to either 'Moderate, Slight or Negligible Adverse' following maturity of the proposed planting scheme.

The assessment also takes into consideration the potential views and effects experienced from residential properties that are located adjacent to the application site. It is considered that views of the proposed development would be available from properties at St Johns, Old Church Road, Barr Close and Blaby Road in Enderby. In

terms of the level of sensitivity these views would be, views from ground floor windows in these properties would be highly sensitive, with views from upper floor windows being of medium sensitivity.

The assessment concludes that a number of properties along St John, Old Church Road and Barr Close would experience 'Very Substantial Adverse' impacts during the construction phase, but these impacts would reduce to 'Substantial Adverse' upon completion for occupiers at St Johns and Old Church Road, and 'Slight Adverse' in the case of residents at Barr Close. The visual impacts would reduce further to 'Moderate Adverse' following maturity of the landscaping scheme at approximately 10 years post development, and would continue to reduce further as the planting matures and increases in height.

In the case of properties on Blaby Road to the south of the site, residents would experience partially screened views of the proposed development whereby the effects would be 'Slight Moderate Adverse' during and post construction reducing to 'Negligible Adverse' following maturity of the buffer planting. Properties located on Blaby Road on the edge of Enderby would have views of the proposed development from ground floor windows, albeit partially screened by intervening vegetation. In this instance, the magnitude of change is low, and the effect on receptors during construction would be 'Moderate Adverse' reducing to 'Negligible Adverse' upon completion. Following maturity of the intervening vegetation, the effects would reduce further to Nil.

Landscape Strategy

The Environmental Statement and the Addendum acknowledge the effects that are likely to be experienced as a consequence of the proposed development. There is no escaping the principle that the development will be seen and experienced from numerous vantage points and the level of effects will vary from the time of construction to completion and the maturity of the planting scheme. It is also acknowledged that from certain aspects, the proposed development will be more noticeable in the short to medium-term due to the removal of vegetation from the eastern boundary, including the hedgerows within the site.

However, the resulting development does propose a package of mitigation in the form of structural landscaping, including advanced planting and bund construction along the most sensitive boundaries. In addition, mitigation is being sought by design by setting buildings back from prominent highways and providing areas of open space along the eastern and northern boundaries along with corridors of tree planting within the site in order to present a 'fair face' where the site and buildings address the public realm.

Given that the application is for Outline permission, with layout, scale, appearance and landscaping reserved at this stage, a Biodiversity Management Plan as well as a Landscape and Environmental Management Plan (LEMP) will be secured via condition for submission at the detailed design stage to ensure that those elements of the landscape strategy which avoid any detrimental visual or landscape impact are implemented accordingly.

Design Code

The NPPF places important emphasis on achieving well-designed places, stating that “the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”. High quality design is also central to the Development Plan, with Policy CS2 seeking to secure a high-quality environment, with development respecting local character and contributing to creating places of a high architectural and urban design quality, contributing to a better quality of life.

Paragraph 3.33 of the preamble to Policy SA3 states that whilst no size restrictions have been applied to the buildings in order to allow the site to respond to market demands in a flexible manner, it also states that any application will need to demonstrate that the siting, design, scale and massing of the buildings would not result in unacceptable adverse impacts on the landscape or residential amenity. These factors are considered to be particularly important in the case of ‘high bay’ warehouse buildings.

Whilst the planning application is in outline form at this stage and therefore the layout, scale, appearance of individual buildings and landscaping will be agreed as part of future reserved matters application, principles in relation to design standards can be agreed at this early stage using design coding. This enables certain rules and parameters to be set to guide future development. This is particularly important in the case of a phased development such as this where different phases or parcels may be undertaken by different developers. Having a Design Code in place therefore ensures that the same design principles are followed across the whole development.

Whilst an Illustrative Masterplan and Parameters Plan have been submitted for consideration to give an impression of building footprints and heights, it is considered that a comprehensive approach to the site’s design is needed prior to the submission of any Reserved Matters application to ensure that the principles of Policy SA3 are upheld, and the development is designed in a respectful manner that is appropriate to its context. The submission of a Design Code is to be secured via condition, in the event of approval being granted.

Open Space

Given that the proposed development is for commercial purposes and not for residential, there are no requirements for the provision of on-site or off-site open space in accordance with the Planning Obligations and Developer Contributions Supplementary Planning Guidance (2010). However, given the size of the application site and its proximity to residential properties the proposal’s impacts on existing hedgerows, it is considered that there are opportunities to provide some form of public open space that could enhance its appearance, connectivity and usage, for the benefit of the site’s employees and local residents.

It is acknowledged that the provision of a shared footway and cycleway along the frontage of the B4114 which will link the footways at Barr Close with the footways to the north beyond the Enderby Park and Ride would result in the removal of significant lengths of hedgerow along the B4114. This route will enhance the existing level of

pedestrian and cycle routes, effectively linking the residential limits of Enderby with the wider urban area of Fosse Park and beyond.

It is also envisaged that the provision of this combined route will increase connectivity into the application site, providing points of access and egress to the commercial uses which will occupy this allocated site, thus promoting the use of sustainable modes of transport along with reducing the need to travel by single occupancy vehicle.

Although the application is for Outline permission with landscaping reserved at this stage, the Illustrative Masterplan indicates large areas of open space immediately to the west of the B4114 boundary. The Masterplan identifies areas of grassland, planting, attenuation ponds along with footways and cycleways within the far eastern extents of the site which would link up with the internal footways and roads within the site itself.

It is considered that the provision of public open space on the site would make a positive contribution to the character and appearance of the development, and would provide a welcome form of localised amenity space for employees of the site. A planning condition is recommended requiring the submission of an open space strategy along with an on-site open space management plan/scheme to ensure a high quality designed space that is properly maintained during the lifetime of the development.

Environmental Impacts

This section deals with other environmental impacts including noise and light which may impact on the proposed development. Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location, including limiting the impact of light pollution from artificial light on local amenity, and avoiding noise giving rise to significant adverse impacts on health and quality of life.

Paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from, or being adversely affected by, issues including noise pollution.

Air Quality

Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by (inter alia) *“preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.”* It states that *“development should, wherever possible, help to improve local environmental conditions such as air quality”*.

Paragraph 186 of the NPPF states *“Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as*

through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.”

Policy DM13 of the Blaby Delivery DPD states that “*development proposals will be required to clearly demonstrate that any unacceptable adverse impacts related to land contamination, land stability and pollution (water, air, noise, light and soils) can be satisfactorily mitigated*”. It sets out circumstances where development proposal will be supported if they are accompanied by a detailed investigation of the issues and appropriate mitigation measures are identified to avoid adverse impacts on the site or adjacent areas. This includes development close to or within an air quality management area or key transport corridors that may be affected by air quality.

Air pollution is a complex mix of particles and gases of both natural and human origin. Particulate matter (PM) and nitrogen dioxide (NO₂) are both major components of urban air pollution. The main sources of man-made PM are the combustion of fuels and other physical processes such as tyre and brake wear. PM is often classified according to the size of particles as follows:

- Coarse particles (PM₁₀ particles that are less than 10 microns in diameter)
- Fine particles (PM_{2.5} particles that are less than 2.5 microns in diameter)

Blaby District Council has five Air Quality Management Areas (AQMAs) where the annual mean concentrations of nitrogen dioxide exceed the national air quality strategy objectives. The AQMAs are principally associated with road transport emissions along the main routes through Blaby District, most notably the M1, A5460, A563 and A47 but also including the B4114 and B582.

The site is not located within an AQMA, but it is acknowledged that Enderby has two AQMAs, with AQMA 2 (M1 Corridor in Enderby and Narborough) being the closest in location terms some 750 metres to the south of the application site. AQMA 6 (Mill Hill) is located approximately 850 metres to the west of the application site as the crow flies. It is notable that both AQMA2 and AQMA6 have previously been declared for exceedance of the annual mean objective for NO₂. It is noted that annual recording since 2019 indicates that whilst there was a small increase in concentration from 2021 to 2022 overall concentrations of NO₂ within these AQMAs have generally reduced and are well below the NAQO..

The Environmental Statement and subsequent Addendum has been accompanied with an Air Quality Assessment and considers the impacts on air quality at a number of existing sensitive receptors which have been chosen to represent the ‘worst case scenarios’, which are typically receptors close to busy roads or junctions. In particular, the assessment considers the likely significance effects of dust and fine particulate matter associated with the construction phase and road traffic emissions associated with the operational phase.

During construction, the main potential air quality impacts are the generation of dust from on-site activities and increases in NO₂ and PM₁₀ concentrations from plant and road vehicles. An additional technical note provided by the Applicant at the request of BDC Environmental Services confirmed that the Methodology of the Air Quality Assessment has been undertaken in accordance with the Institute of Air Quality Management's 'Guidance on the assessment of dust from demolition and construction' 2016 guidance (IAQM guidance).

For the construction phase, the IAQM guidance states that assessment will normally be required if there are human sensitive receptors within 350 metres of the site boundary, ecological receptors within 50 metres of the site boundary, and/or within 50 metres of the routes used by construction vehicles, up to 500 metres from the site entrances. In this scenario, the sensitive receptors identified in this assessment are located within 350 metres in residential areas off Leicester Road, St Johns, Blaby Road, Hall Walk, Leicester Lane, High Street, Mill Hill, Harolds Lane, Seine Lane and the Bridleway off Warren Park Way in Enderby, Charnwood Drive in Leicester Forest East, Enderby Road in Whetstone and the junction of Lutterworth Road/Soar Valley Way in Glen Parva.

In the absence of mitigation being proposed, the proposed development would result in 'Medium Risk' for dust soiling effects during earthworks and construction, and 'High Risk' for trackout (the movement of dust and dirt from a construction site onto the public road network), however, these outputs only pose a 'Low Risk' to human health. Nevertheless, given the risk from dust, site specific mitigation measures are required to ensure that any potential impacts arising from the construction phase are reduced and will not lead to significant impacts.

A Dust Mitigation Plan will be required as a relevant chapter in a Site and Traffic Construction Management Plan which will be secured via condition, which will set out practical measures as part of best working practice. Examples of mitigation recommendations are included within paragraph 9.6.5 of the Environmental Statement for the construction phase and include measures such as (but not limited to) site management, sheeted deliveries, limiting vehicle speeds on site, dampening down and water-assisted dust sweepers on the access and local roads. The Environmental Statement concludes that, with the implementation of the identified mitigation, there will be no significant adverse effects in terms of air quality during the construction phase.

For the operational phase of the development, air quality is most likely to be affected through increases in vehicular traffic in connection with the development. The Air Quality Assessment also considers the potential effect of development-generated vehicles on air quality at the prescribed sensitive receptor locations. Air dispersion modelling has been carried out to estimate pollutant concentrations, due to road traffic emissions (including committed developments as part of the future baselines), for five assessment scenarios as follows:

- Scenario 1: 2021 Verification and Base Year, the most recent year for which traffic flow information, local monitored pollution data and meteorological data is available;
- Scenario 2: 2026 Opening Year, without the Proposed Development in place;

- Scenario 3: 2026 Opening Year, with the Proposed Development in place;
- Scenario 4: 2031 Future Year, without the Proposed Development in place; and;
- Scenario 5: 2031 Future Year, with the Proposed Development in place.

For the operational phase of the assessment, existing sensitive receptor locations have been identified within 200m of the roadside where people will be affected by development generated vehicles and may be subject to change in air quality. Given that the M1 Motorway passes through the study area, traffic flow along the M1 motorway is included with the air dispersion model. In order to avoid 'double-counting' of motorway NO₂ emissions, the NO_x generated from the motorway within each grid square has been removed using the appropriate DEFRA based adjustment tool.

The results of the assessment conclude that annual mean concentrations of NO₂, PM₁₀ and PM_{2.5} are predicted to remain below the relevant objectives and target levels, and all impacts are predicted to be negligible at all of the locations of the identified existing sensitive receptors. Therefore, the effect of the proposed development on concentrations of NO₂, PM₁₀ and PM_{2.5} during the operational phase is considered to be 'Not Significant' for the purposes of the Environmental Impact Assessment, with the overall effects of the proposed development on human health resulting in a 'Non-significant' effect. Notwithstanding the prescribed effects, mitigation measures will assist in reducing any potential impact and general best practice measures in relation to air quality could be implemented and could include the following below, secured via developer contributions and conditions:

- Financial contributions to secure future monitoring costs and replacement equipment for existing AQMAs;
- implementation of a travel plan;
- provision of safe and secure cycle parking facilities;
- provision of new cycling and walking infrastructure;
- provision of electric vehicle charging points;
- travel packs and bus passes.

Ecological receptors have also been identified at two local SSSIs at Enderby Warren Quarry and Narborough Bog. Given that the Enderby Warren Quarry SSSI is designated for geological interest, it is not considered to be sensitive to the effects of road traffic emissions and as such, the effects of air quality on this SSSI are not required to be considered further.

Whilst it has been identified that the Narborough Bog SSSI contains habitats which are sensitive to nitrogen deposition, consideration needs to be given to the potential operational impacts that the proposed development could have on the M1 motorway, which is located approximately 100 metres to the south-west of the SSSI site boundary. Given that the proposed development would not lead to significant impacts on the M1 motorway in terms of additional traffic movements or speeds which would exceed the relevant criteria set by Natural England's approach to advising competent authorities on the assessment of road traffic emissions, the M1 would not be 'affected' and therefore, a detailed assessment of the operational impacts of the proposed development on the Narborough Bog SSSI is not required.

In summary, it is concluded that air quality is not a constraint to the proposed development and can be adequately mitigated, both in relation to the construction and operational phases of development.

Noise and Vibration

A noise impact assessment was submitted to accompany the relevant chapters of the Environmental Statement and the subsequent Addendum which has been updated since application 19/0164/OUT. The assessment considered the potential impact of noise and vibration associated with the construction phase activities on existing sensitive receptors located in close proximity of the application site. The potential impact of noise from development-generated vehicles associated with the proposed development on existing sensitive receptors was also considered. Both assessments took into consideration the potential impact of existing sources of noise across the existing and proposed noise sensitive areas of the application site.

The site is surrounded on all sides by a busy network of both strategic and locally important roads, including the M1, B582 (Blaby Road), B4114 (St. Johns) and Leicester Lane, all of which are considered to be likely sources of noise currently affecting the application site. Monitoring locations were established in four locations, specifically on the eastern site boundary with the B4114 (ML1), the northern site boundary with Leicester Lane (ML2), the southern site boundary at Barr Close (ML3) and the western site boundary adjacent to the M1 Motorway (ML4). Existing sensitive receptors were identified in the residential properties at Barr Close, the residential dwellings along the southern carriageway of the B4114 and Old Church Road, and to the offices at Smith Way opposite the proposed Leicester Lane access.

Noise generated during the construction phases of development are likely to arise from activities such as ground excavation, ground levelling, trenching and trench filling, piling, construction of roads and fabrication. There is no escaping that any form of construction work is likely to cause some level of disruption and it is envisaged that the noise impact of the construction phase on existing and proposed residential properties would be 'Moderate Adverse' to 'Slight Adverse', but is considered to have a 'Slight', short-term impact on sensitive receptors over the construction phases of the proposed development. Mitigation is recommended to be put in place to reduce the scale of any potential effects in the form of site and construction traffic management which would be secured by condition.

The assessment acknowledges that as part of the construction process, piling techniques as part of the construction process is likely to have a 'Moderate Adverse' effect on existing sensitive receptors. Given that the precise building locations and specific ground conditions in that location are not yet understood, it is not yet known what type of piling technique is required, or what the potential vibration levels are estimated to be in order to make appropriate recommendations for mitigation. Your Officers therefore recommend imposing a condition requiring the submission of a Construction Method Statement supported by an updated Noise and Vibration Assessment at the detailed design stage for each phase or Reserved Matters application in order to ensure that noise and vibration arising from the development are appropriately mitigated.

The Illustrative Masterplan indicates a total of seven buildings (four for logistics purposes, three for general industrial) to be constructed on the application site and their associated uses are likely to generate noise sources which includes:

- Noise from vehicle movements entering and leaving the premises;
- Vehicle movements within the proposed car parks;
- Mobile plant such as pallet trucks operating within the service yard of the proposed premises;
- Ancillary noise sources associated with the proposed premises including external plant; and
- Deliveries and/or collections of goods with the proposed premises, including HGVs.

The assessment has been updated within the Addendum from application 19/0164/OUT and concludes that there will be no discernible increase on noise levels from the existing baseline conditions as a result of the proposed development being in operation. In Environmental Impact Assessment terms, the impact of operational noise from within the application site, in accordance with the significance criteria, will be negligible. Only a marginal increase in road traffic noise is estimated at existing sensitive receptors resulting from the proposed development and the effect will be 'Negligible' and therefore, not significant in environmental terms, during opening or future years.

Mitigation measures will be incorporated into the site design to ensure the noise impacts of the proposed premises are reduced to acceptable levels at existing sensitive receptors. Mitigation measures may comprise acoustic barriers such as close boarded fencing, the location of fixed plant away from sensitive receptors or the implementation of other local mitigation measures. The noise mitigation measures can be confirmed at the detailed application stage, informed by updated Noise and Vibration Assessments which are submitted at each phase of development or Reserved Matters.

Light

On the basis that the proposed development is in the form of an Outline planning application where the principle of development and access are the sole matters for consideration at this time, there are no lighting proposals submitted as part of this application.

Officers recommend imposing a condition that requires the applicant or developer to submit an external lighting scheme at the detailed design stage as part of any Reserved Matters application in order to robustly assess the method and location of all proposed external light sources in consultation with the Council's Environmental Services team and the County Ecologist, so as to avoid the introduction of unnecessary lighting levels which could cause a nuisance to residential amenity or have an undesirable impact on the character and appearance and ecology of the area.

Impact on Neighbouring Occupiers and Uses

The application site is in a unique position, insofar that its location lies between a transitioning and dynamic landscape, where edge of residential merges with the largescale commercial sites at Fosse Park and Grove Park.

The closest residential properties which could be considered as sensitive receptors are identified at Barr Close, St Johns and Old Church Road. Other receptors that are not considered 'sensitive' in environmental terms but are within the vicinity of the application site and could be impacted by the development are located at Blaby Road, Trinity Road, Aldeby Close, Fosse Close, Heron Way, Peters Close, Thomas Road, Heath Avenue, Hill View, Ratby Meadow Lane, Beechcroft Close, Leicester Road and Queens Drive.

Distances between the application site and sensitive receptors vary at different points, but the closest residential dwelling on Barr Close to the application site is approximately 25 metres. The closest dwellings on St Johns and Old Church Road are approximately between 35 and 40 metres from the application site boundary. The distances between the proposed buildings and existing dwellings will be greater given the intention to set the buildings away from sensitive boundaries.

Landscaping currently in place at Barr Close as part of the mitigation required for the residential development that occurred on that site is to remain in situ. Whilst the planting is still relatively young and still maturing, it already provides an existing form of screening of the application site. The Illustrative Masterplan indicates that the boundary with Barr Close will be further preserved with the provision of a 4 metre high earth bund and comprehensive planting scheme within the application site to minimise visual impacts, retain privacy and to mitigate noise impacts.

Planting is also proposed along the southern limits of the Fosse Way as it runs to Blaby Road and a substantial area of managed, on-site open space is proposed along the B4114 frontage which will initially soften the visual appearance of the proposed development as it addresses the public domain. In addition, the submitted Parameters Plan indicates that each building will have a maximum eaves height of 15 metres in order to limit the scale of buildings. These details, along with the proposed landscaping scheme will help to avoid any overbearing effects.

Whilst further details will be submitted for further consideration at the detailed design stage as part of each phase or Reserved Matters, along with specific packages of mitigation to offset any detrimental impacts, it is considered that based on the information submitted as part of this Outline application for planning permission, the proposal is unlikely to have a significantly harmful impact on the residential amenities of neighbouring occupiers.

Construction Management and Phasing

A large development proposal of this scale could incur significant impacts and disruption during the construction phase. A development of this scale and nature would dictate that due to the environmental constraints and disturbances which are usually associated with the site clearance and construction phases of a development, it is recommended that a Construction Management Plan is submitted to and approved in writing by the District Planning Authority prior to the commencement of the operations, which should then be adhered to throughout the construction phase.

The Construction Management Plan shall provide for:

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

The County Highway Authority has recommended a similar condition requiring a Construction Traffic Management Plan to be submitted and agreed prior to the commencement of development. This will be combined into a single condition requiring a Construction Management Plan to be submitted and agreed and will be imposed on any grant of planning permission.

It is acknowledged that a development of this scale and nature is likely to be brought forward and delivered in phases as separate parcels of development that are likely to be subject to separate Reserved Matters applications in order for flexibility to meet the demands of the logistics sector.

A “prior to commencement” condition requiring the submission of a phasing plan is therefore recommended to be imposed, requiring the applicant/developer to identify the relevant phases of development and their related highways and transport infrastructure elements, including road/highway infrastructure, footpath and cycleway provision, provision of sustainable drainage attenuation ponds and swales and access provision to the open space adjacent to the B4114.

Impact on heritage assets

The application site is within a location where there is known archaeological interest as well as there being several designated heritage assets close by.

From a legislative context in relation to Local Planning Authorities (LPAs) considering development proposals that may impact on a listed building and conservation areas, the statutory duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies.

In the context of listed buildings and their settings, section 66 of the Act requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historical interest.

The term ‘setting’ is broadly defined as the surroundings in which a heritage asset is experienced. The extent of setting is not fixed and may change as the asset and its surroundings evolve. It is also an important consideration that setting is not itself a heritage asset, nor a heritage designation. The importance of setting lies in what it contributes to the significance of the asset, or to the ability to appreciate the significance. Furthermore, not all elements of a setting will make a positive contribution to the significance of an asset and it is accepted that some elements of setting may contribute in a neutral or negative manner.

Having regard to conservation areas, section 72 of the Act requires LPAs to pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This statutory duty does not apply to development proposals that lie outside of a conservation area.

Paragraph 189 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 194 requires an applicant to describe the significance of any heritage assets affected by their development proposal(s), including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

Paragraph 195 requires LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

In addition, paragraph 199 of the NPPF states 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 (the more important the asset, the greater the weight should be). The paragraph goes on to state that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 201 states that where a development proposal will lead to substantial harm to a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm.

Paragraph 202 states that 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 a development proposal on the significance of a non-designated heritage asset should be taken into account in the determining of an application. It states that in weighing up 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.

The following subheadings below will address the proposal's impacts on these matters.

Archaeology

The submitted Environmental Statement gives consideration to the likely significant effects of construction upon the Fosse Way Roman Road, the course of which is known to run through the Site. In addition, a number of late prehistoric, Roman and medieval archaeological features and/or sites have been identified within the boundaries of the application site.

The submitted Environmental Statement identifies and describes the significance of these archaeological features and considers that there is a strong possibility of the presence of prehistoric, Romano-British and medieval archaeology on the development site.

Further archaeological work was undertaken in 2023. This work has identified remains dating to the Iron Age and Roman periods and whilst this confirms that the application site lies within a landscape utilised in prehistoric and Roman times these sites are too distant to have any impact on the archaeological resource within the application site itself.

The assessment considers that the potential for previously unknown archaeological sites has already been identified and there will be no extra impacts on the archaeology within the area of the Proposed Development and that the proposed mitigation outlined within the 2019 application (19/0164/OUT) should remain the same. In this context, the proposed mitigation strategies will consist of preservation in situ of the Roman Fosse Way and preservation by record with archaeological excavation and recording in advance of development. Should any heritage assets of national or international value be encountered then preservation in-situ and possible redesign of the development footprint could be considered.

Upon review of the previous archaeological work undertaken, the County Planning Archaeologist has not objected to the proposed development but has requested that a WSI in relation to a programme and methodology of site investigation and archaeological recording be submitted prior to any development works.

Fosse Way Roman Road

As stated under the previous heading, the alignment of the Fosse Way Roman Road is known to run through the site. Although not a designated heritage asset, the Fosse Way is recognised as being an important non-designated heritage asset.

Several objections have been made by members of the public regarding the potential impact that the proposal would have on the Fosse Way. These objections state that the proposed development would have a harmful impact on the alignment of the Fosse Way.

However, the Archaeology and Cultural Heritage Section of the Environmental Statement along with the Indicative Masterplan shows that the proposed buildings associated with the development would not be located on or within 10 metres of the

line of the Fosse Way, effectively providing a 20-metre-wide green corridor along its alignment.

It is understood that part of the main spine road for the proposed development will cross part of the alignment of the Roman Road, but this will not affect its legibility to be read as one of the principal walkways through the site, which will be complimented with interpretation boards and seating areas as a way of enhancing the context of the Fosse Way. Details of the location and design of these features are intended to be secured via a planning condition.

The proposal would not result in the loss of this non-designated heritage asset. In the event of planning permission being granted, it is envisaged that Historic England and the Planning Archaeologists at Leicestershire County Council would be consulted on any subsequent Reserved Matters applications.

Enderby Conservation Area

Approximately 600 metres to the west of the application site lies the boundary of Enderby Conservation Area, which is a designated heritage asset. In addition, it is acknowledged that the historic parkland to the east of Enderby Hall makes an important contribution to the setting of the Conservation Area. The closest extents of these grounds lie approximately 115 metres to the west of the application site.

The M1 motorway effectively severs the application site and the parkland to the west. The elevated topography of the motorway along this section enables long and short views of the numerous vehicles that traverse its length and emphasises its visual prominence in the landscape.

The application site is enclosed on all sides by development of some form or another, with residential to the south and east, commercial to the north and the Park and Ride facility to the north-east. There is also a strong urbanising character provided by the large number of commercial buildings that lie adjacent to the application site.

The southern extents of Fosse Park, which is one of the largest Motorway Retail Areas in the country, is located approximately 480 metres to the north-east of the application site and was recently subject to substantial expansion on the former Castle Acres site which previously hosted Everards brewery.

Immediately to the north of the site on the northern half of Leicester Lane lies Grove Park, which is home to a substantial commercial development of large-scale warehouses and office buildings, including a hotel. Further north, beyond the limits of the Ring Road (A5460) along the corridor of the M1 lies Meridian Business Park, providing a mixture of office, industrial and storage/distribution uses.

On the opposite side of the M1 motorway, some 150 metres to the north-west lies the first phase of the New Lubbethorpe Strategic Employment Site (Leicester Commercial Park).

Furthermore, to the north-east the opposite side of the B4114 lies Everards Meadows development, a development which provides a mixture of brewery, restaurant and

leisure uses. The headquarters for Leicestershire Police also lies to the east of the B4114.

Given the motorway's elevated and prominent nature, along with the presence of existing commercial sites within the immediate locality which have a distinctly urbanising character, it would be difficult to justify that the application site forms part of the setting of Enderby Conservation Area.

On this basis, the application site holds no significance towards the special character of the Conservation Area. Whilst the proposed development will result in there being a significant visual change as to how the site is perceived from the public realm, the proposal would have no harm on the significance of Enderby Conservation Area from a heritage perspective.

Setting of the Church of St John the Baptist

The Church of St John the Baptist is a Grade II* listed place of worship dating from the fourteenth century. The Church is situated on the eastern boundary of Enderby Conservation Area, approximately 900 metres to the west of the application site. Part of its setting comprises the church yard that surrounds it and the agricultural land that lies to the east, up to the embankment of the M1 motorway.

The Church grounds have been extended several times towards the east and south to provide further burial capacity close to the Church itself. This has resulted in a small but piecemeal erosion of the surrounding agricultural land, resulting in the grounds some 650 metres to the west of the application site. The Church grounds benefit from a substantial level of screening along the roadside boundary with Leicester Lane, with the southern limits of the graveyard benefitting from tree cover and mature hedgerows along the adjoining field boundaries.

Views of the Church are limited from the eastern and southern extents of the Church yard, with the most prominent of views being from the junction where Blaby Road, Leicester Lane, Mill Hill and High Street converge at a crossroads. Glimpses of the Church's lower extents can be gained within the original Church grounds to the east through a gauntlet of trees, but the relatively limited height of the Church tower and the 'funnelled' arrangement of trees makes it difficult to discern the Church structure in the wider landscape from the application site.

The agricultural land to the east of the Church makes a positive contribution due to its open and agricultural character. The M1 motorway and its associated embankment effectively severs the agricultural fields from the application site, but views across the M1 to the east provides a roofscape of commercial buildings at Grove Park.

None of the development proposes to encroach beyond this defined boundary of the motorway and whilst some views of buildings may be visible from the public realm if approved, it would be difficult to justify that the application site forms any part of the setting of the Church of St John the Baptist. For these reasons, it is considered that the application site holds no significance towards the setting of the Church from a heritage perspective.

Setting of Enderby Hall

Enderby Hall is a Grade II listed former mansion, now divided into four apartments. The Hall is set within substantial open parkland grounds which are considered to make a positive contribution towards its significance and lies approximately 1.0 kilometre to the west of the application site. Much of the southern boundary of the Hall's wider, historic parkland grounds are tree-lined, as is the western embankment to the M1 motorway.

To the far east of the parkland grounds, immediately to the west of the northbound carriageway of the M1 motorway lies Leicester Commercial Park, which at present comprises two large warehouses that are used for storage and distribution. This development was approved as part of the first phase of the Strategic Employment Site for the New Lubbethorpe development (application reference numbers: 11/0100/1/OX and 17/0431/FUL) and will be subject to a second phase of development on the land to the north-west of the existing commercial units.

As part of the consideration of the scheme at Leicester Commercial Park, Leicestershire County Council's Principal Historic Buildings Officer identified some harm on the significance that the setting makes to the Hall. The level of prescribed harm was considered to be 'less than substantial', in accordance with paragraph 202 of the NPPF.

In this regard, the degree of 'less than substantial harm' was weighed against the public benefits associated with the delivery of the proposed development. It was considered that the significant economic and social benefits of delivering this employment development as part of the New Lubbethorpe Strategic Employment Site made a significant contribution towards meeting the existing and future employment needs of the local and wider area. Along with the implementation of a comprehensive landscaping mitigation scheme, your Officers considered that the public benefits outweighed the less than substantial harm to the significance found in the setting of Enderby Hall and the Enderby Conservation Area.

Having regard to the development currently proposed under application 23/1066/OUT, due to the application site being severed from the Enderby Hall by the M1 Motorway, it has been established that there will be no discernible harm to the setting of Enderby Conservation Area and the Church of St John the Baptist. For similar reasons that have been previously stated above, it is considered that due to the overall distance and intervening features between the application site and Enderby Hall and its parkland grounds, the application site makes no positive contribution to the setting of this designated heritage asset and therefore, would not have a harmful impact on Enderby Hall's significance from a heritage perspective.

Setting of Scheduled Monument – Site of St John's Church, Aldeby

Situated approximately 230 metres to the east of the application site, immediately to the rear of a residential development, lies the Scheduled Monument of the Site of St John's Church, Aldeby. Excavations at the site of the monument revealed a small building with an apsidal chancel, along with other notable archaeological finds that are believed to be late-Anglo Saxon to early medieval in age.

The significance attributed to the Scheduled Monument lies in its archaeological interest, along with its historical interest associated with the possible deserted medieval village of Aldeby, which is understood to have disappeared by the thirteenth century.

A residential development was built immediately to the west of the Scheduled Monument and is served by Old Church Road, off the B4114. A large storage building with storage containers occupies the grounds to the north of the site, along with Palmers Garden Centre immediately beyond. The site of the former church is bounded on its eastern limits by the River Soar, which meanders in a south to north direction into the city of Leicester.

The proposed development would not have any physical impacts on the site of the Scheduled Monument and given the immediate relationship that the site has with the residential development and storage sites to the west and north respectively, it is considered that the application site does not form part of the Scheduled Monument's setting.

On this basis, it is considered that due to the overall distance and intervening features between the application site and the Scheduled Monument, the application site makes no positive contribution to the heritage asset's setting and therefore, would not have a harmful impact on its significance from a heritage perspective.

Conclusions on Heritage

The applicant has identified a number of heritage assets that have the potential to be affected by the proposed development and has demonstrated a comprehensive level of understanding of the significance associated with these assets in accordance with paragraph 194 of the NPPF and Policy DM12 of the Delivery DPD.

It is understood that there will be no discernible harmful impacts on any designated heritage assets within the vicinity of the application site. However, it is acknowledged that the proposed development could have an adverse impact on known archaeological remains on the site, specifically, the line of the Fosse Way Roman Road.

Your Officers have consulted with the relevant statutory consultees when considering the proposal's likely impacts on the historic environment in accordance with paragraph 195 of the NPPF. Consequently, your Officers are satisfied that the likely impacts that may result in harm being caused to the line of the Fosse Way Roman Road and other archaeological features on the site can be appropriately mitigated.

In addition, your Officers consider that the significant economic and social benefits of delivering this allocated employment site will significantly help to meet the existing and future employment needs of the District local and the wider area. It is considered that these significant benefits along with the proposed mitigation measures will reduce the harm to significance that is found in these heritage assets in accordance with Section 16 of the NPPF.

Climate Change

Policy CS21 states that development which mitigates and adapts to climate change will be supported. The policy states that new development will be focussed in the most sustainable locations, in accordance with Policy CS1 and Policy CS5. As identified when considering the principle of development, the site adjoins the Principal Urban Area of Leicester and is therefore considered one of the most sustainable locations for new housing development, in accordance with Policies CS1.

Policy CS21 also seeks to reduce energy demand and increase efficiency through appropriate site layouts and sustainable design features. This includes providing for safe and attractive walking and cycling opportunities, utilising landform, building orientation, etc. to reduce energy consumption, supporting the Government's zero carbon buildings policy and encouraging residential development to achieve Code for Sustainable Homes level 3, and encouraging the use of sustainable materials and construction measures. Finally, Policy CS21 also encourages the use of renewable, low carbon and decentralised energy and supports renewable and low carbon energy generation.

As this application is for outline planning permission, a number of measures in relation to climate change will need to be agreed as part of any Reserved Matters proposals when the site layout and design of individual buildings is agreed, which could include opportunities for rain water harvesting or solar panels. In addition, a condition is proposed in order to secure specific details through the design process for the applicant to demonstrate how the proposed development will achieve the certified 'excellent' as indicated in their submitted BREEAM (Building Research Establishment Environmental Assessment Method) pre-assessment.

It is noted that the Illustrative Masterplan does allow for safe, attractive and direct walking and cycling routes through the applications site, utilising the existing route of the Fosse Way as well as providing wider access benefits and connectivity for pedestrians and cyclists along the B4114. In addition, the Illustrative Masterplan proposes the incorporation of electrical charging points for electric powered or hybrid vehicles.

Conclusion and Planning Balance

A planning application should be considered by applying Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires it to be determined having regard to the adopted development plan unless material considerations indicate otherwise.

Policy CS1 of the Core Strategy sets out the strategy for locating new development in the District and indicates that most new development will take place within and adjoining the Principal Urban Area (PUA) of Leicester. The site has been allocated to provide for approximately 33 hectares (gross) of employment land on land to the west of St Johns in Enderby in Policy SA3 of the Blaby District Local Plan (Delivery) Development Plan Document, which adjoins existing large-scale commercial sites, the wider PUA, and critically, with the strategic road network. The application site is therefore considered to be a sustainable location for new employment development and would help meet the identified need for employment land to serve the District's

current and future populations, and to meet strategic employment needs, alongside on site education and training opportunities with the site wide skills and training plan.

Through the planning application process, the application has been able to demonstrate that the highway impacts of the development would not be severe, subject to appropriate mitigation being provided including junction improvements, walking and cycling routes.

The application has also demonstrated that any other adverse impacts of the development would not be so significant as to warrant a refusal of planning permission, or that they can be satisfactorily mitigated through the use of appropriate conditions. This includes impacts on ecology and biodiversity, landscape and visual impacts, archaeological impacts, the loss of agricultural land, air quality impacts and other environmental impacts including noise, light, construction management, residential amenity and climate change.

With regards to the Environmental Statement which accompanies the planning application, it is considered that this has adequately addressed the likely significant and cumulative impacts of the development on the environment and provided sufficient evidence to demonstrate that any significant environmental impacts can be adequately mitigated and managed. The mitigation measures required will be secured through a combination of conditions to be imposed on any grant of planning permission, or through planning obligations to be secured via the Section 106 agreement. Any monitoring measures deemed necessary will be secured by similar means.

Overall, the three dimensions of sustainable development have been considered (economic, social and environmental) as set out in the NPPF and officers are of the view that the proposal is acceptable and accordingly it is recommended that outline planning permission be granted subject to the applicant first entering into a Section 106 Agreement to secure the necessary planning obligations set out at the beginning of this report, and subject to the stated conditions.

23/1067/FUL

**Registered Date
13 Dec 2023**

GE Power Conversion

New testing facility building (82D) including offices and control rooms, associated battery store building, new warehouse, side extension to blocks 82B & 82C (Power Bulge), relocation of existing temporary store buildings, ancillary buildings and external works.

Unit 82, The Whittle Estate, Cambridge Road, Whetstone

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

RECOMMENDATION:

THAT APPLICATION 23/1067/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1. Statutory outline time limit
2. Development to be built in accordance with approved plans.
3. Materials in accordance with approved details.
4. Approved finished floor levels to be implemented.
5. Use class restriction B2/B8/E(g)(ii) with ancillary E(g)(i) use.
6. Surface water drainage details to be submitted and agreed and implemented.
7. Details of management of surface water on site during construction to be submitted and agreed and implemented.
8. Details in relation to the long-term maintenance of the surface water drainage system to be submitted and agreed and implemented.
9. Approved off-street parking and turning facilities to be provided, clearly marked and retained.
10. Prior to their installation details of additional external lighting to be submitted and agreed and implemented in accordance with approved details.
11. All existing protected trees and boundary hedges shall be retained and protected during construction.
12. No external testing, industrial or manufacturing shall be carried out.
13. No testing, industrial or manufacturing shall be carried out within specified buildings.
14. Prior to their installation details of additional external plant and machinery to be submitted and agreed and implemented in accordance with approved details.
15. Development to be carried out in accordance with the submitted Acoustic Assessment.
16. Development to be carried out in accordance with the submitted Ground Investigation Reports.
17. Contamination verification report to be approved.
18. Remediation and verification of any unidentified contamination to be approved.
19. Submission and approval of a Construction Management Plan including a Piling Method Statement.

NOTES TO COMMITTEE

Relevant Planning Policies

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

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 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 (2019)

Policy SA5 Key Employment Sites and Existing Employment Sites
Policy DM1 Development within the Settlement Boundaries
Policy DM8 Local Parking and Highway Design Standards
Policy DM13 Land Contamination and Pollution

Consultation Summary

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

Leicestershire County Council, Archaeology – No objections.

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

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

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

Whetstone Parish Council – No comment.

Third Party Representations

None.

Relevant History

94/1291/1/PX	Proposed gas turbine test facility, control room, sub-station & associated work.	Approved 08.12.1994
95/0153/1/PX	Extension to test facility with new control room & associated external works.	Approved 30.03.1995
00/0974/1/PX	Extension to existing test facility building, incorporating new chimney with ancillary offices/control room and associated plant/equipment.	Approved 05.02.2001
12/0802/1/PX	Retention of 5 existing electrical plant enclosures and 1 new plant enclosure and relocation of security gate house.	Approved 16.11.2012
13/0236/1/PX	Single storey extension to form switchgear/generator housing and alterations and extension to redundant compressor house to form battery store.	Approved 01.07.2013
15/0328/FUL	Erection of a single storey security gatehouse to replace existing temporary building.	Approved 24.04.2015
15/0895/FUL	Demolition of existing industrial plant enclosures and extension to form new testing facility with associated offices, training and control rooms and additional car parking.	Approved 03.09.2015
17/1085/FUL	Erection of a building for two diesel generators, relocation of existing generator enclosure and erection of a new equipment room.	Approved 03.10.2017
18/0206/VAR	Variation of conditions 2 and 3 attached to planning permission 17/1085/FUL to include revised building for two diesel generators incorporating exhaust flues and alternative external cladding.	Approved 28.03.2018
17/1176/OUT	Demolition of existing industrial buildings and re-development to provide up to maximum of 78 dwellings and associated infrastructure with access via the adjoining residential development (Outline)	Approved 27.09.19
20/1202/RM	Reserved Matters application for the erection of 78 dwellings (details of appearance, landscaping, layout and scale).	Approved 10.12.2021

EXPLANATORY NOTE

The Site and Surroundings

The application site is located within the western section of the Whittle Estate to the west of Cambridge Road, Whetstone and is located on land designated as a Key Employment Site within the Blaby District Council Polices Map 2019.

The application site measures approximately 2.4 ha in area and comprises of a three-storey steel clad, industrial unit, used for the testing of large-scale electrical engines. The site includes a range of ancillary buildings and facilities including, gate houses, welfare facilities and plant and machinery compounds and storage buildings. The site is secured by steel perimeter fencing with gates from the estate access road, controlled from a security gatehouse. The site is accessed through the main vehicular access into the Whittle Estate off Cambridge Road. Provision for 47 parking spaces are provided with frontage of the application site.

Henson Park, a residential estate of 78 dwellings currently under construction is located to the north of the application site. The remainder of the Whittle Estate bounds the site to the south and east. The M1 Motorway bounds the Whittle Estate to the southwest with a disused railway embankment extending along the western edge of the site.

The site slopes from the southern end of the site gradually towards the residential estate to the north.

The site is situated within flood zone 1 which has been shown to be at less than 0.1% chance of flooding in any year.

The Proposal

This application seeks planning permission for the construction of three new buildings, which include a new testing facility building, designated as Unit 82D; a battery storage building and a new warehouse. The application also seeks planning permission for a front extension to the main unit (blocks 82B & 82C).

Further works proposed include the relocation of existing temporary storage and ancillary buildings and the filling in of an existing cooling pond.

The proposed test building (Unit 82D) is to be located in the southern edge of the site, measuring approximately 38 metres in length and 20 metres in depth and incorporating a dual pitched roof with an overall height of some 10.2 metres to the eaves and 13.4 metres to the ridge.

The building comprises of four levels, including a basement. The ground floor comprises of the main test hall, and associated workshop area with a mezzanine situated over the test hall at first and second floor. The northern wing of the building incorporates three levels of associated reception areas, office space, control rooms, and meeting and training rooms. The basement is proposed to provide additional meeting rooms.

The proposed battery storage building is located to the west of Unit 82D, within the southwest corner of the site. The building measures approximately 21 metres in length and 8 metres in width and incorporating a dual pitched roof with an overall height of some 8 metres to the eaves and 5.8 metres to the ridge.

The proposed warehouse building located within the north edge of the site towards the residential estate at Henson Close is intended to accommodate machinery and equipment which is temporarily out of use. The building measures approximately 21 metres in length and 18 metres in width and incorporates a dual pitched roof with an overall height of some 5.4 metres to the eaves and 8 metres to the ridge.

An existing white GRP temporary storage building is proposed to be relocated from the southern section of the site to an area within the northern edge of the site, measuring approximately 13 metres in depth and 8.5 metres in width, with a barrel vault roof, measuring 3.75m to the eaves and 4.0m to the ridge.

The extension to the existing test halls (Unit 82B & 82C) is intended to provide increased capacity for future engineering operations planned within the existing accommodation. The building extends off the eastern elevation of the existing testing facility and measures approximately 18 metres in width and 8 metres in depth. The extension has an eaves height of 7.9 metres, slopes up to integrate into the main building.

Blue profiled metal sheeting with aluminium framed windows and entrance doors to the ancillary areas are proposed for the proposed test hall (Unit 82D), battery storage building and warehouse to match that of the existing buildings.

Facing brickwork to match existing will be used for new retaining walls which are required to support the changes in ground levels adjacent to the new buildings.

Provision for an additional 23 parking spaces (including 2 designated disabled spaces) will be created next to the proposed test hall in the southern part of the site and along the northern boundary.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 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 Guidance

National Planning Policy Framework

The National Planning Policy Framework (NPPF) establishes the key principles for pro-actively delivering sustainable development through the development plan system and the determination of planning applications. The emphasis is that development

plans allow for development in sustainable locations and that new development is of good design.

It also sets out the planning approach that the Government wishes to see in relation to many aspects of the planning system, with the golden thread running through the decision-making process being the presumption in favour of sustainable development. The NPPF states that planning should proactively drive and support sustainable economic development to deliver business and industrial units.

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

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

DEVELOPMENT PLAN

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

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 Settlement Boundaries of the Principal Urban Area (PUA) of Leicester (Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town, Glen Parva and New Lubbethorpe).

Outside of the PUA, development will be focussed within and adjoining Blaby (the District's only settlement with a town centre) and within and adjoining the settlements of Enderby, Narborough, Whetstone and Countesthorpe, referred to as the 'Larger Central villages'.

Policy CS1 further states that encouragement will be given to the use of Previously Developed Land (brownfield) and underused land and buildings.

Policy CS2 – Design of new development

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

Policy CS6 – Employment

Policy CS6 seeks to ensure that the District has a range of employment opportunities to meet the needs of its residents and wider communities and to allow for the growth of existing businesses and for inward investment.

Policy CS10 – Transport Infrastructure

Policy CS10 seeks to limit the impacts of new development on levels of vehicle movements, congestion and on the environment.

Policy CS19 – Bio-diversity and geo-diversity

Policy CS19 seeks to protect and enhance the important areas of the District's natural environment (species and habitats), landscape and geology and to improve bio-diversity, wildlife habitats and corridors through the design of new development and the management of existing areas by working with partners.

Policy CS20 - Historic Environment and Culture

Policy CS20 of the Core Strategy (2013) seeks to preserve and enhance the cultural heritage of the District. They recognise the need for the Council to take a positive approach to the conservation of heritage assets by considering proposals for development on, in, or adjacent to historic sites, areas and buildings against the need to ensure the protection and enhancement of the heritage asset and its setting. Policy CS20 goes on to state that proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.

Policy CS21 – Climate Change

Policy CS21 states that in order to tackle climate change, development should be focused in the most sustainable locations in accordance with Policy CS1 and CS5, and the layout and design of development should reduce energy demand and increase efficiency and provide resilience to reduce the risks of flooding.

Policy CS22 – Flood Risk Management

Policy CS22 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) where practical and managing surface water run-off.

Policy CS24 – Presumption in Favour of Sustainable Development

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

Officers have worked proactively with the applicant to ensure that the development is in accordance with adopted policies and thus the development is in accordance with Policy CS24.

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

Policy SA5 – Key Employment Sites and Existing Employment Sites

Policy SA5 seeks to provide appropriate quantity, quality and mix of employment opportunities to meet the needs of the District's current and future populations by protecting Key Employment Sites as well as other existing employment sites from non-employment development.

Policy DM1 – Development within the Settlement Boundaries

Policy DM1 sets the principle for built development within the Settlement Boundary provided it is consistent with the other policies of the Local Plan, has a satisfactory relationship with nearby uses and would not be significantly detrimental to the amenities enjoyed by existing and nearby residents, or prejudice the comprehensive development of the wider area. Policy DM1 further encourages the re-use of land, provided it is not of high environmental value.

Policy DM8 – Local Parking and Highway Design Standards

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

Policy DM12 - Designated and Non-Designated Heritage Assets

Policy DM12 seeks to preserve and enhance the cultural heritage of the District. They recognise the need for the Council to take a positive approach to the conservation of heritage assets by considering proposals for development on, in, or adjacent to historic sites, areas and buildings against the need to ensure the protection and enhancement of the heritage asset and its setting. Policy DM12 recognises the positive contribution that heritage makes to local distinctiveness and where dealing with development within such sensitive locations should seek design solutions which preserve and enhance heritage assets.

Policy DM13 – Land Contamination and Pollution

Policy DM13 seeks to ensure that development proposals are not affected by, or cause, land contamination or pollution. Development proposals where land contamination may be an issue are required to clearly demonstrate that any unacceptable adverse impacts can be satisfactorily mitigated.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires 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
- Employment
- Character And Appearance
- Residential Amenities
- Highways Considerations
- Drainage And Flooding
- Environmental Considerations
- Ecological Considerations
- Archaeological Considerations

Principle of the Development

The application site is located in a designated Key Employment Site, close to a good range of services and facilities, access to a range of transport modes and the strategic Road Network and which have a good functional relationship with higher order centres. The application site utilised underused land within an existing industrial site. Consequently, it is considered that the proposal is compliant with Policy CS1.

Employment

As noted, the application site is located in a designated Key Employment Site where Policies CS6 and SA5 apply. The Whittle Estate is an established Key Employment Site, providing premises for a wide range of commercial and industrial business in the local area and nationally. Within this the applicants, GE Energy, are an established and longstanding business, carrying out high level research and development of technologically advanced power conversion units and associated control systems. The proposed facilities would facilitate expansion, and drive efficiency of their research and development, bringing investment into the District's economy through high grade specialist employment. Existing employment on the site will be maintained, with an additional 12 full time equivalent jobs arising as a result of the works.

The application is considered to therefore represent significant inward investment ensuring the continued viability and vitality of the Key Employment Site, whilst driving further investment and the wider economic growth of the District. Consequently, the application accords with Policies CS6 and SA5.

Character and Appearance

Policies CS2 and DM1 seek to ensure that a high-quality environment is achieved in all new development proposals, including employment, respecting distinctive local character, and ensuring that design contributes towards improving the character and quality of an area and the way it functions.

The proposal would see the construction of three new buildings within the site, including a new testing facility building, a battery storage building, a new warehouse, and the relocation of existing temporary storage and ancillary buildings and the filling in of an existing cooling pond. The new buildings would complement the design of existing buildings within the site and other commercial units in the vicinity.

The application site can be viewed from Henson Close, however given majority of the proposals are situated beyond the existing buildings, and having regard to the existing industrial backdrop, and having regard to the scale of proposals at the northern edges of the application site, it is considered that the visual amenity of residents of Henson Close would not be unduly harmed. The site is well contained with long range views of the site limited by intervening vegetation, the disused railway embankment and the M1.

Accordingly, it is considered that the development is appropriate in its context, would have a satisfactory relationship with nearby uses, would not result in the overdevelopment of the site, and would not unduly harm the visual amenity of the nearest residents, nor would it appear visually intrusive in the street scene, and as such the proposed development accords with Policies CS2 and DM1.

Residential Amenity

The application site is located within the boundaries of the Whittle Estate Employment site with the nearest residential dwellings located to the north off Henson Close. The proposed development provides for a new testing facility and battery storage building in the southwestern corner of the site. These buildings are screened by the main testing facility (Unit 82B and Unit 82C) and are set some 200 metres from the nearest residential dwelling.

The proposed extension to the main testing facility (Unit 82B and Unit 82C) is proposed to provide increased capacity for future operations within the main test hall. The extension projects off the western elevation of the main building facing into the wider industrial estate to the east. The extension is consistent with the character and form of the existing building in terms of its scale and mass and is set some 120 metres from the nearest residential dwelling. The extension is screened by both the existing building and associated office accommodation with itself projects off the main building to the north.

Having regard to the location, orientation, scale, intervening separation distances and the built form, it is considered that the proposed testing facility, battery storage building and extension to the main facility would not result in an overbearing impact or cause a loss of privacy or light to the nearest residents.

The warehouse and relocated temporary storage building which are proposed for general storage use are proposed to be located in the northern section of the site facing Henson Close. The warehouse is set some 35 metres off the rear elevation of the nearest residential dwelling, with the relocated temporary storage building set some 21 metres away. The warehouse is some 5.4 metres to the eaves and 8 metres to the ridge, with related storage building measuring some 3.75m to the eaves and 4.0m to the ridge.

It is considered that the two buildings are of a modest scale are located sensitively and whilst closer to residents, given their scale, orientation and having regard to the intervening separation distances and context of the site, would have a satisfactory relationship to these dwellings in terms of an overbearing impact, loss of privacy or light.

As part of the submission an Acoustic Report was submitted. This was assessed by the Blaby District Council Environmental Services department, who are satisfied that the proposal would not have a detrimental impact on nearby residents in terms of noise and disturbance. Given the nature of the site, the applicants undergo continual monitoring and control of noise as part of the general health and safety requirements for staff as standard.

Conditions are also proposed for the submission of technical specifications for any additional external plant and machinery to ensure they are with satisfactory noise limits and air quality.

It is therefore considered that the development would have a satisfactory relationship with nearby uses and would not have a significantly detrimental impact of the residential amenity of the nearest residents, with regard to privacy, light, noise, disturbance, overbearing effect, vibration, emissions, hours of working and vehicular activity. Consequently the proposed development accords with Policy DM1.

Highways Considerations

The site is situated within the Whittle Estate industrial site. There are two points of access that connect to the public highway at Cambridge Road, one for ingress and one for egress. Cambridge Road is a C classified road subject to a 30mph speed limit. No amendments are proposed to the existing access arrangements.

Existing car parking for 47 vehicles is provided, with an additional area of car parking for 23 cars (including two designated disabled spaces) included in the proposals. Based on the Highway Requirements for Development document available within the LHDG, one car space per 50 sq. metres and one lorry space per 200 sq. metres is required within the site. The Local Highway Authority (LHA) has calculated 30 car parking spaces would therefore be required, along with seven HGV parking spaces.

The LHA consider that whilst there is a slight shortfall in parking provision for the proposed development and no details are provided in respect of existing or proposed HGV parking provision, the LHA consider given the distance of the site from the adopted highway and the Traffic Regulation Orders in place along Cambridge Road

(double yellow lines), the proposals are unlikely to result in vehicles parking inappropriately in the highway.

The LHA have concluded that in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework (December 2023), or Policy DM8 subject to the conditions outlined in this report.

Drainage and Flooding

The application is located in Flood Zone 1 which has the lowest probability of flooding. The application is accompanied by a Drainage Strategy which proposes to discharge surface water via a combination of both permeable paving and attenuation tanks which propose to discharge into the existing drainage system in the adjacent industrial estate.

Leicestershire County Council as the Lead Local Flood Authority (LLFA) are satisfied with the drainage proposals subject to the conditions relating the submission of drainage scheme and management of such as outlined in this report. Consequently the application is considered to comply with Policy CS22.

Environmental Considerations

The site is situated within the Whittle Estate industrial site. The application was accompanied by a Phase II ground Investigation and Supplementary Ground Investigation Reports.

Blaby District Council's Environmental Services department are satisfied with regards to land contamination at the site, subject to conditions attached to the planning permission relating to the verification and remediation (if necessary) of soil arising from the development post construction.

The application is also accompanied by an Acoustic Survey which has been assessed by the Blaby District Council Environmental Services department, who are satisfied that the proposal would not have a detrimental impact on nearby residents in terms of noise and disturbance.

Conditions have been requested requiring the submission of details to be approved of any additional plant and machinery in order to control future noise and emissions arising from any additional external plant and machinery.

Blaby District Council's Environmental Services Team are also satisfied with regards proposals drainage, odour and lighting. Consequently the application is considered to comply with Policy DM13.

Ecological Considerations

Leicestershire County Council's Ecology department have raised no objections or survey requirements and are satisfied with regard to the ecological implications of the proposed development. Leicestershire County Council's Ecology department have advised that the adjacent former railway line is a valuable habitat that should be protected during works with no increase in light spill after the development. Conditions requiring the submission of additional external lighting are attached to the report. Consequently the application is considered to comply with Policy CS19.

Archaeological Considerations

Leicestershire County Council Archaeology area satisfied that the proposal will not result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets and consider that the application warrants no further archaeological action. Consequently the application is considered to comply with Policy CS20.

Conclusion and Planning Balance

The application site is situated within a designated Key Employment Site within the Settlement Boundary of Whetstone with access to the transport network and key services and facilities; as such it is considered to be in a sustainable location.

The proposals would facilitate expansion of research and development offer on the site, which and provide high grade specialist additional employment opportunities ensuring the continued viability and vitality of the site and supporting wider the economic growth of the district and will deliver significant socio-economic benefits to enable growth within this sector.

The new buildings would complement the design of existing buildings within the site and other commercial units in the vicinity which is considered to be appropriate in its context and would not unduly harm the visual amenity of the nearest residents.

The application's impacts on the amenities of nearby residential dwellings in terms of noise and disturbance, loss of light and privacy and an overbearing impact have been assessed and are considered to not be significantly detrimental and can be controlled through the use of suitable conditions.

Lastly no technical, environmental, or ecological objections have been raised in relation to the development.

The three dimensions of sustainable development have been considered (economic, social and environmental) as set out in the NPPF and the proposal is considered to conform with the Development Plan and it is supported by the relevant policies of the NPPF. In light of the above, this application is considered to be acceptable and accordingly it is recommended that planning permission is granted subject to the stated conditions.

24/0317/FUL

**Registered Date
17.04.2024**

Mr Paul Loomes

Single storey side extension, along with change of side elevation window to a French door (Part Retrospective)

1A George Street, Enderby,

**Report author: Tom White, Senior Planning Officer
Contact Details: Council Offices. Tel 0116 250 3078**

RECOMMENDATION:

THAT APPLICATION 24/0317/FUL BE REFUSED FOR THE FOLLOWING REASON:

1. Due to the siting, design and scale, the proposed development would erode the space around the listed building, creating an elongated extension which would result in the site becoming undesirably condensed and cramped and would detract from the building's simple built form. The proposal would therefore lead to 'less than substantial harm' to the designated heritage asset through the erosion of the building's setting and the unsympathetic extension, which would not be adequately outweighed by the public benefits of the proposal. As such, the proposal would be contrary to Policies CS2 and CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013), Policies DM1 and DM12 of the Blaby District Local Plan (Delivery) Development Plan Document (2019), and the National Planning Policy Framework and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

NOTES TO COMMITTEE

This application has been brought before the Planning Committee due to Cllr Cashmore calling in the application for the following reasons:

- Although the building is Grade II listed, it is an asset to the community as it serves as the only day nursery in the centre of Enderby, therefore it now has a waiting list.
- The proposed scheme in my opinion will be in keeping with the area
- And traffic congestion is already an ongoing issue within the village

Relevant Planning Policies

National Planning Policy Framework (NPPF)

Planning Practice Guidance (NPPG)

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

Policy CS1 – Strategy for locating New Development

Policy CS2 – Design of New Development

Policy CS20 – Historic Environment and Culture
Policy CS24 – Presumption in Favour of Sustainable Development

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

Policy DM1 - Development within the settlement boundaries
Policy DM8 - Local parking and highways design standards
Policy DM12- Designated and Non-designated Heritage Assets

Consultation Summary

Blaby District Council, Conservation Officer – raised objections to the application. The comments are incorporated into the body of the report.

Blaby District Council, Environmental Services –

Initial comments - stated that additional information was required. Commented that it was not clear how the development would affect the number of children and that a potential intensification may have an impact on noise and disturbance. Stated that the exact number of children intended to be registered at the nursery should be clarified and a Management Plan should be submitted to identify the adverse impacts of the development and setting out how the increase in the number of children would be effectively managed to reduce the impact. Also recommended conditions requiring the submission of drainage details and a Construction Management Statement.

Revised comments – Stated that whilst the principle of development is not unreasonable, without the requested information the impacts of the development cannot be assessed or conditions suggested to mitigate any of the negative effects in relation to possible noise and disturbance.

Enderby Parish Council - has raised no objection to the application.

Leicestershire County Council, Highways –

Initial comments - stated that the application required additional information. Clarification is sought in relation to the numbers of children proposed. Requests further information in relation to trip generation during the am and pm periods, expected modal split based on the children already attending the nursery, and how additional drop offs/ pick ups would be managed,

Revised comments – the impacts of the development on highway safety would not be unacceptable and the impacts on the road network would not be severe. Commented that although further information relating to the number of children and how two-way trips would change under the proposals had not been provided, given the scale of the extension (30.04 sq. metres), the Local Highway Authority did not consider that the increase would be significant to the point where an unacceptable impact on the highway network could be demonstrated. A condition is recommended requiring the parking facilities to be provided and permanently retained.

Third Party Representations

No letters of representation have been received

Relevant History

97/0881/1/PX	Change of use to Day Nursery	Approved 12.01.1998
97/0952/1/LX	Demolition and extension to form day nursery	Approved 23.02.1998
98/0819/1/LY	Retention of 9 replacement windows & 1 window which replaces a door	Refused
23/0474/FUL	Two storey rear extension and single storey side extension	Withdrawn
23/0475/LBC	Two storey rear extension and single storey side extension	Withdrawn
23/0870/FUL	Single storey side extension along with retrospective change of side elevation window to a French door (resubmission of application 23/0474/FUL)	Withdrawn
23/0871/LBC	Single storey side extension along with retrospective change of side elevation window to a French door (resubmission of application 23/0475/LBC)	Withdrawn
24/0318/LBC	Single storey side extension, along with change of side elevation window to a French door (Part Retrospective)	Pending Consideration

EXPLANATORY NOTE

The Site

The application site comprises an attractive, three-bay, mid-nineteenth century framework knitters workshop constructed from red brick and slate roof tile. The building is Grade II listed and is of special interest owing to its architectural features, (which includes several three-light horizontal sliding sash windows to the principal elevation with segmented arched headers above the ground floor windows), as well as its historical importance as a surviving example of Enderby's framework knitting industry. The building has previously been extended with single storey extensions to the side and rear.

The Proposal

The application seeks planning permission for a single storey side extension which would extend off the side of the previous rear extension. The extension would be built of brick with a slate roof, but with a partially glazed to link to the existing building, with glazed roof and glazed front elevation. The extension will accommodate a new nursery room (in addition to the existing baby room and toddler room in the present building), a bin store and toilet. The retrospective part of the application relates to the change of a window to a French door on the existing side elevation which was carried out sometime between 2009 and 2011.

As the property is a grade II listed building a listed building application (24/0318/LBC) has also been submitted which is simultaneously under consideration by the District Planning Authority.

Planning Considerations

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

NATIONAL PLANNING GUIDANCE

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;
- 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.

Chapter 16 of the NPPF refers to 'Conserving and enhancing the historic environment'. Footnote 71 indicates that the policies set out in this chapter relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-making.

Paragraph 195 states that "Heritage assets range from sites and buildings of local historic value to those of the highest significance... These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."

Paragraph 200 states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary..."

Paragraph 201 states "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Paragraph 203 states "In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness."

Paragraph 205 states "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."

Paragraph 206 states “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...”

Paragraph 208 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.”

Planning (Listed Building and Conservation Areas) Act 1990

Section 66 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall 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.

Historic England

Historic England Advice Note 12 – Statements of Heritage Significance. Historic Environment Good Practice Advice in Planning Note 3 (2nd Ed.) The Setting of Heritage Assets.

DEVELOPMENT PLAN

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

Policy CS1 – Strategy for locating new development

Policy CS1 states that most new development, including housing and employment, will take place within and adjoining the Principal Urban Area (PUA) of Leicester. Outside of the PUA, it states that development will be focused within and adjoining Blaby and the Larger Central Villages (which includes Enderby) which contain a good range of services and facilities, access to a range of transport modes and which have a good functional relationship with higher order centres (including Leicester). It states that in each settlement, encouragement will be given to the use of Previously Developed Land (brownfield) and underused land and buildings.

Policy CS2 – Design of new development

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

Policy CS20 - Historic Environment and Culture

Policy CS20 expects development to preserve or 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 the development.

Policy CS24 – Presumption in Favour of Sustainable Development

Policy CS24 requires that when considering development proposals, Blaby District Council will take a positive approach that reflects the presumption in favour of sustainable development.

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

Policy DM1 – Development within the Settlement Boundaries

Policy DM1 seeks to support suitable development located within the boundaries of existing settlements where the proposal meets a number of criteria.

Policy DM8 - Local Parking and Highway Design Standards

Policy DM8 seeks to provide a consistent approach to local car parking standards and highway design. To comply with this policy will require developments to provide an appropriate level of parking provision as detailed within the most up to date Leicestershire Local Highway Design Guidance documents.

Policy DM12 - Designated and Non-designated Heritage Assets

This policy echoes Policy CS20 of the Core Strategy where it requires development to preserve or 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 the development.

Planning Considerations

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

- Impact on the character and appearance of the area and the grade II listed building
- Impact on neighbouring properties
- Highway Impacts

The need for the development

The applicant has indicated that the current nursery is a busy successful business which is running at capacity with places for 20 children. It is understood that the nursery has places booked up until September 2024 and is no longer accepting names on the waiting list. The applicant states that the recent closure of another 100 place nursery in the vicinity has severely impacted the provision of child care places

available, and states that the proposals will enable much needed additional places to be opened up to children within the community further meeting the demand on site. The applicant indicates that they have owned the building since 1998 and has sympathetically renovated the building into the current use. They indicate that when the site was first purchased, there was a single storey timber structure which stood adjacent to the main building, located in a similar position to the proposed single storey extension.

Impact on the Character and Appearance of the Area and the Grade II Listed Building

Policy CS2 states all new development should respect distinctive local character and should contribute to creating places of high architectural and urban design quality. Design should be appropriate to its context and should take any opportunities available to improve the character and quality of an area and the way it functions. Development should take account of local patterns of development, landscape and other features and views and are sympathetic to their surroundings through urban design, landscaping, architecture and architectural detailing. High quality places will be required through the application of good design principles including layout, street design, scale, materials natural surveillance, orientation and sustainable construction.

Policy DM1 requires that a development proposal will be in keeping with the character and appearance of the area, not result in the overdevelopment of the site due to factors including footprint, scale and massing, and have a satisfactory layout, design and external appearance.

Policy DM12 states that development should seek to avoid harm to the heritage assets of the District and Policy CS20 expects development to make a positive contribution to the character and distinctiveness to the local area.

The application site comprises an attractive, three-bay, mid-nineteenth century framework knitters workshop constructed from red brick and slate roof tile. The building is Grade II listed and is of special interest owing to its architectural features, which includes several three-light horizontal sliding sash windows to the principal elevation with segmented arched headers above the ground floor windows, as well as its historical importance as a surviving example of Enderby's framework knitting industry.

The building occupies a corner plot which allows full views of its northern and western flank elevations, with partial views of the southern elevation. Whilst these aspects vary in character (the northern elevation contains Flemish bond brickwork and the horizontal sliding sash windows, whilst the western elevation is rendered to above the ground floor and contains a small, high-level opening, with a brick and slate single-storey lean-to at ground floor), the built form of the building is clearly defined, with the cottage/workshop being of two storey in height with two smaller single storey elements providing low-key, subordinate ancillary functions.

The heritage statement indicates that the design cues of the proposed development have been informed by the historic photograph of the previously demolished single storey outbuilding. Whilst the presence of a previous structure of substantial size once existed on the site, it is considered that the removal of the ancillary building has

significantly enhanced the setting of the listed building by opening up this listed building and revealing the building's western and southern aspects/elevations which had previously been concealed by the previous structure's bulk and mass. In that regard, removing the building and opening up the space surrounding the listed building would have likely been considered a positive change rather than a negative one. Therefore, using the example of a previously demolished building, which had a negative influence on the setting of the listed building, is not considered to be sufficient justification to extend the building in such a manner which would introduce harm to the building's setting.

It is also considered that these views from the south would have been improved even more had the garage at Fernleigh had not been constructed to its current scale and proportions. However, just because that structure exists, it should not dictate that a further structure of a similar size and scale is not harmful in a heritage sense.

The proposed extension would project all the way to the western boundary, occupying a significant portion of open space between the building's western flank elevation and the pavement, abutting up to a neighbouring garage to the south. By virtue of its footprint and design, the proposed extension would close off the existing space at the rear of the listed building, which is currently used for outdoor play, storage and amenity purposes. Although the space is not necessarily of high quality, it provides an open aspect of the building (partly obscured by a play frame) and attractive views of the roofscape of neighbouring buildings, which make a positive contribution to the asset's setting and the area's townscape.

As such it is considered that an extension of this size in this location will erode the space which enables views of the heritage asset. In addition to this, it is not considered that a clear and convincing justification to extend the building in this particular manner has been put forward by the applicant, as the built form would still create an elongated limb projecting beyond the building's existing footprint in an awkward and incongruous manner, closer to the boundary with Shortridge Lane. Ultimately, this would detract from the building's simple built form, which makes an effective contribution to its architectural interest.

Furthermore, your Officers consider that the incursion into this space will result in the site becoming undesirably condensed and cramped, resulting in a cluttered and untidy outlook which would undermine the contribution that this space makes to the setting of the building. This space would be eroded to a much greater extent when viewed alongside the existing play equipment and would cause undue harm to the setting of this designated heritage asset, which contributes to its heritage significance.

In assessing the proposal against the heritage significance of the heritage asset, it is considered by the Council's Principal Planning and Conservation Officer that the proposal would lead to 'less than substantial harm' being caused to the heritage significance of this listed building through the erosion of the building's immediate setting and the unsympathetic elongation of its built form.

As the impact on the building's historic fabric is minor, the harm on this building's setting would generally lie within the lower end of the scale of 'less than substantial harm', that the Council's Principal Planning and Conservation Officer has prescribed.

However, it should be noted that even at the lower end of the scale of 'less than substantial', the balancing requirements stipulated in paragraph 208 of the NPPF are engaged. In weighing up the balance, consideration of the public benefits needs to be taken into account. The applicant's heritage statement repeats the previous justification for the size of the proposal, stating a 'need' for the provision of additional childminding spaces at the site to cater for the closure of a neighbouring facility in the village. It is accepted that the closure of a nearby facility would cause an increase in demand, and it is not disputed that absorbing some of that demand on an existing site that is extremely local to the site that has closed would be convenient to local people.

Whilst it is acknowledged that there would be some public benefit in meeting some of the local demand for childcare in the area, along with the economic benefits of what appears to be an increase in employees from 6 to 10 (+4). However, when weighed against the harm to the heritage significance of the listed building, the 'great weight' that should be given to the asset's conservation carries substantial weight. In accordance with paragraph 205 of the NPPF, for decision-making, the 'great weight' to an asset's conservation must be "*irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm*". In that sense, it would usually mean that the public benefits need to be of greater weight to outweigh that harm.

Given the statutory duty and the Council's policy requirements to give due regard to the preservation of the setting of a listed building, it should be noted that 'preservation' in this context is usually taken to mean 'doing no harm'. On the basis that the proposal will be harmful and having regard to the balancing exercise, it is the view of Officers that the public benefits associated with the proposed development are extremely limited in scale, and do not sufficiently outweighing the harm that would be caused to the heritage significance of 1A George Street. As such, it is considered that the demand/need for local childminding provision in Enderby could most likely be achieved on an alternative site that would not lead to harm to a Grade II listed building and its setting.

The retrospective part of the application (the change on the existing side elevation from a window to a French door) was carried out sometime between 2009 and 2011 without planning permission or listed building consent. In terms of planning permission, it is noted that this element of the proposal would now be lawful due to the time elapsed.

Impact on neighbouring properties

Policy DM1 requires new development to not significantly adversely impact neighbouring amenities in regards to privacy, light, noise, disturbance and overbearing effect.

The application site is in close proximity to the neighbouring properties of no 27, 29, 31 and 33 King Street. The proposed extension would be single storey and would extend close to the boundary with no.31 and no.33 King Street. No.33 King Street has a single storey garage, the side elevation of which extends along the full length of the rear boundary with the application site. No.31 King Street has a 1.8 to 2 metre high fence along its rear boundary. The proposed extension to the nursery would be within

1 metre of the boundary and would measure approximately 2.3 metres to the eaves and 3 metres to the ridge (of the glazed element). Whilst this would have the potential to impact on the amenity of residents at no.31, it is noted that the existing extension to the rear of the nursery has a higher ridge line (3.5 metres in height) and the proposed development would be located directly to the north of the back yard of no.31 King Street and would therefore not impact on direct sunlight to residents.

The potential noise and disturbance impacts that might arise from the extended nursery have also been considered. As part of the application, the Council's Environmental Services Team have been consulted who requested additional information in the form of a management plan to assess the possible impacts in terms of noise and disturbance from the intensification of the use. The Environmental Services team has indicated that without this information it is not possible to fully assess the proposed impacts or recommend appropriate mitigation or conditions.

Whilst the applicant has not submitted this information or provided detail regarding the expected number of children, it is acknowledged that the extension to the nursery is only 30 square metres and it is unlikely that there would be a significant increase in the number of children attending. The existing nursery already caters for 20 children, and there is an outdoor play area immediately on the boundary of the above properties.

The proposed extension to the nursery would form a physical barrier between the play area and the neighbouring properties and as such may result in a reduction in noise to those properties. A single door is proposed in the rear of the proposed extension, facing onto those properties. Given this door would appear to be a fire door, a condition could be imposed if permission was granted requiring this door to be kept closed except in emergencies. On this basis, the proposed development is not considered to have a significantly adverse impact on the amenities of occupiers of neighbouring residential properties.

Highway impacts

Policy DM8 states that development that affects parking or garage space will be required to provide an appropriate level of parking provision.

The Local Highway Authority (Leicestershire County Council) have been consulted and have requested additional information in regards to the trip generation. It is noted that there are currently six full time staff employed at the site and this would be increased to ten under the proposals. The current nursery has a capacity for 20 children but it is not clear how pupil numbers would increase as a result of the proposals.

The Local Highway Authority has specifically asked for details of the additional trip generation as a result of the development during the am and pm peak periods, and details of the anticipated modal split (i.e. method of transport) of children arriving at the nursery. It is noted that George Street is a narrow one way street where vehicles park on the street where it would be difficult for drop offs to occur. The applicant has stated that the four off street parking spaces would still be usable for drop offs where the parking spaces would not be used by the staff.

Whilst further information in relation to the number of additional children, trip generation and modal split has not been provided, the Local Highway Authority has stated in a reconsultation that given the scale of the extension (30 sq. metres), the Local Highway Authority does not consider that this increase would be significant to the point where an unacceptable impact on the highway network could be demonstrated.

Paragraph 115 of the National Planning Policy Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this case, the development is not considered to result in such impacts.

Planning Balance and Conclusion

The proposal would extend an existing Grade II listed building. It is considered that the proposal would erode the space around the listed building, creating an elongated extension which would result in the site become undesirably condensed and cramped and would detract from the building's simple built form. The proposal would therefore lead to 'less than substantial harm' to the designated heritage asset through the erosion of the building's setting and the unsympathetic extension, which would not be adequately outweighed by the public benefits of the proposal.

As such it is considered that the proposal would be contrary to Policies CS2 and CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013), Policies DM1 and DM12 of the Blaby District Local Plan (Delivery) Development Plan Document (2019), and the National Planning Policy Framework and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The application for planning permission is therefore recommended for refusal.

24/0318/LBC

**Registered Date
17.04.2024**

Mr Paul Loomes

Single storey side extension, along with change of side elevation window to a French door (Part Retrospective)

1A George Street, Enderby, Leicester

**Report author: Tom White, Senior Planning Officer
Contact Details: Council Offices. Tel 0116 250 3078**

RECOMMENDATION:

THAT APPLICATION, 24/0318/LBC, BE REFUSED FOR THE FOLLOWING REASON:

1. Due to the siting, design and scale, the proposed development would erode the space around the listed building, creating an elongated extension which would result in the site becoming undesirably condensed and cramped and would detract from the building's simple built form. The proposal would therefore lead to 'less than substantial harm' to the designated heritage asset through the erosion of the building's setting and the unsympathetic extension, and therefore would not preserve or enhance the listed building or its setting and would be contrary to Policy CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document, Policy DM12 of the Blaby District Local Plan (Delivery) Development Plan Document (2019) and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

NOTES TO COMMITTEE

This application has been brought before the Planning Committee as it is associated with application 24/0317/FUL which has been called-in to Committee by Cllr Cashmore.

Relevant Policies

National Planning Policy Framework

National Planning Guidance

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

Policy CS20 - Historic Environment and Culture

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

Policy DM12- Designated and Non-designated Heritage Assets

Consultation Summary

Blaby District Council, Conservation Officer – raised objections to the application. The comments are incorporated into the body of the report.

Enderby Parish Council - has raised no objection to the application.

Historic England – No comments to make on the application

Leicestershire County Council, Archaeology- Raised no objections to the application

Third Party Representations

No letters of representation have been received

Relevant History

97/0881/1/PX	Change of use to Day Nursery	Approved 12.01.1998
97/0952/1/LX	Demolition and extension to form day nursery	Approved 23.02.1998
98/0819/1/LY	Retention of 9 replacement windows & 1 window which replaces a door	Refused
23/0474/FUL	Two storey rear extension and single storey side extension	Withdrawn
23/0475/LBC	Two storey rear extension and single storey side extension	Withdrawn
23/0870/FUL	Single storey side extension along with retrospective change of side elevation window to a French door (resubmission of application 23/0474/FUL)	Withdrawn
23/0871/LBC	Single storey side extension along with retrospective change of side elevation window to a French door (resubmission of application 23/0475/LBC)	Withdrawn
24/0318/LBC	Single storey side extension, along with change of side elevation window to a French door (Part Retrospective)	Pending Consideration

EXPLANATORY NOTE

The Site

The application site comprises an attractive, three-bay, mid-nineteenth century framework knitters workshop constructed from red brick and slate roof tile. The building is Grade II listed and is of special interest owing to its architectural features, (which includes several three-light horizontal sliding sash windows to the principal elevation with segmented arched headers above the ground floor windows), as well as its historical importance as a surviving example of Enderby's framework knitting industry. The building has previously been extended with single storey extensions to the side and rear.

The Proposal

The application seeks listed building consent for a single storey side extension which would extend off the side of the previous rear extension. The extension would be built of brick with a slate roof, but with a partially glazed to link to the existing building, with glazed roof and glazed front elevation. The extension will accommodate a new nursery room (in addition to the existing baby room and toddler room in the present building), a bin store and toilet. The retrospective part of the application relates to the change of a window to a French door on the existing side elevation which was carried out sometime between 2009 and 2011.

The proposal would be attached to the existing listed building and proposes to use existing external opening to access the new rooms internally, but otherwise does not propose changes to the internal or external fabric of the listed building. As the proposed development also requires planning permission, a planning application (24/0317/FUL) has also been submitted which is simultaneously under consideration by the District Planning Authority.

LEGISLATION AND NATIONAL PLANNING GUIDANCE

Planning (Listed Building and Conservation Areas) Act 1990

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the local planning authority shall 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.

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;
 - 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.

Chapter 16 of the NPPF refers to ‘Conserving and enhancing the historic environment’. Footnote 71 indicates that the policies set out in this chapter relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-making.

Paragraph 195 states that “Heritage assets range from sites and buildings of local historic value to those of the highest significance... These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”

Paragraph 200 states “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary...”

Paragraph 201 states “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into

account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Paragraph 203 states "In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness."

Paragraph 205 states "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."

Paragraph 206 states "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..."

Paragraph 208 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."

Historic England

Historic England Advice Note 12 – Statements of Heritage Significance. Historic Environment Good Practice Advice in Planning Note 3 (2nd Ed.) The Setting of Heritage Assets.

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

Policy CS20 - Historic Environment and Culture

Policy CS20 expects development to preserve or 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 the development.

DEVELOPMENT PLAN

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

Policy DM12 - Designated and Non-designated Heritage Assets

This policy echoes Policy CS20 of the Core Strategy where it requires development to preserve or 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 the development.

Listed Building Consent Consideration

In considering whether to grant listed building consent for any works the local planning authority shall 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.

Applications for listed building consent are not required to be determined in accordance with the development plan but the development plan can still be a material consideration insofar as it is relevant to the proposal.

The application site comprises an attractive, three-bay, mid-nineteenth century framework knitters workshop constructed from red brick and slate roof tile. The building is Grade II listed and is of special interest owing to its architectural features, which includes several three-light horizontal sliding sash windows to the principal elevation with segmented arched headers above the ground floor windows, as well as its historical importance as a surviving example of Enderby's framework knitting industry.

The building occupies a corner plot which allows full views of its northern and western flank elevations, with partial views of the southern elevation. Whilst these aspects vary in character (the northern elevation contains Flemish bond brickwork and the horizontal sliding sash windows, whilst the western elevation is rendered to above the ground floor and contains a small, high-level opening, with a brick and slate single-storey lean-to at ground floor), the built form of the building is clearly defined, with the cottage/workshop being of two storey in height with two smaller single storey elements providing low-key, subordinate ancillary functions.

The heritage statement indicates that the design cues of the proposed development have been informed by the historic photograph of the previously demolished single storey outbuilding. Whilst the presence of a previous structure of substantial size once existed on the site, it is considered that the removal of the ancillary building has significantly enhanced the setting of the listed building by opening up this listed building and revealing the building's western and southern aspects/elevations which had previously been concealed by the previous structure's bulk and mass. In that regard, removing the building and opening up the space surrounding the listed building would have likely been considered a positive change rather than a negative one. Therefore, using the example of a previously demolished building, which had a negative influence on the setting of the listed building, is not considered to be sufficient

justification to extend the building in such a manner which would introduce harm to the building's setting.

It is also considered that these views from the south would have been improved even more had the garage at Fernleigh had not been constructed to its current scale and proportions. However, just because that structure exists, it should not dictate that a further structure of a similar size and scale is not harmful in a heritage sense.

The proposed building extension would project all the way to the western boundary, occupying a significant portion of open space between the building's western flank elevation and the pavement, abutting up to a neighbouring garage to the south. By virtue of its footprint and design, the proposed extension would close off the existing space at the rear of the listed building, which is currently used for outdoor play, storage and amenity purposes. Although the space is not necessarily of high quality, it provides an open aspect of the building (partly obscured by a play frame) and attractive views of the roofscape of neighbouring buildings, which make a positive contribution to the asset's setting and the area's townscape.

As such it is considered that an extension of this size in this location will erode the space which enables views of the heritage asset. In addition to this, it is not considered that a clear and convincing justification to extend the building in this particular manner has been put forward by the applicant, as the built form would still create an elongated limb projecting beyond the building's existing footprint in an awkward and incongruous manner, closer to the boundary with Shortridge Lane. Ultimately, this would detract from the building's simple built form, which makes an effective contribution to its architectural interest.

Furthermore, your Officers consider that the incursion into this space will result in the site becoming undesirably condensed and cramped, resulting in a cluttered and untidy outlook which would undermine the contribution that this space makes to the setting of the building. This space would be eroded to a much greater extent when viewed alongside the existing play equipment and would cause undue harm to the setting of this designated heritage asset, which contributes to its heritage significance.

In assessing the proposal against the heritage significance of the heritage asset, it is considered by the Council's Principal Planning and Conservation Officer that the proposal would lead to 'less than substantial harm' being caused to the heritage significance of this listed building through the erosion of the building's immediate setting and the unsympathetic elongation of its built form.

As the impact on the building's historic fabric is minor, the harm on this building's setting would generally lie within the lower end of the scale of 'less than substantial harm', that the Council's Principal Planning and Conservation Officer has prescribed. However, it should be noted that even at the lower end of the scale of 'less than substantial', the balancing requirements stipulated in paragraph 208 of the NPPF are engaged. In weighing up the balance, consideration of the public benefits needs to be taken into account. The applicant's heritage statement repeats the previous justification for the size of the proposal, stating a 'need' for the provision of additional childminding spaces at the site to cater for the closure of a neighbouring facility in the village. It is accepted that the closure of a nearby facility would cause an increase in

demand, and it is not disputed that absorbing some of that demand on an existing site that is extremely local to the site that has closed would be convenient to local people.

Whilst it is acknowledged that there would be some public benefit in meeting some of the local demand for childcare in the area, along with the economic benefits of what appears to be an increase in employees from 6 to 10 (+4). However, when weighed against the harm to the heritage significance of the listed building, the 'great weight' that should be given to the asset's conservation carries substantial weight. In accordance with paragraph 205 of the NPPF, for decision-making, the 'great weight' to an asset's conservation must be "*irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm*". In that sense, it would usually mean that the public benefits need to be of greater weight to outweigh that harm.

Given the statutory duty to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, and the Council's policy requirements to give due regard to the preservation of the setting of a listed building, the proposal in this case it considered to cause harm to the heritage significance of 1A George Street and its setting. The retrospective part of the application (the change on the existing side elevation from a window to a French door) was carried out sometime between 2009 and 2011 without planning permission or listed building consent. In terms of planning permission, this would now be lawful due to the time elapsed. However, in terms of listed building consent, this comprises unauthorised works which is not considered acceptable due to the use of replacement uPVC doors which would not preserve or enhance the special architectural interest of the building. It is recommended that the doors are instead replaced with timber doors to be in keeping with the windows throughout the building.

Conclusion

The proposal would extend an existing Grade II listed building. It is considered that the proposal would erode the space around the listed building, creating an elongated extension which would result in the site become undesirably condensed and cramped and would detract from the building's simple built form. The proposal would therefore lead to 'less than substantial harm' to the designated heritage asset through the erosion of the building's setting and the unsympathetic extension, and therefore would not preserve or enhance the listed building or its setting and would be contrary to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The application for listed building consent is therefore recommended for refusal.
