



Meeting: **Development Control and Regulatory Board**

Date/Time: **Thursday, 26 October 2023 at 2.00 pm**

Location: **Sparkenhoe Committee Room, County Hall, Glenfield**

Contact: **Mr E. Walters (Tel: 0116 3052583)**

Email: **euan.walters@leics.gov.uk**

Membership

Mr. L. Phillimore CC (Chairman)

Mr. R. G. Allen CC Mr. D. Harrison CC
Mr. N. D. Bannister CC Mr. P. King CC
Mr. M. H. Charlesworth CC Mr. B. Lovegrove CC
Mr. D. A. Gamble CC Mr. K. Merrie MBE CC
Mr. D. J. Grimley CC Mr. C. A. Smith CC

**Please note: this meeting will be filmed for live or subsequent broadcast via You Tube
https://www.youtube.com/playlist?list=PLrIN4_PKzPXjar7IOtLtNZvlwZ4xT_8yU
– Notices will be on display at the meeting explaining the arrangements.**

AGENDA

Item

1. Minutes of the meeting held on 22 August 2023. (Pages 3 - 4)
2. Question Time.
3. Questions asked by Members under Standing Order 7(3) and 7(5).
4. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.
5. Declarations of interest in respect of items on the agenda.
6. Presentation of petitions under Standing Order 35.



Reports of the Chief Executive on Planning Applications - County Council Applications.

7. 2021/1716/03 (2021/Reg3Ma/0122/LCC): Erection of 8 no. buildings to be used for E(g)(iii) / B2 / B8 - Airfield Business Park, Leicester Road, Market Harborough, LE16 7UL. (Pages 5 - 30)
8. 2023/Reg3Mi/0073/LCC: Existing two storey dwelling - change of use from C3 to C2 - 7 Bruxby Street, Syston, Leicestershire. LE7 1NB. (Pages 31 - 44)
9. Any other items which the Chairman has decided to take as urgent.
10. Dates of future meetings.

Future meetings are proposed to be held on the following dates all at 2.00pm:

Thursday 30 November 2023;
Thursday 11 January 2024;
Thursday 22 February 2024;
Thursday 4 April 2024;
Thursday 30 May 2024;
Thursday 11 July 2024;
Thursday 22 August 2024;
Thursday 3 October 2024;
Thursday 21 November 2024.



Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield on Tuesday, 22 August 2023.

PRESENT

Mr. L. Phillimore CC (in the Chair)

Mr. R. G. Allen CC
Mr. M. H. Charlesworth CC
Mr. D. J. Grimley CC
Mr. D. Harrison CC
Mr. P. King CC

Mr. B. Lovegrove CC
Mr. K. Merrie MBE CC
Mrs. R. Page CC
Mr. C. A. Smith CC

24. Minutes of the previous meeting.

The minutes of the meeting held on 3 August 2023 were taken as read, confirmed and signed.

25. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 34.

26. Questions asked by Members.

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

27. Urgent items.

There were no urgent items for consideration.

28. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

It was noted that all members who were members of a Parish, Town or District Council, or Liaison Committee would have personal interests in applications which related to areas covered by those authorities.

Mr. P. King CC declared a non-registerable interest in agenda item 7: Leicestershire County Council - Construction of a 210 place primary school - land between Airfield Road and Owen Way, Market Harborough as he was the local member for the application and was also a member of Harborough District Council.

29. Presentation of petitions.

The Chief Executive reported that no petitions had been received under Standing Order 35.

30. 2023/0651/03 (2023/Reg3Ma/0043/LCC): Leicestershire County Council - Construction of a 210 place primary school with associated access, drainage, infrastructure, play areas, parking, ancillary facilities and landscaping- Land between Airfield Road and Owen Way, Market Harborough.

The Board considered a report of the Chief Executive, a copy of which marked 'Agenda Item 7', is filed with these minutes.

The local member Mr. P. King CC stated that he supported the application but sought reassurances regarding there being covered cycle/scooter parking and sufficient carparking should the school expand in the future. In response it was explained that should it be proposed to expand the school in the future an additional planning application would have to be submitted and carparking issues would have to be considered as part of that application.

In response to questions from members regarding the adoption by the County Council of the surrounding roads the Chief Executive advised the Board that road adoption was a separate regulatory process and should have no bearing on whether the planning application for the school was permitted. It was noted, however, that the County Council would not adopt a road until it was of a specific standard.

The Board asked for the applicant to be notified that it was not in favour of flat roofs on schools but was very much in favour of schools having separate entry and exit points using a one-way system as this proposed school did.

RESOLVED:

That the application be permitted, subject to the conditions as set out in the appendix to the report, as amended in the addendum to the report.

2.00 - 2.38 pm
22 August 2023

CHAIRMAN



DEVELOPMENT CONTROL AND REGULATORY BOARD

26th October 2023

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT

APP.NO.	2021/1716/03 (2021/Reg3Ma/0122/LCC)
PROPOSAL:	Erection of 8 no. buildings to be used for E(g)(iii) / B2 / B8
LOCATION:	Airfield Business Park, Leicester Road, Market Harborough, LE16 7UL
APPLICANT:	Leicestershire County Council
MAIN ISSUES:	Highways, design and landscaping.
RECOMMENDATION:	PERMIT subject to the conditions set out in Appendix A

Circulation Under Local Issue Alert Procedure

Mr. P. King CC.

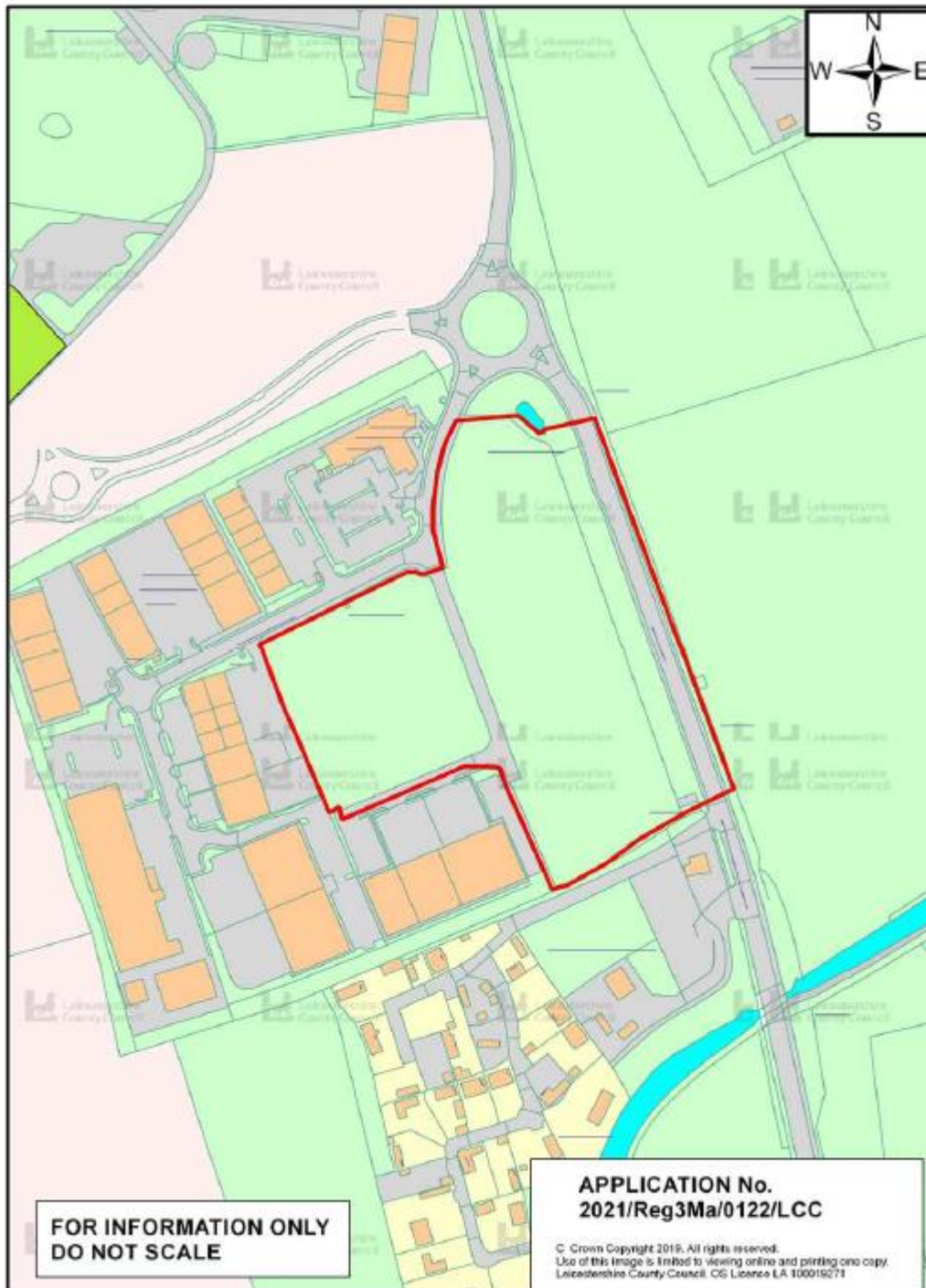
Officer to Contact

Christina Emmett
Email: Planningcontrol@leics.gov.uk

PART B – MAIN REPORT

The Site and Surroundings

1. The site is located within the former Airfield Farm on Leicester Road, Market Harborough, within the Harborough district and is located approximately 11 miles from Junction 20 of the M1.
2. The Application Site extends to around 2.9 hectares and forms the remaining, undeveloped part of the wider Airfield Business Park, (ABP) which covers an area of land of around 30 hectares and is located about 1.8km to the north of Market Harborough town centre.
3. The plot to which this application relates forms the eastern and central part of the overall site and is accessed from the site spine road, Wellington Way, which connects to B6047, Harborough Road.
4. A number of buildings have already been constructed within the wider ABP, including the Innovation Centre at the gateway to the site along with Units A D, E, G, J, K. L and M, which are all buildings of similar employment types (B2) as this proposed full planning application.
5. Beyond the boundaries of the application site the Greenacres Travellers site lies to the south and south west, and a number of other developments have recently been approved, which include a new agricultural showground situated to the north of the application site and a new residential neighbourhood to the west and south.
6. The wider ABP forms part of a development which is expanding Market Harborough to the north and west. However, there remains agricultural land to the east and south-east of the site beyond Harborough Road. The Grand Union Canal runs approximately 100m to the south; HMP Gartree is located about 1.2km further to the west; former RAF Market Harborough lies approximately 1.6km south west and St Luke's Hospital approximately 1.6km to the south.



Planning Background and History

7. The site is allocated in the Harborough Local Plan 2011-2031 for Class B1, B2 and non-strategic B8 development.
8. A Full Application for the Airfield Business Park site was submitted in outline form to Harborough District Council (HDC) in 2015 (ref. 15/01609/OUT) and approved in July 2016. This permission was sought by and granted to William Davis Ltd, with Leicestershire County Council subsequently acquiring a portion of the wider Airfield Business Park site. The outline permission issued by HDC established the principle of B1b, B1c and B2 uses at this location.

9. Leicestershire County Council (LCC) purchased the land in order to develop and retain the proposed business units within its wider landownership portfolio. A full planning application was submitted to LCC for the erection of 3 industrial buildings, divided into 8 smaller units, providing 7,464sqm in total. Permission was granted in 2018/0257/03 (2018/Reg3Ma/0016/LCC) with the scheme having now been completed.

Description of Proposal

10. The proposal involves the erection of eight new industrial buildings with twin-pitched roofs, vehicle parking and landscaping. This forms part of the wider Airfield Business Park development, as allocated in the Harborough Local Plan 2011-2031. It is proposed that each building would provide the following smaller units:

Unit H1 – subdivided into six no. units:

H1a at 222m²; H1b and H1c at 220m²; H1d and H1e at 145m²; and H1f at 147m².

Subtotal of Unit H1 is 1,099m² floorspace.

Ridge height of building is approximately 8 metres.

Units H2 & H3

Units H2 & H3 is one building subdivided into 12 no. units:

Subtotal of Unit H2 is 1,106m².

Subtotal of Unit H3 is 1,106m² floorspace.

Ridge height of building is approximately 10 metres.

Unit 1

Unit 1 is subdivided into 5 no. units:

1A at 147m²; 1B, 1C and 1D, each at 145m²; and 1E at 222m².

Subtotal of Unit 1 is 804m² floorspace.

Ridge height of building is approximately 8 metres.

Unit 2

Unit 2 is subdivided into 4 no. units:

2A and 2D each at 445m²; 2B at 441m²; and 2C at 293m²

Subtotal of Unit 2 is 1,624m² floorspace.

Ridge height of building is approximately 10 metres.

Unit 3

Unit 3 is subdivided into 2 no. units:

3A and 3B each at 932m².

Subtotal of Unit 3 is 1,864m² floorspace.

Height of building is maximum of 11.36 metres to the ridge.

Units A1 & A2

Units A1 & A2 is one building and is subdivided into 4 no. units with 2 no. units on the ground floor (gf) and 2 no. units on the first floor (ff):

Unit A1 (gf) and A2 (gf) each at 107m²; and Unit A1 (ff) and A2 (ff) each at 54m².

Subtotal of Units A1 & A2 is 322m² floorspace.

Units A1 and A2 are located in a prominent position, facing the roundabout and entrance to the business park with the west side elevation facing the Innovation Centre. The ridge height of the building is at a maximum of approximately 8 metres.

Units A3 & A4

Units A3 & A4 is one building and is subdivided into 4 no. units with 2 no. units on the ground floor (gf) and 2 no. units on the first floor (ff):

Unit A3 (gf) and A4 (gf) each at 204m²; and Unit A3 (ff) and A4 (ff) each at 72m².

Subtotal of Units A3 & A4 is 552m² floorspace.

Units A3 & A4 are also in a prominent position, facing onto the main carriageway of Leicester Road (B6047). The height of the building is at a maximum of approximately 8 metres.

Units A5 & A6

Units A5 & A6 is one building and is subdivided into 4 no. units with 2 no. units on the ground floor (gf) and 2 no. units on the first floor (ff):

Unit A5 (gf) and A6 (gf) each at 204m²; and Unit A5 (ff) and A6 (ff) each at 72m².

Subtotal of Units A5 & A6 is 552m² floorspace.

The total gross internal area for all units is 9,029m².

11. The front east side elevation of Units A5 & A6 face onto the junction of Wellington Way and Harrison Road with the north side elevation facing The Innovation Centre. The height of the building is at a maximum of approximately 8 metres.

12. Units H1, H2, H3, 1, 2, and 3 are constructed of panels with vertically profiled cladding from ground level up to the haunch with further horizontal cladding to the elevations and pitched roof in Merlin Grey, Silver and Goosewing Grey; with Rain Water Pipes (RWP), soffits and fascias in aluminium and a Polyester Powder Coating (PPC) glazed entrance canopies over main entrances to match existing buildings on the wider site.
13. Units A1 & A2, A3 & A4, A5 & A6 have hipped roofs with composite design cladding and roof lights. To all elevations there is facing brickwork of red and blue, with featured khaki brown cladding and glazing to all elevations. RWP, soffits and fascias are aluminium, and PPC glazed canopies over the main entrances.
14. There is an existing vehicular access off Harborough Road via a new, purpose built roundabout. Harborough Road benefits from footways on both sides, however, the site is not readily accessible via alternative public rights of way. Notwithstanding this, the ABP site is accessible by public transport with a bus stop 50m away along Harborough Road with 3-4 buses each hour (both ways) stopping at this point.
15. There are existing industrial units on the wider ABP site and some of the internal ABP roads have been constructed and have no parking restrictions on them. The proposals include off-street parking adequate for the proposed uses and in line with the previously approved outline permission. HGV access is also provided for within the site layout plans.
16. The application is accompanied by the following documents:
 - Ecological Appraisal;
 - Habitat Survey;
 - Flood Risk Assessment;
 - Drainage Strategy;
 - Construction Method Strategy;
 - Travel Plan;
 - Transport Statement;
 - Historic Site Investigation Report;
 - Design & Access Statement;
 - Marketing Report; and
 - Site Location and layout plans, and elevation drawings.

Planning Policy

National Policy

National Planning Policy Framework (NPPF)

17. Chapter 6 ‘Building a strong, competitive economy’ of the NPPF (2023) (paras 81-83) states that *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*
18. Paragraph 83 requires that *“Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This*

includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.”

19. Paragraph 174. States that *“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) 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. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

Harborough Local Plan 2011-2031 (adopted April 2019)

GD1 Achieving sustainable development

“When considering proposals for development the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will work proactively and collaboratively with applicants to find joint solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental condition of the District.

Planning applications that accord with the Development Plan (including this Local Plan) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, the Council will grant permission, unless:

- a) *any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
- b) *specific policies in the NPPF indicate that development should be restricted.”*

GD5 Landscape character

“Development should be located and designed in such a way that it is sensitive to its landscape setting and landscape character area and will be permitted where it:

- a) *respects and, where possible, enhances local landscape, the landscape setting of settlements, and settlement distinctiveness;*
- b) *avoids the loss of, or substantial harm to, features of landscape importance;*
- c) *safeguards important public views, skylines and landmarks; and*
- d) *restores or provides equivalent mitigation for damaged features and/or landscapes that would be damaged or degraded as a result of the development.”*

GD8 Good design in development

“Development will be permitted where it achieves a high standard of design, including meeting the following criteria:

- a) *being inspired by, respecting and enhancing both the local character and distinctiveness of the settlement concerned;*
- b) *where appropriate, being individual and innovative, yet sympathetic to the local vernacular, including in terms of building materials;*
- c) *in areas with high heritage value (Conservation Areas and in proximity to Listed Buildings, Scheduled Monuments and other heritage assets and their settings), reflecting those characteristics that make these places special;*
- d) *respecting the context and characteristics of the individual site, street scene and the wider local environment to ensure that it is integrated as far as possible into the existing built form;*
- e) *being designed to minimise impact on the amenity of existing and future residents by:*
 - i. *not having a significant adverse effect on the living conditions of existing and new residents through loss of privacy, overshadowing and overbearing impact, and*
 - ii. *not generating a level of activity, noise, vibration, pollution or unpleasant odour emission, which cannot be mitigated to an appropriate standard and so would have an adverse impact on amenity and living conditions;*
- f) *minimising the amount of water consumption;*
- g) *minimising pollution from glare or spillage of light from external lighting;*
- h) *minimising opportunity for crime and maximising natural surveillance;*
- i) *protecting and enhancing existing landscape features, wildlife habitats and natural assets (including trees, hedges and watercourses) as an integral part of the development;*
- j) *enhancing the public realm, including high quality open spaces and links to the wider green infrastructure network to promote healthy lifestyles;*

- k) *making provision for the needs of specific groups in the community such as the elderly and those with disabilities;*
- l) *ensuring safe access, adequate parking and servicing areas including for refuse collection in new residential development;*
- m) *ensuring the safe, efficient and convenient movement of all highway users, including bus passengers, cyclists, pedestrians and horse riders; and*
- n) *where the site has previously been developed:*
 - i. *identifying the need for any decontamination and implementing this to an agreed programme; and*
 - ii. *ensuring that any contamination is not relocated elsewhere to a location where it could adversely affect the water environment or other wildlife habitats.”*

BE1 Provision of New Business Development

20. Policy BE1 sets out the Scale and Distribution of allocated new business development. The policy states that in addition to the delivery of existing commitments, a minimum of 59 hectares for office B1(a) and (b), industrial B1(c) and B2, and storage and distribution B8 will be provided across the allocated locations in Market Harborough at a minimum of 24 hectares in total, with Land at Airfield Farm (North West Market Harborough SDA) - approximately 13 hectares in accordance with Policy MH4, and Airfield Business Park, Leicester Road, to which this proposal forms part of, at approximately 6 hectares in accordance with Policy MH5.
21. Policy BE1 relates to the following as set out in the Town and Country (Use Classes) Order 1987 (as amended):
- B1a - Offices
 - B1b - Research and development
 - B1c - Light industry
 - B2 - General industry
 - B8 - Storage and distribution, where for the purposes of this plan units below 9,000sq.m gross are considered non-strategic and units in excess of 9,000sq.m gross are considered strategic.

BE3 Existing Employment Areas

22. Policy BE3 states (inter alia), that in Key Employment Areas, as identified on the Policies Map, development will only be permitted where it: a. is for business use (Use Classes B1, B2, B8); or b. is for small-scale uses providing services to support the business use; and c. would not be detrimental to the quality and attractiveness of the Key Employment Area.
23. Policy BE3 further states that: General Employment Areas, as identified on the Policies Map, development will be permitted where it:
- a) is for business use (Use Classes B1, B2, B8) or non-B class economic development uses subject to Policy RT2; or
 - b) is for small scale uses providing services to support the business or non-B class economic development use; and

- c) would not prejudice the wider redevelopment or regeneration of the area; d. would not result in any significant loss in employment; e. would, where possible, enhance the quality and attractiveness of the General Employment Area; and f. would not, alone or cumulatively, result in the General Employment Area ceasing to be predominantly in B class use.

GI5 Biodiversity and geodiversity

24. Policy GI5 states that development will be permitted where there is no adverse impact on the conservation of priority species or irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. Further, unavoidable loss or damage to habitats, sites or features is addressed through mitigation, relocation, or as a last resort compensation to ensure there is no net loss of environmental value.
25. The policy further requires the following:

Development should contribute towards protecting and improving biodiversity and geodiversity through, as relevant:

- a) protecting and enhancing habitats and populations of priority species;
- b) protecting and enhancing the strategic biodiversity network and wildlife corridors, particularly river and canal corridors, disused railways and all watercourses;
- c) maintaining biodiversity during construction;
- d) providing contributions to wider biodiversity improvements in the vicinity of the development;
- e) including measures aimed at allowing the District's flora and fauna to adapt to climate change;
- f) including measures to improve the water quality of any water body as required by the Water Framework Directive; and
- g) protecting features and areas of geodiversity value and enhancing them to improve connectivity of habitats, amenity use, education and interpretation.

CC3 Managing flood risk

26. New development should take place in the areas of lowest risk of flooding, including the potential future risk due to climate change. Development should take place within Flood Zone 1, wherever possible. Within Flood Zone 1 a site-specific flood risk assessment will be required for proposals relating to:
- a) major development;
 - b) land with critical drainage problems;
 - c) land at increased flood risk in the future; or
 - d) a more vulnerable use on land subject to other sources of flooding.

CC4 Sustainable drainage

27. *"All major development must incorporate sustainable drainage systems (SuDS).*

Prior to the commencement of development, the responsibilities for management and maintenance in perpetuity of the SuDS must be agreed.

The design and layout of the SuDS, taking account of the hydrology of the site, will:

- a) manage surface water close to its source and on the surface where reasonably practicable to do so;*
- b) use water as a resource, re-using it where practicable, and ensuring that any run-off does not negatively impact on the water quality of a nearby water body;*
- c) use features that enhance the site design and make an active contribution to making places for people;*
- d) incorporate surface water management features as multi-functional greenspace wherever possible;*
- e) provide for the re-naturalisation of modified water courses where practical;*
- f) be located away from land affected by contamination that may pose an additional risk to groundwater or other waterbodies;*
- g) demonstrate that the peak rate of run-off over the lifetime of the development, allowing for climate change, is no greater for the developed site than it was for the undeveloped site and reduced wherever possible; and*
- h) ensure that flooding would not occur to property in and adjacent to the development, in the event of an occurrence of a 1 in 100 year rainfall event (including an allowance for climate change) or in the event of local drainage system failure.”*

IN2 Sustainable Transport

- 28. Development proposals should have regard to the transport policies of the Local Transport Authority. Proposals should seek to maximise the use and efficiency of existing transport facilities and where necessary provide mitigating measures to deal with the impacts of development on the transport network, both within and outside the District.
- 29. Residential and commercial development proposals will be permitted, subject to the provision of: a. safe access, servicing and parking arrangements having regard to highways authority guidance and standards; b. measures to facilitate and encourage safe access by cycle and on foot; c. protection of, connection to, and extension where practicable of existing pedestrian, cycle and equestrian routes; d. provision for public transport enhancement where justified, including information and waiting facilities and measures to encourage public transport use; e. provision for the transport needs of specific groups in the community, such as the elderly and those with disabilities; f. provision of electric vehicle recharging facilities where appropriate; and g. mitigation for any adverse impact on air quality, especially in Air Quality Management Areas, and residential amenity, including traffic noise.

MH5 Airfield Business Park

- 30. The existing Airfield Business Park is identified as a Key Employment Area in Policy BE3 Existing employment areas and this site is considered a sustainable extension to the existing site. Policy MH5 states:

“Land at Airfield Business Park, Leicester Road as shown on the Policies Map, is allocated for Class B1, B2 and non-strategic B8 development. Development that complies with other relevant policies and meets the following requirements will be permitted:

- a) access via the existing Airfield Business Park access road from Leicester Road;*
- b) not detrimental to the delivery of the North West Market Harborough Strategic Development Area (SDA) and in general accordance with the SDA Master Plan;*
- c) provision of footpath and cycle path links to the SDA and to services and facilities in Market Harborough;*
- d) provision of transport infrastructure and other measures as identified by a transport assessment and travel plan;*
- e) a financial contribution towards the mitigation measures outlined in the Market Harborough Transport Strategy, 2016;*
- f) parking provision, including cycle parking, and servicing for each development parcel to be in accordance with Leicestershire County Council 6Cs design guidance;*
- g) each development parcel to be subject to approval and implementation of a user specific travel plan;*
- h) identification and mitigation of any contaminated land;*
- i) archaeological and ecological assessment and mitigation;*
- j) provision of an adequate and appropriate landscape buffer, and any necessary noise attenuation, between the site and the SDA and between the site and Greenacres Caravan Park;*
- k) provision of any required flood mitigation measures as identified by a flood risk assessment, together with a sustainable drainage system (SuDs) and the appropriate management of surface water run-off during construction and in perpetuity;*
- l) protection of the ecological significance of the Grand Union Canal;*
- m) layout and design that is in keeping with the scale, character and appearance of the existing Airfield Business Park, with proposed buildings no higher than two storeys at a maximum of 10m to the ridge height; and*
- n) provision of a suitable lighting scheme to minimise light pollution from the development.”*

Consultations

31. **Harborough District Council** – Comments relate to the application as originally submitted and comments are awaited on the amended plans: Objection, on the grounds of insufficient footprint of proposed buildings that do not accord with Local Plan allocated requirements; lack of E (B1) provision; and design of prominently located building.
32. **Harborough District Council (Environmental Health Officer)** – Comments relate to the application as originally submitted and comments are awaited on the amended plans: No objection, but as no noise assessment has been submitted with the application, a condition should be included which requires the submission of a full noise assessment, in accordance with BS4142 and other noise standards such as WHO guidance and BS8233 to produce more site specific and accurate noise limits to ensure there is no detrimental impact from noise on any local residential dwelling.

33. **Anglian Water** – No objection, subject to the Applicant serving notice under Section 106 of the Water Industry Act 1991 should they wish to connect to the sewerage network.
34. **Lead Local Flood Authority (Leicestershire County Council)** – No objection, subject to conditions.
35. **Highways Authority (Leicestershire County Council)** – No objection, subject to conditions.
36. **Leicestershire County Council Ecology** – No objection, on condition that the provided report for biodiversity enhancements is followed, in accordance with the NPPF, paragraph 180.
37. **Leicestershire County Council Landscape** – Comments relate to the application as originally submitted and comments are awaited on the amended plans: No objection, subject to conditions. A landscape scheme should be submitted for the whole development which provides a specification for all planting including trees, shrubs and grass seeding. The scheme should include a plan showing the proposed planting layout, details of the proposed ground preparation, numbers, size and spacing of stock at planting, grass seeding specification, plant protection, maintenance and management measures.
38. The scheme should include:
 - The provision of adequate screening between the boundary of the proposed development with the adjacent Green Acres Park which appears insufficient on Drawing No. 215060-PHASE2-PL03.
 - Sufficient space to provide suitable tree and shrub planting between the edges of the proposed units and the boundary of the development - subject to the depth of pipework under the easement/buffer, consideration should be given to carrying out suitable planting on the 'Established Landscape Buffer' to reinforce the screening.
 - Consideration should be given to moving the units northwards to allow for sufficient screen planting between the development and the Park.
 - An adequate width of planting to screen/mitigate views on the boundary frontage to Harborough Road is important to increase the quality and extent of biodiversity through trees, shrubs and species rich grassland, and help to connect existing retained vegetation to proposed planting.
39. **Leicestershire County Council Planning Obligations** – No objections.
40. **Leicestershire County Council** – No objections.
41. **The Environment Agency** and **The Canal and River Trust** were consulted but had no comment to make.
42. **Lubenham Parish Council** have not responded.
43. The Local Member **Mr. P. King CC** has not submitted any written comments but he is a member of the Development Control and Regulatory Board so will have the opportunity to make verbal representations during the meeting.

44. The issues raised are considered in the Assessment of Proposal section of this report.

Publicity and Representations

45. The application has been publicised by means of site notices on 22nd September 2021, 20th June 2023, and 12th October 2023, press notice and neighbour notification letters sent to the nearest occupiers and press notices in the Harborough Mail, in accordance with the County Council's adopted Statement of Community Involvement.

46. One letters of representation has been received and can be summarised as follows:

- Suggest concrete surfaces adjacent to roller shutter doors as the site is quite exposed and experiences high summer temperatures (41C last July) causing tarmac surfaces in the yard to soften.
- Landscaping plan – don't appear to be any additional trees to be planted along access roads. Trees improve the visual appearance of grey walls.
- The current site serves as a feeding ground for quite a few birds of prey which are great for keeping vermin in check. Perches / nest boxes attached to the lamp posts are suggested for retention of birds.
- Presumably these new units will have solar panels fitted. Could the application include more panels (than the current 5Kw / 8 panel array) AND the ability to store the electricity generated in batteries?

Assessment of Proposal

47. This full planning application should be determined in accordance with the development plan unless material considerations indicate otherwise. The other main issues for consideration relate to the impact upon the amenity of neighbouring occupiers and land users both by virtue of noise and visual amenity.

Principle of Development

48. Policy MH5 (Airfield Business Park) of the HDC Local Plan allocated land for "Class B1, B2 and non-strategic B8 development". The desired floorspace for each use class is set out in the supporting text rather than the policy itself (specifically at Paragraph 14.10.4). This states that the site is allocated for approximately 23,000m² employment, with the following mix: 13,000m² for B1a/b; 2,100m² for B1c/B2; and 8,000m² for non-strategic B8.

49. As a note, the outline permission extends beyond the area allocated under Policy MH5 to the west, granting outline permission for 30,700m² (7,700m² more than the allocation) with the mixes of uses subject to reserved matters but to be in accordance with the broad principles/layout of the illustrative masterplan.

50. To date, approximately half of the allocated land has been developed in line with permission Ref: 2018/0257/03. Whilst the permission allows for the units to

accommodate a range of uses, in reality the units as built are all B2 industrial.

51. This planning application relates is for “the erection of 8. No buildings to be used for E(g)(iii) / B2 / B8” on land at Airfield Business Park”. For information, the following definitions apply to the use classes included in the application:
- E(g) (iii) – Industrial Processes
 - B2 – General Industrial
 - B8 – Storage or Distribution
52. It should be noted that there was a change in the Use Class Order which applied from August 2021 which has changed the name of some Use Classes covered by Policy MH5 (the Harborough Local Plan was adopted in April 2019). As such, what was formerly Use Class B1, is now covered by Use Class E(g), with three sub-classes, namely i) office ii) research and development of products or processes iii) any industrial process (which can be carried out in a residential area without causing detriment to the amenity of the area.
53. In the phases of development that the County Council has completed at the site, no offices have been built. This planning application does not include for the provision of offices. Proportionally, the entirety of the final phase (this application under determination) would need to be given over to offices to align with the supporting text of Policy MH5.
54. In accordance with established case law¹ when determining whether a proposed development conforms with a local plan, the correct focus is on the plan’s detailed policies for the development and use of land in the area. Whilst supporting text is relevant to interpretation it is not itself policy and cannot operate independently to impose a requirement that the policy did not contain, in accordance with established case law this applies even where a local plan states that the supporting text indicates how the policies were to be implemented.
55. Consequently, whilst the supporting text for Policy MH5 at paragraph 14.10.4 of the Harborough Local Plan outlines the development quantum this is not policy in itself and cannot operate independently of the policy to impose a requirement, in this case a required quantum for the proposed uses (E(g)(iii) / B2 / B8) as this requirement is not outlined in the Policy text itself. Therefore, the development as proposed is entirely in accordance with the text contained within Policy MH5 and this strict approach to applying policy is supported by case law.
56. Policy BE1 outlines that there is a Local Authority requirement for a minimum provision of 59ha of office B1(a) and (b), industrial B1(c) and B2, and storage and distribution B8 across the authority area. Policy BE1 does not specify the floorspace quantum of each use across the authority nor within Market Harborough, in which this application is situation. On this basis, the development contributes to the overall achievement of employment related floorspace set out in Policy BE1.

¹ Cherkley Campaign Ltd v Mole Valley DC [2014] EWCA Civ 567

57. The applicant has submitted other information to support the application in the form of a Marketing Report which outlines that the application site has been marketed for office development with limited enquiries. However, in comparison the demand for industrial/warehouse space has been excellent with all units previously built at Airfield now let, with continued enquiries for space of this nature. This information is a material consideration in support of the application. However, there is not a requirement to identify demand for certain types of employment uses because, as identified above, the proposed development is in accordance with the site allocation as set out in Policy MH5.

Visual Impact and Design

58. Harborough Local Plan policy GD8 requires all proposals to achieve a high standard of design quality to ensure that new development is both sustainable and attractive. The full application is accompanied by detailed design and layout plans, a Design and Access Statement and photograph montages of building design. There has been negotiation to reach a level of design and quality of materials to improve the originally submitted design of prominently situated buildings. The proposed buildings for units A1 & A2, A3 & A4, A5 & A6, as amended, are considered to be of an acceptable standard, conforming to policy GD8. The remaining units, whilst utilitarian in nature, would benefit from appropriate landscaping between the building and the boundary. On balance, the standard of design is deemed acceptable and in keeping with the built form that exists within the ABP.
59. Given the existing industrial/business buildings within the wider ABP and the site allocation within the Development Plan, it is considered that the visual impacts from this application is acceptable and that the proposed development will not be out of keeping. It is considered that the proposed buildings are of an acceptable design, with suitable access by vehicular and non-vehicular means. Previous permissions on site have required a landscaping buffer along Leicester Road boundary and this will be maintained. Additional tree planting is proposed as part of this application to further reduce the visual impact of the proposed buildings on neighbouring residents and further planting should be approved in the form of a landscape scheme.
60. Policy MH5 seeks to restrict the height of buildings on the site to no more than 10m, which all but one of the buildings (Unit 3 – approximately 11.4m in height) proposed in this scheme accord with. Whilst Unit 3 does exceed the height set out in Policy MH5, the level of visual impact is considered to be limited and there has been objection raised by the LCC Landscape Officer. The policy seeks to ensure that buildings are sympathetic to the existing landscape and character, and the scheme as a whole is in accordance with GD5 and GD8.
61. There have been amendments to building design, with subsequent re-consultations on the amended details. It is noted that within the original consultation response from Harborough District Council, the height of Unit 3 was not identified as a matter of concern. On balance, the amendments made to the scheme are acceptable, with the proposed landscaping helping to screen the more utilitarian elements of the development. It is recommended that a detailed landscaping scheme is secured by condition.

Landscape & Planting

62. The wider Airfield Business Park benefits from landscaping planted under the original outline consent, in particular along the southern boundary between the site and the residential caravan park. The current application proposes landscaping to the east side perimeter, on the boundary with Leicester Road.
63. Subject to a condition requiring a detailed landscaping scheme, it is considered that the proposals will not have an unacceptable visual impact and a detailed landscape scheme should be submitted for the whole application site, which provides a specification for all planting including trees, shrubs and grass seeding. To accord with Policy GD5, the scheme should include a plan showing the proposed planting layout, details of the proposed ground preparation, numbers, size and spacing of stock at planting, grass seeding specification, plant protection, maintenance and management measures.

Ecology and Biodiversity

64. Policy GI5 (Biodiversity and Geodiversity) of the Harborough Local Plan seeks to ensure that development will not have an impact on the conservation of priority species, irreplaceable habitats, nationally designated sites, and locally designated sites.
65. The application has been submitted with an Ecological Appraisal which includes a number of recommendations in relation to protected species and ecological enhancements. The LCC Ecology Team has reviewed the appraisal and are satisfied with its content, recommending a condition to secure the recommendations outlined in the appraisal. This approach would be in line with Policy GI5.

Flood Risk and Surface Water Drainage

66. The proposed development is located in Flood Zone 1 (less than 1 in 1,000 annual probability of river or sea flooding). There is a medium to high risk of surface water flooding along specific flow routes across the site.
67. In support of the planning application the applicant has submitted a Flood Risk Assessment and a Drainage Strategy. This has been reviewed by the Lead Local Flood Authority and Anglian Water. Both are satisfied with the information provided and have no objection, subject to conditions.
68. On the basis of the above, and subject to conditions relating to drainage, the proposed development is in accordance with Policies CC3 (Managing Flood Risk) and CC4 (Sustainable Drainage) of the HLP.

Access and Transport

69. The site will be accessed via an existing roundabout off Harborough Road. Part of the proposed internal industrial roads have been created and there are no identified impediments to construction traffic and future users of the Application Site.

70. The Highway Authority has considered the proposals and considers that in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2023), subject to the conditions and/or planning obligations outlined in this report. In addition, the proposed development accords with the requirements of Policy IN2 (Sustainable transport) of the Harborough Local Plan.

Noise

71. Whilst the principle of employment uses in this location has been established, it is recognised that there is potential for the noise to impact upon nearby residential receptors, particularly in relation to the Green Acres Travellers site to the south.
72. The application has not been submitted with a noise assessment. The Harborough District Council Environmental Health Officer has not objected to the proposed development, but has requested that a condition is attached to any permission granted to ensure that a noise assessment is undertaken to ensure that there would not be an unacceptable impact upon nearby residences. This approach would be in accordance with Policy GD8 (Good design in development) of the Harborough Local Plan.

Other Matters

73. Units H2 (a–f) and H3 (a–f) are shown on the site layout plan as comprising 12 units in total. However, drawings which show the floor plan and elevations of this building indicate there would be a total of 10 units.
74. The external layout for parking and vehicle manoeuvring to the north of Units H2, and to the south of Units H3, is based on the presence of 12 units, and this is the basis on which the application has been assessed (including by the Highways Authority).
75. To address this discrepancy, the submitted site layout drawing will be listed in the approved plans within the conditions recommended in Appendix A. However, as the floor plan and elevations of Units H2 and H3 conflict with the site layout, they will not be included in the list of approved drawings, but instead a condition is recommended which requires the submission of floor plan and elevation drawings before the construction of Units H2 and H3 begins.

Conclusion

76. The proposed development comprises the erection of eight new buildings to be used for industrial processes, general industrial and storage or distribution use classes – Classes E(g)(iii) / B2 and B8 respectively. It sits within, and forms the remaining undeveloped part of, Airfield Business Park on the north-western edge of Market Harborough. The principle of employment development in this location has been established both by an outline permission and an allocation in the Harborough Local Plan.

77. The allocation is covered by Policy MH5 of the Harborough Local Plan, which allocates land for B1, B2 and B8 use class development. The employment uses proposed fall within the use classes identified in the policy. The development is also in accordance with Policy BE1 which supports B1, B2 and B8 development, with specific reference to Airfield Business Park.
78. Policy MH5 includes a criteria seeking to limit the ridge height of buildings to no more than 10m. There is one building which marginally exceeds this threshold. However, the visual impact of this exceedance by one building is not considered to result in substantial harm and the development as a whole is of a scale, character and appearance in keeping with the existing business park buildings.
79. Consideration has been given to design and visual impact, landscape, planting, ecology, flood risk, surface water drainage, access, transport, and noise. All impacts are considered acceptable. With the imposition of conditions, the development accords with the relevant policies within the Harborough Local Plan and the NPPF and it is recommended that planning permission is granted.

Statement of Positive and Proactive Engagement

80. In determining this application, the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and valid representations received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

Recommendation

81. PERMIT subject to the conditions set out in Appendix A.

Officer to Contact

Christina Emmett (Tel: 0116 305 9089)
E-Mail: christina.emmett@leics.gov.uk

Conditions

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The County Planning Authority (CPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

Reason: To assist with the monitoring of conditions attached to the planning permission and for the avoidance of doubt.

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application (as amended) and the following plans:

- a) Drawing no. 215060-PHASE2-PL01 titled 'Plots A, H, 1, 2 & 3 Site Location Plan' Rev A dated 10th August 2021.
- b) Drawing no. 215060-PHASE2-PL02 Rev B titled 'Plots A, H, 1, 2 & 3 Site Layout Plan' dated 10th August 2021.
- c) Drawing no. 215060-PHASE2-PL03 Rev A titled 'Plots A, H, 1, 2 & 3 External Finishes Layout' dated 10th August 2021.
- d) Drawing no. 215060-PHASE2-PL04 Rev B titled 'Plots A, H, 1, 2 & 3 Fencing Layout' dated 10th August 2021.
- e) Drawing no. 215060-UNIT 1-PL01 Rev A titled 'UNIT 1 GA Floor Plan' dated 9th April 2021.
- f) Drawing no. 215060-UNIT 1-PL02 Rev A titled 'UNIT 1 GA Roof Plan' dated 9th April 2021.
- g) Drawing no. 215060-UNIT 1-PL03 Rev A titled 'UNIT 1 GA Elevations' dated 9th April 2021.
- h) Drawing no. 215060-UNIT 1-PL04 Rev A titled 'UNIT 1 GA Section' dated 9th April 2021.
- i) Drawing no 215060-UNIT 2-PL01 Rev A titled 'UNIT 2 GA Floor Plan' dated 9th April 2021.
- j) Drawing no. 215060-UNIT 2-PL02 Rev A titled 'UNIT 2 GA Roof Plan' dated 9th April 2021.
- k) Drawing no. 215060-UNIT 2-PL03 Rev A titled UNIT 2 GA Elevations dated 9th April 2021.
- l) Drawing no 215060-UNIT 2-PL04 Rev A titled 'UNIT 2 GA Section' dated 9th April. 2021.
- m) Drawing no 215060-Unit A1-A2-PL01 Rev A titled 'Unit A1 & A2 GA Floor Plan' dated 9th April 2021.
- n) Drawing no. 215060-Unit A1-A2-PL02 Rev A titled 'Unit A1 & A2 GA Roof Plan' dated 9th April 2021.
- o) Drawing no. 215060-Unit A1-A2-PL03 Rev A titled 'Unit A1 & A2 GA Elevations' dated 9th April 2021.
- p) Drawing no. 215060-Unit A1-A2-PL04 Rev A titled 'Unit A1 & A2 GA Section' dated 9th April 2021.
- q) Drawing no. 215060-Unit A3-A4-PL01 Rev A titled 'Unit A3 & A4 GA Floor Plan' dated 9th April 2021.

- r) Drawing no. 215060-Unit A3-A4-PL02 Rev A titled 'Unit A3 & A4 GA Roof Plan' dated 9th April 2021.
- s) Drawing no. 215060-Unit A3-A4-PL03 Rev A titled 'Unit A3 & A4 GA Elevations' dated 9th April 2021.
- t) Drawing no. 215060-Unit A3-A4-PL04 Rev A titled 'Unit A3 & A4 GA Section' dated 9th April 2021.
- u) Drawing no. 215060-Unit A5-A6-PL01 Rev A titled 'Unit A5 & A6 GA Floor Plan' dated 9th April 2021.
- v) Drawing no. 215060-Unit A5-A6-PL02 Rev A titled 'Unit A5 & A6 GA Roof Plan' dated 9th April 2021.
- w) Drawing no. 215060-Unit A5-A6-PL03 Rev A titled 'Unit A5 & A6 GA Elevations' dated 9th April 2021.
- x) Drawing no. 215060-Unit A5-A6-PL04 Rev A titled 'Unit A5 & A6 GA Section' dated 9th April 2021.
- y) Drawing no. 215060-H2-H3-PL02 titled 'Unit H2 & H3 GA Roof Plan' dated 9th April 2021.
- z) Drawing no. 215060-H2-H3-PL04 titled 'Unit H2 & H3 GA Section' dated 10 August 2021.

Reason: For the avoidance of doubt as to the development that is permitted.

4. The construction of Units H2 (a – f) and H3 (a – f) shall not commence until drawings showing the floor plan and elevations of these units have been submitted to, and approved in writing by, the CPA.

Reason: To ensure that the building is of an appropriate design, form and character, in accordance with Policy GD8 of the HLP.

5. Development shall take place in accordance with the recommendations set out in the FPRC document titled 'Airfield Farm Business Park, Market Harborough – Ecological Appraisal' dated June 2021.

Reason: To ensure that opportunities to improve biodiversity in and around development is integrated and to secure measurable net gains for biodiversity, in accordance with the NPPF.

6. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the CPA. The development shall be carried out in accordance with the approved details and completed prior to first occupation.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy CC4 (Sustainable Drainage) of the Harborough Local Plan (HLP).

7. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the CPA. The construction of the development must be carried out in accordance with the approved details.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy CC4 (Sustainable Drainage) of the Harborough Local Plan (HLP).

8. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to, and approved in writing by, the CPA.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.

9. No development approved by this planning permission shall take place until a noise assessment has been submitted to, and approved in writing by, the CPA. The noise assessment shall be undertaken in accordance with BS4142 and other noise standards such as WHO guidance and BS8233. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In order to safeguard the amenity of the area in which the development is located and to accord with Policy GD8 (Good design in development) of the HLP.

10. All site preparation and construction work, deliveries of and movements of material and machinery, in connection with the approved development, shall take place only between 07:30 – 18:00 hours and 08:00 – 13:00 hours on Saturdays. No such activities shall take place at any other time on Sundays, Public or Bank Holidays.

Reason: In order to safeguard the amenity of the area in which the development is located and to accord with Policy GD8 (Good design in development) of the HLP.

11. Prior to the installation of any external lighting, details of its siting, design, timing controls, luminance, direction of light distribution and the shielding shall be submitted to, and approved in writing by, the CPA. Thereafter, it shall be installed and maintained in accordance with the approved details.

Reason: In order to minimise any adverse impact of light on the amenity of the local community and environment, in accordance with Policy GD8 of the HLP.

12. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to, and approved in writing by, the CPA. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to

ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area, in accordance with Policy IN2 of the HLP.

13. No part of the development hereby permitted shall be occupied until such time as the internal access arrangements shown on Rodgers Leask Ltd (RLL) drawing number 20197-RLL-21-XX-DR-D-501, Revision P03 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023) and Policy LN2 of the HLP.

14. No part of the development hereby permitted shall be occupied until such time as the vehicular visibility splays shown on Rodgers Leask Ltd (RLL) drawing number: 20197-RLL-21-XX-DR-D-501, Revision P03 have been provided at the internal site accesses. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2023) and Policy IN2 of the HLP.

15. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with IMA Architects drawing number 215060-PHASE2-PL02, Revision B. Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023) and Policy IN2 of the HLP.

16. The development hereby permitted shall not be occupied until such time as secure cycle and powered two wheeler (motorcycle, scooter) parking has been provided in accordance with details first submitted to, and approved in writing by, the CPA. Thereafter the onsite cycle and powered two wheeler parking provision shall be kept available for such uses in perpetuity.

Reason: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2023) and Policy IN2 of the HLP.

17. The measures and incentives included in Rodgers Leask Ltd (RLL) Travel Plan (TP) Document Reference: 20197-RLL-21-XX-RP-D-502, 'Airfield Business Park', Revision P03, dated 15 December 2021 shall be implemented in full from first occupation unless an alternative timetable is submitted to, and approved in writing by, the CPA.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2023).

Notes to the Applicant

1. The consent of Anglian Water will be required for either a direct or indirect connection to the public sewerage system under the provisions of Section 106 of the Water Industries Act 1991. Current guidance notes and an application form can be found at www.anglianwater.co.uk or by contacting Anglian Water Development Services Team (**0345 60 66 087**)
2. Although statutory sewer records do not show any public sewers within the site there may be sewers which have recently been adopted under the Transfer of Sewer Regulations. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and it is advised that Anglian Water should be contacted (**0345 60 66 087**)
3. The Environment Agency advises that all building work should be in compliance with best working practices and in particular Government guidance on 'Construction, inspection and maintenance' www.gov.uk/guidance/pollution-prevention-for-businesses#construction-inspection-and-maintenance. You are advised to contact the Environment Agency to arrange a site meeting to agree necessary measures to prevent pollution of the water environment during the construction phase of the development. The Environment Agency can carry out pollution prevention visits. Please contact EastMidWaterQuality@environment-agency.gov.uk for further information and advice.

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all the preceding applications.

EQUALITY AND HUMAN RIGHTS IMPLICATIONS

Unless otherwise stated in the report there are no discernible equality and human rights implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

Section 70(2): determination of applications;
 Section 77(4): called-in applications (applying s. 70);
 Section 79(4): planning appeals (applying s. 70);
 Section 81(3): provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
 Section 91(2): power to vary period in statutory condition requiring development to be begun;
 Section 92(6): power to vary applicable period for outline planning permission;
 Section 97(2): revocation or modification of planning permission;
 Section 102(1): discontinuance orders;
 Section 172(1): enforcement notices;
 Section 177(2): Secretary of State's power to grant planning permission on enforcement appeal;
 Section 226(2): compulsory acquisition of land for planning purposes;
 Section 294(3): special enforcement notices in relation to Crown land;
 Sched. 9 para (1): minerals discontinuance orders.

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DEVELOPMENT CONTROL AND REGULATORY BOARD

26th OCTOBER 2023

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT

APP.NO.:	2023/Reg3Mi/0073/LCC
PROPOSAL:	Change of Use from a dwelling (Use Class C3) to children's home (Use Class C2)
LOCATION:	7 Bruxby Street, Syston
APPLICANT:	Children & Family Services, Leicestershire County Council
MAIN ISSUES:	Principle of Development Parking and highways Activity and disturbance Impact on residential amenity Fear of crime
RECOMMENDATION:	Permit subject to conditions

Circulation Under Local Issues Alert Procedure

Mr. T. Barkley CC.

Officer to Contact

Sharon Wiggins (Tel. 0116 305 8234)
Email: planningcontrol@leics.gov.uk

PART B – MAIN REPORT

The Site and Surroundings

1. The application site is located in the west of Syston on Bruxby Street off Fosse Way. It is located within walking distance of the centre of Syston which has a wide range of facilities including a large Health Centre and is a short distance from Syston Train Station, and in the opposite direction Wanlip Park and Watermead Country Park. In the immediate vicinity there is a retail store adjacent to the petrol filling station at the roundabout on Fosse Way and Wanlip Road and an area of open space including a play park off Archdale Street at the top of Bruxby Street.
2. The property itself is an attractive recently renovated two storey white rendered detached family dwelling with integral garage to the right-hand side which is set back from the street frontage with a gravelled driveway and two openings enabling separate access and egress. Bruxby Street consists of residential properties of varying design, age and size, which helps to create an attractive and welcoming street environment. Number 7 is located relatively close to the junction with Fosse Way.
3. Archdale Street to the west is predominantly terraced, with a mix of residential and commercial uses backing onto the application site on Maiden Street, and the rear gardens of terraced and detached properties on Fosse Way backing onto the side of the rear garden of 7 Bruxby Street.

Location Plan



Planning History

4. In 1979 planning permission was granted for the erection of a porch to the front of 7 Bruxby Street by Charnwood Borough Council (P/79/2339/27). The recent renovation of the property has not required planning permission and the appearance of the property has been updated.

Description of Proposal

5. The proposal involves the change of use from a family dwelling (Use Class C3) to a Children's Home (Use Class C2). The property will primarily be a home for two children, but, occasionally three children. There will be adults in the home directly responsible for caring for the children. At night there will always be an adult in charge of the home and the children's care. The care of the children will be delivered by Barnardo's but the children will be in the care of the County Council.
6. The home will have a registered manager and it will be registered with Ofsted. Other professional adults relating to the care of the children will visit the children in the home from time to time depending on the individual needs of the children.

It is estimated by the applicant that it is unlikely there will be more than three cars present at any one time.

7. It is proposed that the existing study will be used as the Manager's office with all other rooms retaining their current function.
8. Outside the property the existing drive area and landscaping will be retained with landscape management arrangements put in place for maintenance.
9. The Applicant has explained the need for a children's home and the research undertaken to find a home which will work well for the children's needs.

Planning Policy

The Development Plan

Charnwood Local Plan Core Strategy 2011 to 2028 (adopted November 2015)

10. The vision and objectives include "Our community will have access to homes to suit their needs. In particular, there will be a good provision of affordable housing particularly in rural communities. Issues previously associated with houses in multiple occupation will have been managed and social cohesion will have improved" (page 14). Strategic objectives relevant to this planning application include SO2 through to SO6.
11. Syston is identified as a 'Service Centre' on the Local Plan key diagram, this reflects a good range of services and facilities and good transport links enabling Syston to provide for the daily needs of the people living there as well as supporting nearby communities.
12. The key policies of the adopted Local Plan relevant to this planning application are:
 - a. Policy CS1: Development Strategy
 - b. Policy CS3: Strategic Housing Needs
 - c. Policy CS6: Employment and Economic Development
 - d. Policy CS16: Sustainable Construction and Energy
 - e. Policy CS17: Sustainable Travel
 - f. Policy CS21: Watermead Regeneration Corridor Direction of Growth
 - g. Policy CS25: Presumption in Favour of Sustainable Development

Borough of Charnwood Local Plan 1991 to 2006 (adopted January 2004) Saved Policies

13. A number of policies contained within the Borough of Charnwood Local Plan (2004) were saved in accordance with the transitional arrangements set out in Annex 1 to the NPPF. The following saved policies remain relevant to this proposal after the adoption of the Core Strategy:
 - a. Policy EV/1: Design
 - b. Policy TR/18: Parking Provision in New Developments

Neighbourhood Plan

14. There is no Neighbourhood Plan for Syston.

National Policy

National Planning Policy Framework (NPPF, September 2023)

15. In summary, the relevant paragraphs are:
- a. 8 b) Social objective to provide strong, vibrant and healthy communities through a well-designed and safe built environment, with accessible services that reflect current and future needs and support communities' health, social and cultural well-being.
 - b. 92 a) Decisions should promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other through mixed use development (among other things).
 - c. 92 b) Decisions should aim to achieve safe and accessible places so that crime and the fear of crime do not undermine quality of life or social cohesion.
 - d. 93 e) Decisions should ensure an integrated approach to considering the location of community services (among other things).
 - e. 119 Decisions should promote effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
 - f. 130 a) Development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
 - g. 130 c) Development should be sympathetic to the local character and history whilst not preventing appropriate innovation or change.
 - h. 130 f) Decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Other Policy Considerations

16. The Charnwood Local Plan 2021 to 2037 is the emerging Local Plan for Charnwood Borough which will replace the current adopted Local Plan in the future, most likely in 2024. It sets out a strategy for growth which seeks to simultaneously safeguard the environment and build healthy communities in Charnwood Borough.
17. It was submitted to Government at the end of 2021 and is currently in the examination stage. Two blocks of hearing sessions have been held and at the end of the examination the Inspector will send a report to Charnwood Borough Council recommending whether or not the emerging Local Plan can be adopted. This stage has not happened yet, though due to the Charnwood Local Plan 2021

to 2037 having reached an advanced stage, significant weight, similar to that of the adopted Local Plan needs to be attributed to the policies within.

18. The relevant emerging Local Plan policies are:
 - a. Policy DS1: Development Strategy
 - b. Policy DS2: Leicester and Leicestershire Unmet Needs
 - c. Policy DS3: Housing Allocations
 - d. Policies HA1 to HA6: Housing Allocations in Syston
 - e. Policy LUA1: Leicester Urban Area
 - f. Policy H1: Housing Mix
 - g. Policy H3: Internal Space Standards
 - h. Policy E1: Meeting Employment Needs
 - i. Policy T3: Car Parking Standards
 - j. Policy CC1: Flood Risk Management
 - k. Policy CC5: Sustainable Transport
 - l. Appendix 4: Design Guidance

19. Note Syston is now identified as part of the Leicester Urban Area with Syston Centre identified as a District Centre.

Consultations

20. **Charnwood Borough Council (Planning)** – No comments received.
21. **Charnwood Borough Council (Environmental Health Officer)** – No objection.
22. **Syston Town Council** – No comments received.
23. **Highways Authority (Leicestershire County Council)** – No objection.
24. The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.
25. **Leicestershire Police (Designing out Crime Team)** – No objections, however a number of observations are made.
26. Recommendation for access, security and lighting to be in-line with the most-up-to-date building regulations and British Standards.
27. Recommendation to consider CCTV and an alarm system prior to occupation due to the change of use and the children's personal safety, and that CCTV should include number plate recording and coverage of key vehicle and pedestrian access points to the site as well as entry points to the building.

Publicity and Representations

28. The application has been publicised by means of site notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.

29. Several letters of representation were received from 6 households within the statutory period, raising objections on the following grounds:
- a) inappropriate location of the proposed development;
 - b) parking and highways issues;
 - c) activity and disturbance;
 - d) loss of privacy
 - e) concerns over safety and crime.
30. It should be noted that several representations include reference to negative impact on property value and personal circumstances, however these are not material planning considerations and therefore cannot be considered in this report.
31. During the consultation period, a list of residents' concerns and questions were collated, in which the applicant provided a written response which was sent via email to neighbours and made publicly available online via LCC's Planning Record on 4 October 2023.
32. A further representation was subsequently received from an existing objector, stating that there were lots of questions that had not been answered.
33. The issues raised are considered in the Assessment of Proposal section of this report.

Assessment of Proposal

Principle of Development

34. The proposal is for C2 Use Class at 7 Bruxby Street, Syston, this would require change of use from the existing use as a dwellinghouse which falls within the C3 Use Class.
35. The C2 Use Class is a distinct and separate use class from the C2a Use Class. C2a comprises secure residential institutions, such as prisons, young offenders' institutions and secure hospitals. As such, if the proposed application is permitted, a separate express grant of planning permission from the planning authority would be required to convert the premises to C2a use.
36. This planning application for change of use seeks approval for a residential institution not a secure institution.
37. The planning application proposes to use the premises as a residential institution and is located in a residential setting which is the type of context that is appropriate for a use of this type.
38. Whilst the principle of a residential institution use within a residential area is accepted, it is necessary to consider the aspects of the proposed use which could function differently to a dwellinghouse and may have the potential to adversely affect the amenity of the area.

Planning Policy Assessment

39. The NPPF requires Local Planning Authority decisions to ensure sustainable development. The proposal would provide a facility for the people of Leicestershire, reflecting current and future social needs. It would therefore support the local community's health, social and cultural well-being, and in this regard, the proposal adheres to paragraph 8b of the NPPF.
40. NPPF paragraph 92a requires that development should promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other through mixed use development (among other things). The proposed change of use would enable opportunities for children in care to integrate with their community in line with paragraph 92a. This integration would also be supported by paragraph 93e by ensuring an integrated approach to the location of community services.
41. Paragraph 93b requires that planning decisions take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections on the community. In this regard Charnwood Borough Council's Children and Young People's Strategy 2019 to 2024 is relevant as this seeks to ensure children and young people in Charnwood are safe and living in families where they can achieve their full potential, and the Charnwood Local Plan 2011 to 2028 Core Strategy refers in the Strategic Objectives (SO2) to "secur(ing) the provision of accessible facilities and services to meet the needs of all local people, having regard to the particular needs of the young, old and "hard to reach"".
42. Leicestershire County Council's Strategic Plan (2022 to 2026) and LCC's Children and Family Services Departmental Plan (2020 to 2023) share the vision to help every child to get the best possible start in life and the Departmental Plan has a clear ambition to help children in Leicestershire to live in safe, stable environments and have secure attachments. The provision of high-quality placements for children in Leicestershire therefore would align with Charnwood Borough Council's Children and Young People's Strategy, the Charnwood Local Plan, LCC's Children and Family Services Departmental Plan, LCC's Strategic Plan and therefore accords with Paragraph 93b of the NPPF.
43. In the Charnwood Local Plan 2011 to 2028 Core Strategy (adopted November 2015) Syston is identified as a 'Service Centre', this indicates a good range of services and facilities and good transport links providing for the daily needs of people living there as well as supporting nearby communities. In the emerging Charnwood Local Plan 2021 to 2037 Syston is identified as part of the Leicester Urban Area with the centre identified as a District Centre, recognising the sustainable location and evolving role Syston is to take in accommodating new development.
44. The proposal, if permitted, would result in the loss of a single dwelling house. However, it would be replaced by an alternative form of residential provision. This is not considered significant in the context of local or strategic housing supply. Charnwood Borough Council has not raised an objection to the loss of one dwelling.

Traffic, Access and Parking

45. Local residents have raised concerns about the level of traffic and parking that may be generated by the proposal.
46. The proposal if permitted would provide a home for two children, or occasionally three, with adult care givers providing support. There would also be further care giving adults visiting on a less frequent basis. In totality, and in terms of timing, it is unlikely that the vehicle movements would be any different to that of a family home.
47. The Local Highway Authority have advised 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.
48. The application states that three parking spaces are available to the front of the property on an off-road driveway, and this was confirmed from the officers' site visit. There are two points of access to the driveway providing the opportunity to limit manoeuvring when entering and exiting. This level of parking provision meets both the requirements of Policy TR/18 from the Saved Policies of the Borough of Charnwood Local Plan which would require three parking spaces and Policy T3 of the emerging Charnwood Local Plan which refers to LCC's Highway Design Guide which includes advice on parking standards.
49. Given the existing residential use and existing parking provision of the property, as well as the anticipated levels in comings and goings associated with the proposed use and its location within a residential area, the likely vehicle movements and three existing on-site parking spaces are considered acceptable.

Sustainable Transport

50. The application site is in a highly sustainable location, within walking distance of Syston Railway Station and close to bus services which would enable staff, visitors and residents (older children) to have a choice of sustainable transport.

Activity and Disturbance

51. Local residents have raised concerns about the level of noise and disturbance that may arise from the proposal.
52. The proposed use will have the potential to create activity and noise typically associated with a normal residential use. It cannot be assumed that the residents, in particular the children, living at this property will create more noise than if the property were occupied as a dwelling by a family. The planning system cannot control the noise that may be created by specific residents who may live at the property. A refusal on this basis could therefore not be justified. Any noise problems would be dealt with under Environmental Health legislation in the same way as any noise issues in a residential area.
53. Charnwood Borough Council's Environmental Health Officer has raised no objections to the planning application for change of use to a children's home.

Crime and Fear of Crime

54. Local residents have raised concern about the potential for increased nuisance and crime.
55. In assessing the potential for increased public nuisance and crime the existing use must be taken into consideration. The fear of crime should only be considered a material planning consideration in cases where evidence exists that the associated development would likely increase crime. No evidence submitted as part of this application indicates that crime might increase if the application were permitted.
56. The measures suggested by Leicestershire Police's Designing Out Crime Team are equally applicable to improving the security of dwellings.
57. The recommendation to consider CCTV prior to occupation cannot be followed through due to the need to protect the privacy of the children and to adhere to Ofsted's strict control on such matters. All other suggested measures will be considered.
58. It cannot be assumed that children living in care would be more likely to behave antisocially or create levels of noise over and above children living in a 'traditional' family unit.
59. For the reasons detailed above the proposal is not considered to conflict with the requirements of the NPPF with regard to safe places, especially Paragraph 8b, 92b and 119 and therefore would not be unacceptable on fear of crime grounds.
60. It is important to note that if matters of poor management or behaviour were to occur as a result of the change of use to a children's home these would be a matter for the relevant regulatory bodies.

Residential Amenity

61. Local residents have raised concerns about the potential loss of privacy.
62. An existing side window to the garage is proposed for removal and the proposal does not include the addition of any external windows. As such there would not be any additional overlooking or loss of privacy as a result of the proposal.

Socio-Economic Impact

63. There will be two members of staff on-site at the children's home at night and one member of staff during the day, when the children (if under 16 years of age) will be at school during term time. This is expected to create 4 to 6 full time equivalent posts.
64. The creation of local jobs, both directly in care provision and also through other support staff roles would contribute towards meeting employment needs in accordance with Policy CS6 of the adopted Charnwood Local Plan and Policy E1 of the emerging Charnwood Local Plan.

Conclusion

65. A children's home is a type of residential use which is appropriate in a residential area. As such there is no objection to the principle of the proposed change of use on Bruxby Street in Syston.
66. The proposed children's home would be of a relatively small scale, housing two children, occasionally three children, and adult care givers, and is unlikely to result in an amenity or highway issue above those potentially occurring from both the existing use of the site as a family home and the surrounding residential area.

Statement of Positive and Proactive Engagement

67. In determining this application, the County Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

Recommendation

68. PERMIT subject to the conditions set out in Appendix A.

Officer to Contact

Sharon Wiggins (Tel. 0116 305 8234)
Email: planningcontrol@leics.gov.uk

Conditions

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application, documents and recommendations of reports, and the following plans:

- a) Drawing 1 titled 'Plans as existing' dated 21/07/2023
- b) Drawing 2 titled 'Plans as proposed' dated 21/07/2023
- c) Drawing 3 titled 'Landscape as existing and proposed' dated 21/07/2023
- d) Drawing 4 titled 'Location and block plan' dated 21/07/2023
- e) Drawing 5 titled 'Parking provision' dated 21/07/2023

Reason: For the avoidance of doubt as to the development that is permitted.

3. No more than three children shall be resident at the site at any time.

Reason: For the avoidance of doubt as to the development that is permitted.

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all the preceding applications.

EQUALITY AND HUMAN RIGHTS IMPLICATIONS

Unless otherwise stated in the report there are no discernible equality and human rights implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

- Section 70(2) : determination of applications;
- Section 77(4) : called-in applications (applying s. 70);
- Section 79(4) : planning appeals (applying s. 70);
- Section 81(3) : provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
- Section 91(2) : power to vary period in statutory condition requiring development to be begun;
- Section 92(6) : power to vary applicable period for outline planning permission;
- Section 97(2) : revocation or modification of planning permission;
- Section 102(1) : discontinuance orders;
- Section 172(1) : enforcement notices;
- Section 177(2) : Secretary of State's power to grant planning permission on enforcement appeal;
- Section 226(2) : compulsory acquisition of land for planning purposes;
- Section 294(3) : special enforcement notices in relation to Crown land;
- Sched. 9 para (1) : minerals discontinuance orders.

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