



Meeting: **Development Control and Regulatory Board**

Date/Time: **Thursday, 11 July 2024 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. J. Grimley CC
Mr. N. D. Bannister CC	Mr. D. Harrison CC
Mr. M. H. Charlesworth CC	Mr. B. Lovegrove CC
Mr. J. G. Coxon CC	Mr. K. Merrie MBE CC
Mr. D. A. Gamble CC	Mr. B. Walker 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 30 May 2024. (Pages 3 - 6)
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 Matter Applications.

7. Wavin Ltd: Variation of Condition 3 (Phase 1) of application 2022/VOCM/0070/LCC - Clay storage facility, extension of time to complete restoration with final restoration to be completed by 31st March 2026 - Donington Island, Spring Cottage Road, Ashby Woulds, Blackfordby. (Pages 7 - 30)

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

8. Leicestershire County Council - Change of Use from a domestic dwelling, use class C3 to use class C2 - Children's Home - 149 Mountsorrel Lane, Rothley. (Pages 31 - 46)
9. Leicestershire County Council - 2024/00120/03 (2024/Reg3Ma/0015/LCC): Hybrid application: Full permission for the erection of 3 no. new B2 / B8 / E(g)(iii) use class buildings and 1 no. E(b) drive thru unit; all parking and landscaping within the site; and ancillary office space provided within units A1 and B1. Outline permission for the erection of a second drive-thru unit (use class E(b)) - Airfield Business Park, Leicester Road, Market Harborough. (Pages 47 - 78)

Reports of the Director of Environment and Transport on Tree Preservation Orders.

10. Varying of Leicestershire County Council Tree Preservation Orders. (Pages 79 - 84)
- Other reports.
11. Delegated Planning Decisions Schedule 22nd March 2024 - June 2024. (Pages 85 - 86)
12. Delegated Enforcement Notices issued 22 March - 30 June 2024. (Pages 87 - 88)
13. Any other items which the Chairman has decided to take as urgent.
14. Chairman's announcements.



Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield on Thursday, 30 May 2024.

PRESENT

Mr. R. G. Allen CC	Mr. D. J. Grimley CC
Mr. T. Barkley CC	Mr. D. Harrison CC
Mr. M. H. Charlesworth CC	Mr. K. Merrie MBE CC
Mr. J. G. Coxon CC	Mr. L. Phillimore CC
Mrs. H. J. Fryer CC	Mr. B. Walker CC

1. Appointment of Chairman.

It was noted that Mr. L. Phillimore CC had been appointed Chairman-elect at the Annual Meeting of the County Council on 15 May 2024.

RESOLVED:

That Mr. L. Phillimore CC be appointed Chairman of the Development Control and Regulatory Board until the date of the Annual Meeting of the County Council in 2025.

Mr. L. Phillimore CC - in the Chair.

2. Appointment of Vice-chairman.

It was proposed, and seconded "That Mr. B. Lovegrove CC be appointed Vice-Chairman".

RESOLVED:

That Mr. B. Lovegrove CC be appointed Vice-Chairman of the Development Control and Regulatory Board until the date of the Annual Meeting of the County Council in 2025.

3. Minutes of the previous meeting.

The minutes of the meeting held on 26 April 2024 were taken as read, confirmed and signed.

4. Question Time.

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

5. Questions asked by Members.

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

6. Urgent items.

There were no urgent items for consideration.

7. 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.

No declarations were made.

8. Presentation of petitions.

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

9. 2023/2353/02 (2023/Reg3PSI/0133/LCC): Leicestershire County Council - Construction of a 2-storey teaching block comprising of 10 classrooms, 3 seminar rooms, 1 library, a post 16 study centre and associated staff and student facilities - Iveshead School, Forest Street, Shepshed

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda Item 9', is filed with these minutes.

In accordance with the procedures for making representations to the Board, Ian Sharpe (Leicestershire County Council) spoke as the applicant.

The Chief Executive reported that Sport England had originally objected to the application due to the loss of playing field land. The applicant had then proposed to increase the size of the replacement pitch. Sport England had been further consulted on this change, and it was anticipated that Sport England would withdraw their objection, but no response from Sport England had been received so far. The Chief Executive therefore advised that if planning permission was granted but the Sport England objection was not withdrawn, a referral to the Secretary of State would have to be made by the County Council. If Sport England withdrew their objection, then no referral to the Secretary of State would be required.

RESOLVED:

That the application be permitted, subject to the conditions as set out in the appendix to the report, subject to those conditions being amended as set out in the addendum report, subject to the application being referred to the Secretary of State and the Secretary of State deciding not to call in the application for his own determination.

10. Dates of future meetings.

RESOLVED:

That future meetings of the Board take place on the following dates at 2.00pm:

Thursday 11 July 2024;
Thursday 22 August 2024;
Thursday 3 October 2024;
Thursday 21 November 2024;
Thursday 9 January 2025;
Thursday 13 February 2025;
Thursday 13 March 2025;
Thursday 3 April 2025;
Thursday 12 June 2025;
Thursday 3 July 2025;
Thursday 7 August 2025;
Thursday 11 September 2025;
Thursday 9 October 2025;
Thursday 13 November 2025;
Thursday 11 December 2025.

2.00 - 2.29 pm
30 May 2024

CHAIRMAN

This page is intentionally left blank

**DEVELOPMENT CONTROL AND REGULATORY BOARD****11th July 2024****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

- APP.NO. & DATE:** 2024/VOCM/0013/LCC (2024/00242/07)
Valid date: 07/02/2024
- PROPOSAL:** Variation of Condition 3 (Phase 1) of application
2022/VOCM/0070/LCC - Clay storage facility, extension of
time to complete restoration with final restoration to be
completed by 31st March 2026.
- LOCATION:** Donington Island, Spring Cottage Road, Ashby Woulds,
Blackfordby, DE12 6NA
- APPLICANT:** Wavin (UK) Ltd
- MAIN ISSUES:** Restoration, aftercare and after-use.
- RECOMMENDATION:** PERMIT subject to the completion of a legal agreement and
subject to conditions as set out in Appendix B to the main
report.

Circulation Under Local Issues Alert Procedure

Mr R. Ashman CC

Officer to Contact

Atief Ishaq
Email: planningcontrol@leics.gov.uk

PART B – MAIN REPORT

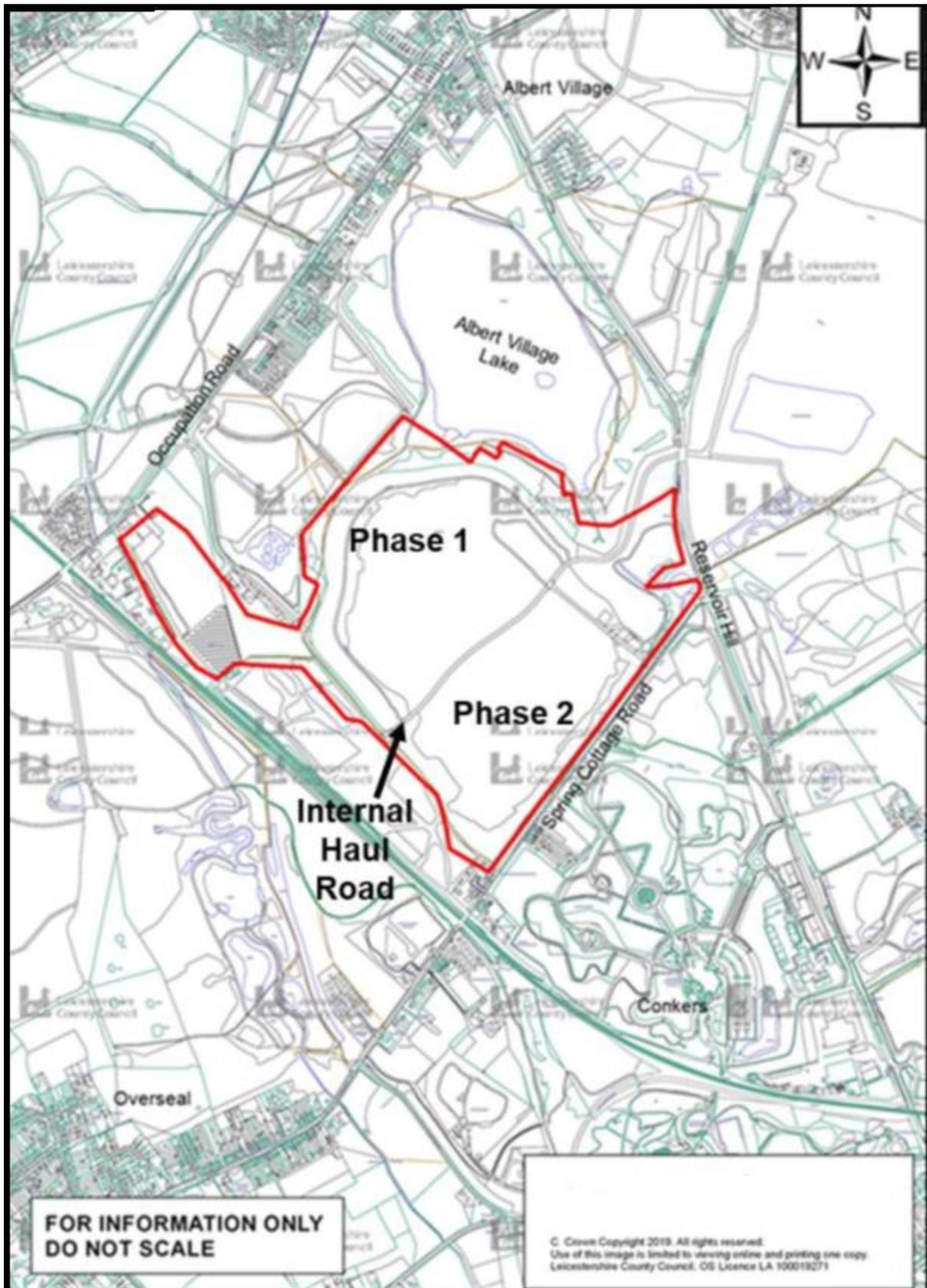
The Site and Surroundings

1. The Donington Island clay stocking site is located within the Ashby Wolds, to the south of Albert Village. The site is bounded to the north by Albert Village Lake and to the east by Reservoir Hill and Spring Cottage Road, beyond which is the Conkers tourist attraction. To the south and south-west there is existing vegetation, residential properties and a railway line beyond the vegetation. To the west is the Swainspark Industrial Estate. Public Right of Way (RoW) P39 runs along the south-west boundary of the site. RoW P22 and P23 running along the western boundary, with P23 heading northwards around Albert Village Lake. The site lies within the National Forest and within the catchment area of the River Mease Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). Access to the site is off Spring Cottage Road.
2. The Donington Island site has a total area of approximately 42.75 hectares, that comprises two main sections, divided by an internal haul road running south-west to north-east. The north-western section is referred to as phase 1 and the south-eastern section is referred to as phase 2. The site offices and car parking are located on the eastern part of the site in phase 2. Clay stocking takes place in phase 2 and immediately north-west of the internal haul road in phase 1. The redline application boundary also includes an area to the south-east of Occupation Road.
3. The nearest residential properties are located to the south-east along Spring Cottage Road, approximately 20 metres from the site boundary at their closest. There are also residential properties located 280 metres to the north-west on Occupation Road.

Background

4. Under the existing legal agreement, Wavin (the site owners), shall transfer land at Donington to the National Forest Charitable Trust (or such body responsible for the National Forest). In April 2022, the National Forest Charitable Trust merged with the National Forest Company to provide a single larger organisation that brings together the assets and expertise of the two charities to realise the shared ambitions for the National Forest as a whole and the heart of the forest area in particular. The Trust is seeking to create a vibrant heart for The National Forest. This will include a 1000-acre woodland park, in which CONKERS has already been created, with opportunities for walking, cycling and discovery in the emerging woodland environment. The Trust has adopted a 20-year strategic framework and master plan for the creation of the Heart of the National Forest Park which proposes that the Donington clay stocking site be remediated for a range of recreational uses including visitor accommodation and land and water-based leisure facilities. A Vision and Action Plan for the Heart of the National Forest was published in September 2009. This acknowledged that some key water-based leisure attractions planned for the area have been delayed; that the Donington site was now likely to come forward much slower than was originally envisaged (due to clay stocks not being used as fast as was anticipated); that Donington will not be available in the short or

medium term; and that some projects such as Donington 2 lakes are likely to come forward later in the plan period (2020 - 2026).



Planning History

5. In April 1978, planning permission was granted for the extraction of coal and clay from land south of Albert Village. The applicant was the National Coal Board, and the development was referred to as 'Donington Extension'. The application, and subsequent permission, envisaged the storage of clay won in association with the coal extraction. Planning permission was granted by the County Council in July 1978 for the temporary storage of refractory clays on the Donington site for a period up to 24th June 1994.
6. Planning permission was granted in December 1997 (reference 1997/0547/07) to retain the facility for clay stocking at the Donington site within a reduced site area for a period expiring on 31st December 2012. Further planning permission was granted in February 2010 (2009/1207/07) for an extension of the expiry date of the clay stocking facility by 5 years to 31st December 2017.
7. Planning permission was granted in May 2015 to extend the use of the northern part of the site for clay stocking for a further 3 years until 31st December 2020 with the southern part retained for a further 15 years until 31st December 2032 (planning ref. 2015/0991/07).
8. Planning permission was granted in November 2018 (2017/1226/07) to allow for a temporary increase in HGV exports for a 12-month period. This time period ended July 2020.
9. In January 2020, a Non-Material Amendment (reference 2019/2205/07) application was permitted to allow for a 12-month extension for the submission of a restoration scheme.
10. Planning permission was granted in February 2021 (2020/1610/07) to allow for an extension of time to delay restoration and submission of a detailed restoration scheme by 12 months.
11. Planning permission was granted in March 2023 (2022/0940/07) to vary:
 - Condition 4 – to extend the date for retention of the clay stocking areas until 31st July 2023 and extend the completion of the final restoration and planting works to 30th September 2024 in phase one.
 - Condition 15 – to permit the importation of soils and soil making materials.
 - Condition 30 and 31 – to extend the dates for the provision of the detailed restoration schemes for phase one and phase two until July 2023.
12. The discharge of Planning Conditions 30, 31, 32, 33 relating to permission ref: 2022/0940/07 for the restoration scheme for Phase 1 detailed and phase 2 and 3 – concept was approved in September 2023.

Description of Proposal

13. The planning application seeks to vary Condition 3 of planning permission 2022/0940/07.
14. Condition 3 of the existing planning permission states:

Permission for the retention of the clay stocking area within the area hatched blue on drawing no.14184/501 dated April 2015 shall be limited until a period expiring on 31st July 2023. Final restoration (including all planting works) shall be completed by 30th September 2024.

15. The proposal seeks to vary Condition 3 to allow for an extension of time for the completion of the final restoration of Phase 1 and all planting works by 30th March 2026. The phase 1 area is currently at the stage of reprofiling of the existing site prior to seeding and planting commencing.

Details and reasons for the time extensions

16. A final restoration scheme for Phase 1 was submitted to the Mineral Planning Authority and approved in September 2023. The submitted scheme had been formed by discussions between the applicant (Wavin) and The Heart of the National Forest Trust (HOTNFT) for the site to provide biodiversity in the form of leisure/amenity use including a large lake, significant areas of native woodland planting, woodland edge wildflowers and a footpath network around the lower lake.
17. The reasons the applicant have provided for seeking the additional time for restoration are listed below:
 - a) *Since the restoration scheme was approved on the 26th September 2023, no further groundworks for re-contouring have been undertaken due to the site becoming so waterlogged that working conditions were considered unsafe and postponed until the following year. There are still approximately 280,000m³ of clay profiling works to be undertaken this year to the approved restoration contours, subject to suitable weather conditions.*
 - b) *Between Sept to Nov inclusive, 294mm of rain fell which equated to 157% of the long-term average rainfall, This meant the operators had to pump daily to ensure water was managed and the site was unsafe to reprofile during this time.*
 - c) *There are no reserves of topsoils or subsoils to restore the final landform. This shall be created with selected better quality clay material within the site which is classed as soil making material. A lot of natural revegetation is expected to take place within the grassland areas in addition to hydroseeding a wildflower mix which will create a biodiverse landform.*
 - d) *The contouring of the site to the approved levels is due to re-commence in Spring 2024. Due to the lack of available soils required to establish a grass sward, hydroseeding is the method to be undertaken for the best chance of success. Prior to hydroseeding, the clay subsoil surface will be ripped to alleviate compaction and improve drainage.*
 - e) *Hydroseeded areas shall only be spread having regard to the weather conditions prevailing at the time. If weather conditions are unsuitable, this will inevitably cause delays and saturated areas will need to dry out before any respreading can take place.*

- f) *Following the completion of the ground profiling and establishment of a grass sward, tree planting is due be carried out in the first planting season (between November and March inclusive in 2024/25). It is anticipated that the full landscape scheme would be completed by the end of the 2025/26 planting season.*
- g) *There are approximately 8 Hectares within the Phase 1 area that will require hydroseeding for the creation of grassland and tree areas. Approximately 4,800 trees are to be notch planted with compost within the optimum planting season which is between November and March.*
- h) *Planting a large number of trees out of season can lead to a larger failure rate so therefore this 4 to 5 month window is critical for achieving the best chance of success for a large number of trees. We are advised by our appointed restoration consultants that two Winter windows in 2024/25 and 2025/26 would be recommended.*

Great Crested Newts

18. Condition 29 of the existing planning permission requires a Great Crested Newt (GCN) survey to be carried out prior to the commencement of any restoration works. As part of the application, the supporting statement states that Wavin have GCN surveys on-going.

Planning Policy

The Development Plan

Leicestershire Minerals and Waste Local Plan (adopted September 2019)

- Policy M6: Fireclay
- Policy DM2: Local Environment and Community Protection
- Policy DM3: Strategic Green Infrastructure
- Policy DM5: Landscape Impact
- Policy DM12: Restoration, Aftercare and After-use

North West Leicestershire Local Plan (adopted as amended by Partial Review November 2021)

- Policy D2: Amenity
- Policy IF1: Development and Infrastructure
- Policy IF2: Community and Cultural Facilities
- Policy IF3: Open Space, Sport and Recreation Facilities
- Policy En1: Nature Conservation
- Policy En2: River Mease Special Area of Conservation
- Policy En3: The National Forest

National Policy

National Planning Policy Framework (NPPF) (December 2023)

19. Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. While Paragraph 8 defines the three objectives of economic, social and environmental and how these three independent aims should be pursued in a supportive manner to secure net gains in each.
20. Paragraphs 215 highlights that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.
21. Paragraph 217 section (e) seeks that for mineral attraction that the authorities should provide for restoration and aftercare at the earliest opportunity, to be carried out to high environment standards.

Consultations

22. **North West Leicestershire District Council** – No objections.
23. **Ashby Woulds Town Council** – No objection.
24. **North West Leicestershire District Council (Environmental Health Officer)** – No objection.
25. **National Forest Company (NFC)** – No objections, stating that NFC are working with the applicant on the long-term future for this site as the current s106 agreement includes the potential transfer of the land to the NFC. That the NFC would like to see the land restored at the earliest opportunity.
26. **Environment Agency** – No comment to make on the application.
27. **Natural England** – No comment to make on the application.
28. **Leicestershire County Council Ecology** – No comments received at time of preparation of report.
29. **Leicestershire County Council Landscape** – No objection.

Publicity and Representations

30. The application has been publicised by means of site notices, and a press notice in accordance with the County Council's adopted Statement of Community Involvement.
31. One representation from the public has been received objecting to a further extension of time for the restoration of this site. It is also highlighting that the site is adjacent to local attractions and that tourism is on the rise, so restoration should take place at the earliest opportunity. Concern is also raised that, if approved, the applicant will seek another extension of time in 2026, further delaying restoration of the site.

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

Assessment of Proposal

Planning Policy Assessment

33. The NPPF states that, since minerals are a finite natural resource, it is important to make best use of them to secure their long-term conservation (paragraph 2015); and that Mineral Planning Authorities should plan for a steady and adequate supply of industrial minerals by. Fireclay is identified as one of the minerals which are necessary to meet society's needs. The NPPF also states that Mineral Planning Authorities should provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions (paragraph 217e).
34. Leicestershire has dominated fireclay supply in England for many years. In the 1970s to early 1980s, large quantities of fireclay were selectively extracted with coal but stockpiled separately according to clay quality. This clay has been recognised as an important national resource. Fireclays from the Donington Island site supply about half of the national fireclay supply. Last year saw the closure of the UK's last opencast coal mine, the availability of fireclays from opencast coal operations will become increasingly limited, making the stockpiled clays even more important.
35. It is acknowledged that this is not the first extension of time for the restoration of Donington Island, and this application would further delay the restoration of the site, which does not accord with the NPPF's drive to have sites restored at the earliest opportunity. However, this must be balanced against securing the use of important minerals and producing a restoration scheme of high environmental standards.
36. Donington Island is a temporary stocking facility for fireclay, hosting as the principal source of fireclay within Leicestershire, the site contained around 403,000 tonnes of clay in stockpiles at the end of June 2024 August 2022. The clays at Donington Island are a valuable resource for Wavin and a number of other national clayware manufacturing companies who are reliant on this material, so it is of local and national importance that these clays are not sterilised. Donington Island is an allocated site within the Leicestershire Minerals and Waste Local Plan as part of Policy M6 (Fireclay) which states that the County Council will ensure a steady and adequate supply of fireclay by establishing a temporary stocking and blending facility within the Donington Island Site, subject to site-specific planning requirements including:
- a) Rationalisation of the current stocking and blending area to achieve a reduced footprint of the working area within an agreed timetable and utilising the minimum area of land necessary to maintain supplies of fireclay.
 - b) Details of the routing of HGVs so as to avoid local communities as far as is reasonably practicable.
 - c) Surveys of site and surroundings to determine the value of existing habitats and whether Great Crested Newts are on site.

- d) Provision of a phased landscaping scheme incorporating the retention and enhancement of existing boundary vegetation.
 - e) Assessment of flood risk.
 - f) Timely restoration of those areas no longer utilised to stock and blend clay.
 - g) Restoration to include species-rich grassland, wetland, and native deciduous woodland.
37. The proposal seeks an extension of time for the completion of the final restoration and all planting works for phase one till by 31st March 2026. Any grant of planning permission would accord with parts (a) – (e) inclusive of Policy M6 of the Leicestershire Minerals and Waste Local Plan.
38. As part of the existing planning permission, Conditions 30, 31, 32 and 33 had required that a detailed restoration scheme be submitted to the Mineral Planning Authority, this was submitted and subsequently approved in full for Phase 1. The detailed scheme had accorded with the requirement of Policy DM12 of the Leicestershire Minerals and Waste Local Plan. Therefore, it is considered that a high standard restoration plan has been secured, as sought from the Minerals Planning Authority by the applicant (Wavin), who has worked with the National Forest to design the restoration scheme which facilitates its future uses and accords with the requirements of policies DM12.
39. In light of the above, the proposal is considered acceptable in accordance with the NPPF and Policy M6 of the Leicestershire Minerals and Waste Local Plan.

River Mease SSSI and Special Area of Conservation (SAC)

40. The site lies within the catchment area of the River Mease SSSI and SAC. The Conservation (Natural Habitats etc.) Regulations 2017 requires that an “Appropriate Assessment” be made in respect of any decision to be taken for any permission for a project which either alone or in combination with other plans or projects would be likely to have a significant effect on a European Site and is not directly connected with the management of the site for nature conservation. In this instance, Natural England have no comments to make on the variations of Condition 3.
41. During the assessment of an earlier planning permission (2020/1610/07) Natural England had considered that the development would not have likely significant effects on the River Mease Special Area of Conservation and would not damage or destroy the interest features. Natural England have provided no further comments on application ref: 2022/0940/07 or the current application.
42. Donington Island lies within the catchment area of the River Mease SSSI and SAC, therefore a screening assessment was undertaken for planning permissions ref: 2020/1610/07 and 2022/0940/07 to screen if the proposals were directly connected with or necessary for the conservation management of a European site or risked having a significant effect on a European site on its own or in combination with other proposals. The screening concluded that the proposals would not have a significant adverse effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI and in this case an

Appropriate Assessment was not required. A further screening assessment has been undertaken for this application.

Local Environment

43. The delay in the restoration will impact the local environment and community. The planning permission will continue to have the appropriate measures to protect against any detrimental impacts on the amenity and health of people and the environment, which includes, but is not limited to restrictions on working hours, a dust action plan, dust and noise monitoring and noise limits.
44. Subject to the existing conditions being carried forward with the grant of planning permission, the proposal is considered acceptable in accordance with Policy DM2 of the Leicestershire Minerals and Waste Local Plan.

Landscape and Visual Impact

45. The site lies within the National Forest. As the proposal is a delay in the restoration, it is not a new development and is not required to contribute towards the creation of the forest in accordance with National Forest Planting Guidelines.
46. It is recognised that the proposal delays the restoration, however, this has largely been due to excessive rainfall over the last 12 months, which has resulted in reprofile works being halted due to flooding and unsafe working environment. Also due to lack of available soils required to establish a grass sward, hydroseeding is the method to be utilised for best prospect of success. Following ground profiling and establishment of grass sward, tree planting would follow in the first planting season between November and March inclusive in 2024/25. It is projected that the full landscape scheme would be completed by the end of the 2025/26 planting season. The applicant has worked with the National Forest Company to design a scheme that is integral to the NFC's vision of attracting visitors to the area whilst improving the environment and in accordance with the Leicestershire Minerals and Waste Local Plan. Therefore, the proposal is in accordance with Policy En3 of the North West Leicestershire Local Plan.

Restoration, After-use and Long-Term Management

Phase One

47. Phase one of Donington Island is to the north of the internal haul road. The application submission proposes to extend the overall restoration timeframe of phase one, delaying the full restoration of the site by 18 months, from 30th September 2024 to 31st March 2026.

Phase Two

48. Phase two of Donington Island comprises the area to the south of the internal haul road. As part of the existing planning permission, retention of the clay stocking area in phase 2 can operate until 31st December 2032 and final restoration will be completed by 31st December 2033. The restoration of phase 2 will remain as permitted and no further variations are proposed.

49. A representation was received in relation to the time extension to the restoration. It has been acknowledged by the applicant that delaying the restoration of the site does not accord with policy and the NPPF's statement that restoration and aftercare should be carried out at the earliest opportunity. National Policy also emphasises that restoration should be carried out to high environmental standards. The primary reason for the current application being submitted is due to poor weather conditions which had resulted in the site being waterlogged, inaccessible and unsafe to work in. A water pump is currently being used to drain the site to assist with the removal of water and allow safe access to the site, this will enable works for the restoration scheme to achieve a high standard and be successful. The time extension will result in the site operating for a longer period than previously consented, which will impact the local environment and community. However, the planning permission will continue to have the appropriate measures to protect against any detrimental impacts on the amenity and health of people and the environment. While there would be an unavoidable delay largely due to extreme poor weather conditions could not have been forecasted or planned for, the overall proposed works are of a sufficiently high standard that the site and its potential users would benefit from in the future.
50. The NFC expressed that whilst it would like to see the land restored at the earliest opportunity, that they have been working proactively with the applicant on the long-term future for the site and transfer of the land to the NFC. That the restoration scheme will enable a high-quality restoration scheme to be delivered, which meets the requirements of the NFC, is achievable by Wavin whilst complying with policy and site allocation requirements. Therefore, the proposal is acceptable in accordance with Policy DM12 of the Leicestershire Minerals and Waste Local Plan.
51. It is important that mineral sites are properly restored, in which phased restoration is the most favoured option. Despite the application delaying the phase 1 restoration scheme for the site, the overall restoration of the site, even with phase one being delayed will remain phased, with phase one being completed by 31st March 2026 and phase two being completed by 31st December 2033.
52. To summarise, it is acknowledged that by allowing this proposal, there would be a delay in the submission of the restoration schemes and the overall restoration of phase one. However, this has to be considered in the context of site conditions that would allow for the restoration to be successful and a safe working environment for the contractors.
53. The clays at Donington Island are a valuable resource for Wavin and a number of other national clayware manufacturing companies which are reliant on these clays, so it is of local and national importance that these clays are not sterilised. Therefore, on balance the proposal to delay the phase one final restoration by 18 months is acceptable in order to maintain an area for continued clay stocking and blending and ensure a sufficient supply of fireclay to serve local manufacturing provision in accordance with the NPPF and Policy M6 of the Leicestershire Minerals and Waste Local Plan, whilst also enabling a high-quality restoration scheme to be delivered in accordance with Policy DM12 of the Leicestershire Minerals and Waste Local Plan.

Aftercare

54. The existing planning permission includes a condition which requires restored land to be managed over a period of at least 5 years in accordance with an aftercare scheme.
55. Subject to the existing condition being carried forward with the grant of planning permission, the proposal is considered acceptable in accordance with Policy DM12 of the Leicestershire Minerals and Waste Local Plan.

Public Rights of Way

56. Public Rights of Way P39 runs along the south-west boundary of the site, with P22 and P23 running along the western boundary with P23 heading northwards around Albert Village Lake. The proposal will not impact the public right of way network or impact the amenity of the rights of way users, and therefore the development is considered acceptable.

Traffic and Access

57. The proposal seeks to vary one planning condition in relation to extending the final restoration date for the site. As part of the application there are no alterations to the existing site access arrangements or vehicle movements.
58. The existing planning permission includes a condition which restricts the total number of lorry movements (in and out) for any working day, associated with the transportation of clay to no more than 88 movements. In addition, there are also conditions which restrict the access to the site via Spring Cottage Road only, along with the inclusion signage to make sure heavy vehicles turn left only onto Spring Cottage Road.
59. Subject to the existing conditions being carried forward with the grant of planning permission, the proposal is considered acceptable in accordance with Policy D2 of the Leicestershire Minerals and Waste Local Plan.

Legal Agreement

60. Donington Island clay stocking site is the subject of an existing legal agreement which covers HGV routeing, transfer of land to the National Forest Charitable Trust, public access, and aftercare management.
61. Any grant of planning permission for the proposed development would be subject to the prior completion of an update to the existing legal agreement. The legal agreement associated with this planning permission would include all aspects of the existing Section 106 agreement, which includes: HGV routeing, transfer of land to the National Forest Charitable Trust, public access, and aftercare management. The applicant would be expected to cover all reasonable costs incurred by the County Council in the drafting and execution of the agreement.

Conclusion

62. The planning application seeks to vary condition 3 of Planning Permission 2022/VOCM/0070/LCC to extend the date for the completion of the final restoration of Phase 1 and all planting works by 30th March 2026.
63. It is considered that the various measures contained within the planning application for the required extension of time are necessary to achieve the planned restoration and provide the optimum prospect of success. The imposition of conditions and completion of a legal agreement will mean that the proposed development would not cause further unacceptable impact to local residents and the local environment. In addition, the delay in restoration would avoid sterilisation of nationally and locally important clay whilst also enabling the restoration scheme to be achieved.
64. It is therefore recommended that the proposed development be permitted subject to the imposition of conditions and the completion of a legal agreement.

Statement of Positive and Proactive Engagement

65. In determining this application, the Minerals 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 all valid representations received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

Recommendation

Recommendations in support of an application:

1. PERMIT subject to the conditions set out in Appendix B and the prior completion of a S106 legal agreement covering HGV routeing, transfer of land, public access and aftercare management.

Officer to Contact

Atief Ishaq (Tel: 0116 305 0866)
E-Mail planningcontrol@leics.gov.uk

Habitats Regulations Assessment Screening

Part 6 (Regulations 63 and 64) of The Conservation of Habitats and Species Regulations 2017 (as amended)

PROJECT: Variation of Conditions 3 (restoration) of Planning Permission 2022/VOCM/0070/LCC) – Donington Island Clay stocking Site, Spring Cottage Road, Ashby Woulds, DE12 6NA.

Location and Description of Proposal

The planning application seeks to vary Condition 3, an extension of time for the completion of the final restoration of (Phase 1) planting works until 31st March 2026. The Donington Island clay stocking site is located within the Ashby Woulds, to the south of Albert Village. The site is bounded to the north by Albert Village Lake and to the east by Reservoir Hill and Spring Cottage Road, beyond which is the Conkers tourist attraction. To the south and south-west there is existing vegetation, residential properties and a railway beyond the vegetation. To the west is the Swainspark Industrial Estate.

The site lies within the National Forest and within the catchment area of the River Mease Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). Access to the site is off Spring Cottage Road.

Interest Features

The River Mease Special Area of Conservation (SAC) is classified on the basis of:

- Floating formations of water crowfoot (*Ranunculus*) of plain and sub-mountainous rivers;
- Populations of bullhead (*Cottus gobio*);
- Populations of spined loach (*Cobitis taenia*);
- Populations of white-clawed crayfish (*Austropotamobius pallipes*);

And the river and adjoining land as habitat for:

- Populations of otter (*Lutra lutra*)

Is the proposal directly connected with or necessary to management of the site for nature conservation?

The proposal is not connected with or necessary to the management of the site for nature conservation purposes. Therefore, a Habitats Regulation Assessment Screening has been undertaken to assess the potential implications of the proposal on the SAC.

Significance Test and Assessment of implications of the proposal on the integrity of the European Site

The site lies within the catchment area of the River Mease Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).

The proposal is for the variation of one condition, relating to the delay in the overall restoration of phase one of the site.

In this instance, it is considered that the proposed development will not have likely significant effects on the River Mease Special Area of Conservation and will not damage or destroy the interest features. The County Council is consequently not required to carry out an Appropriate Assessment.

Conclusion

Overall, it is considered that the proposal would not have a significant adverse effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI and in this case an Appropriate Assessment is not required.

Signed



Date: 17th June 2024

Conditions**General**

1. The permission relates to the extension of the life of the clay stocking facility at Donington Island within the land shown edged red on Drawing no.22089/109 Rev A dated July 2023 submitted with the planning application (2022/0940/07).

Reason: For the avoidance of doubt, to ensure the development is carried out in a satisfactory manner, and to provide for the completion and restoration of the site within an agreed timescale in the interests of the amenities of the area.

2. Operations associated with the clay stocking facility shall only be carried out within the area bounded by the existing perimeter bund forming part of the current site layout as shown on Drawing no.14184/500 dated April 2015 submitted with the planning application (2015/0991/07).

Reason: For the avoidance of doubt, to ensure the development is carried out in a satisfactory manner, and to provide for the completion and restoration of the site within an agreed timescale in the interests of the amenities of the area.

Duration

3. The final restoration of Phase 1 (including all planting works) as detailed in the submitted supporting letter Ref:24000 date 22nd January 2023, shall be completed by 31st March 2026.

Reason: For the avoidance of doubt, to ensure the development is carried out in a satisfactory manner, and to provide for the completion and restoration of the site within an agreed timescale in the interests of the amenities of the area.

4. Permission for the retention of the clay stocking area within the area hatched pink on drawing no.14184/501 dated April 2015 shall be limited until a period expiring on 31st December 2032. Within 12 months of that date, this area shall have been restored in accordance with the restoration schemes approved in accordance with condition no.32 below.

Reason: For the avoidance of doubt, to ensure the development is carried out in a satisfactory manner, and to provide for the completion and restoration of the site within an agreed timescale in the interests of the amenities of the area.

Restriction of Permitted Development Rights

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, replacing or re-enacting that Order), no additional fixed plant or machinery, buildings, structures, erections, lights and fences shall be erected, extended, or installed at the site without the prior approval in writing of the Mineral Planning Authority.

Reason: To protect the amenities of the area/In the interests of local amenity.

Hours of Operation

6. Except in emergencies (which shall be notified to the Mineral Planning Authority as soon as practicable):
 - (a) no operations shall be carried out at the site except between the following times:
0700 hours and 1900 hours Monday to Friday; and
0700 hours and 1300 hours Saturday;
 - (b) no operations associated with the removal of material from any environmental banks and storage areas shall be carried out within 200 metres of any occupied residential property except between 0900 hours and 1700 hours Monday to Friday;
 - (c) no operations shall be carried out at the site on Sundays or public or bank holidays.

Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

Access

7. There shall be no vehicular access to or from the site for any purpose in connection with the development hereby permitted except by Spring Cottage Road.

Reason: In the interests of highway safety and the amenities of the area.

8. Visibility splays of 2.4 metres by 104 metres shall be provided at the junction of the access with Spring Cottage Road. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

9. The total number of lorry movements (in and out) for any working day (averaged over 5 working days) associated with the transportation of clay shall not exceed 88 via the access onto Spring Cottage Road.

Records of such lorry movements shall be maintained on a daily basis and shall be made available to the Mineral Planning Authority at any time upon request. All records shall be kept for at least 12 months.

Reason: In the interests of highway safety and the amenities of the area.

10. The access onto Spring Cottage Road shall be provided with adequate wheel cleaning facilities. Such facilities shall be maintained and used as may be necessary to ensure that no mud or other detritus is carried onto the highway. The Site Compound off Spring Cottage Road shall be laid out in accordance with the details set out in Drawing No.14184/504 dated September 2015.

Reason: In the interests of highway safety and to prevent mud and dust being deposited on the highway.

11. The surfacing of the site access shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times throughout the duration of the operations hereby permitted. Cut off drains shall be provided within the site in order to ensure that no clay enters the public highway which has the potential to block up the highway drainage system in the vicinity.

Reason: In the interests of highway safety and to prevent mud and dust being deposited on the highway.

12. All heavy vehicles (over 1.5 tonnes unladen) leaving via the accesses off Spring Cottage Road shall turn left only onto Spring Cottage Road. Signs erected to advise drivers of the approved vehicle routes shall be maintained for the duration of the operations hereby permitted.

Reason: In the interests of highway safety and the amenities of the area.

13. No laden lorry shall leave the site and enter the public highway unless it is sheeted.

Reason: In the interests of highway safety and the amenities of the area.

Importation of Clays

14. The importation of material shall be restricted to clays for blending purposes and soils and soil making materials for restoration purposes. Such importation shall not exceed a level of 20,000 tonnes per annum. Records of such importation shall be maintained on a monthly basis and shall be made available to the Mineral Planning Authority at any time upon request.

Reason: To protect the amenities of the area and in the interests of local amenity.

15. The importation of clay shall only be carried out between the hours of 0700 hours and 1900 hours Monday to Friday and 0700 hours and 1300 hours Saturdays. No importation shall take place on Sundays or public or bank holidays.

Reason: To protect the amenities of the area/In the interests of local amenity.

16. Prior to the importation of soils or soil making materials a statement, including details on the origin, storage, movements, handling, use, and type of material, shall be submitted to, and approved in writing by, the Mineral Planning Authority.

Reason: To protect the amenities of the area and in the interests of local amenity.

Dust

17. All operations shall be carried out in a manner to minimise the emission of dust from the site. In order to minimise any dust created by site activities, measures shall be taken as specified in the Dust Action Plan set out in paragraph 6.2.8 of the 2015/0991/07 planning application supporting statement, dated September 2015.

Reason: To protect the amenities of the locality from the effects of dust arising from the development.

18. If, in the opinion of the Mineral Planning Authority, any operations on site give rise to unacceptable levels of dust leaving the site, such as during adverse conditions due to strong winds combined with dry weather, such operations shall be temporarily suspended until such time as the operations can be resumed without causing such nuisance, either by a change in working, weather conditions or by taking other additional measures.

Reason: To protect the amenities of the locality from the effects of dust arising from the development.

19. Dust monitoring shall be carried out at six monthly intervals along the perimeter bund, at the locations show on Plan 14184/503 in accordance with paragraph 6.2.9 of the planning statement accompanying the 2015/0091/07 planning application.

Reason: To protect the amenities of the locality from the effects of dust arising from the development.

Noise

20. Measures shall be taken within the site to ensure that the best practicable means are used to control the emission of noise from the site and to ensure so far as is reasonably practicable that the operations carried out within the site do not give rise to nuisance at nearby residential properties. Such measures shall include those set out in paragraphs 6.3.7 – 6.3.10 of the planning statement accompanying the 2015/0091/07 planning application.

Reason: To minimise the adverse impact of noise from site operations on local residents.

21. Except for operations defined in condition no.22 below, noise levels from operations within the site shall not exceed 55dB LAeq (1 hour), freefield at any noise sensitive property.

Reason: To minimise the adverse impact of noise from site operations on local residents.

22. Noise levels arising from the removal of perimeter soil/clay mounds and restoration activities (temporary operations) shall be minimised as far as is

reasonably practicable and in any case should not exceed 70dB LAeq (1 hour), freefield at any noise sensitive property. Such temporary operations which exceed the normal day to day criterion set out in condition no.21 above shall only be carried out between the hours of 0900 and 1700 Monday to Friday and shall be limited to a total of 8 weeks in any 12 month period for any individual noise sensitive property. At least 3 days prior notice of the commencement of such temporary operations shall be given to the Mineral Planning Authority. A written record shall be kept of the dates that these activities are taking place and made available on request.

Reason: To minimise the adverse impact of noise from site operations on local residents.

23. Noise monitoring shall be carried out at three monthly intervals for the duration of the planning permission period in accordance with the details set out in paragraphs 6.3.11 – 6.3.13 of the statement accompanying the 2015/0091/07 planning application. Noise monitoring results shall be provided to the Mineral Planning Authority. The monitoring scheme shall be kept under regular review and may be varied or amended by agreement with the Mineral Planning Authority.

Reason: To minimise the adverse impact of noise from site operations on local residents.

24. In the event that noise monitoring indicates that the levels set out in condition nos. 21 and 22 above are being exceeded, the operations generating that noise shall cease as soon as the monitoring identifies the breach. The Mineral Planning Authority shall be notified immediately, and appropriate remedial measures agreed and undertaken as soon as reasonably practicable.

Reason: To minimise the adverse impact of noise from site operations on local residents.

Other Environmental Protection

25. Measures shall be taken and the development carried out in such a manner as to ensure that, so far as is reasonably practicable, the operations carried out within the site do not give rise to nuisance at nearby residential properties by reason of illumination. So far as is reasonably practicable, lights shall not be directed beyond the boundaries of the site particularly during hours of darkness.

Reason: To protect the amenities of the area/In the interests of local amenity.

26. There shall be no unlicensed discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment.

27. Surface water management arrangements for the site shall be undertaken in accordance with the Surface Water Management Plan prepared by S.M.Foster Associates Limited dated 28th September 2015 (Ref:033/38/swmp/0915), as

amended by the Addendum dated December 2015, submitted with the planning application (2022/0940/07).

Reason: To prevent pollution of the water environment.

Landscaping

28. The existing bund around the clay stocking area shall be retained and managed throughout the duration of clay stocking operations to maintain satisfactory vegetation cover, weed control and to avoid erosion and waterlogging. All necessary steps shall be taken to destroy weeds at an early stage of growth to prevent seeding.

Reason: To protect visual amenity in the locality.

Ecology

29. Prior to the commencement of restoration works within the area hatched blue on drawing no. 14184/501 dated April 2015, a great crested newt survey shall be carried out for all ponds within the site, including any new ponds or temporary water bodies, and submitted to the Mineral Planning Authority. If the survey shows that Great Crested Newts are present, a mitigation plan shall be submitted to the Mineral Planning Authority for approval.

Reason: To minimise the effects on nature conservation interests.

Restoration

30. The restoration scheme for Phased 1 area shall be implemented in accordance with approved details on drawing no. 22089/109 Rev A dated July 2023 and the Restoration and Aftercare Report for Phase 1 dated July 2023 (Rev B), of approved application reference no. 2022/0940/04/CV/30,31,32,33.

Reason: In the interests of satisfactory restoration of the site.

31. The Phase 2 and 3 areas on drawing no. 22089/109 Rev A dated July 2023 shall be restored in a progressive manner in accordance with a scheme of phasing which shall be submitted to and approved in writing by the Mineral Planning Authority by no later than 31st December 2025, and would be completed in accordance with these approved details. Restoration shall take place in accordance with the approved scheme.

Reason: In the interests of satisfactory restoration of the site.

32. Detailed restoration schemes for phases 2 and 3 shall be submitted to the Mineral Planning Authority for approval in accordance with the timetable set out in the scheme of phasing approved pursuant to condition no.31 above. The schemes shall include proposals for the ultimate removal of all plant, buildings, structures, machinery, roads and hardstandings, and stored materials, the restoration of the site to a condition suitable for an agreed afteruse, and the seeding, planting and landscaping of the site in a manner appropriate to the afteruse to which the site is to be put. Restoration shall be carried out in accordance with the timescales and details as approved.

Reason: In the interests of satisfactory restoration of the site.

33. The restoration scheme to be submitted pursuant to condition no 32 above should include detailed information on the composition of the clays and soil making materials with a method statement on how the material is to be deposited to avoid compaction. In addition, the method statement should outline how deficiencies in soil nutrients are to be mitigated by incorporation of imported organic material.

Reason: In the interests of satisfactory restoration of the site.

Aftercare

34. Following the restoration of any part of site in accordance with condition nos.30 and 32 above, the restored land shall be treated and managed over a period of at least 5 years in accordance with an aftercare scheme which has previously been submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall specify the steps that will be taken to bring the newly restored land to a condition capable of long-term beneficial use. The scheme shall be submitted within 6 months of the date of approval of the restoration schemes submitted under condition nos.30 and 32 above.

Reason: To ensure the site is restored to a condition suitable for long term beneficial use.

Notes to the Applicant

1. The consent of Severn Trent 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.stwater.co.uk or by contacting Severn Trent Water New Connections Team (01332 683369).
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 Severn Trent Water should be contacted (0247 771 6843).
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.

**DEVELOPMENT CONTROL AND REGULATORY BOARD****11th July 2024****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

APP.NO. & DATE:	2024/Reg3Mi/0047/LCC (2024/0735/02) 18 April 2024
PROPOSAL:	Change of Use from a domestic dwelling, use class C3 to use class C2 - Children's Home
LOCATION:	149 Mountsorrel Lane, Rothley, LE7 7PU
APPLICANT:	Leicestershire County Council – Children & Family
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. L. Hadji-Nikolaou CC

Officer to Contact

Rob Tollyfield (Tel. 0116 305 2733).
Email: planningcontrol@leics.gov.uk

PART B – MAIN REPORT

The Site and Surroundings

1. The application site is located on the eastern side of Mountsorrel Lane at the northern edge of Rothley. The area is predominantly residential, with dwellings to the south, east and west. To the north is a public park with associated playground area. This part of Mountsorrel Lane is characterised by a mix of detached bungalows and larger two-storey dwellings. A mixture of brick and white render form the majority of the materials palette.
2. The property itself is a recently renovated bungalow, with off-street parking to the front and a modestly sized garden to the rear. Boundary treatments consist of closed boarded timber fencing to the sides and rear, with a hedgerow to the front.

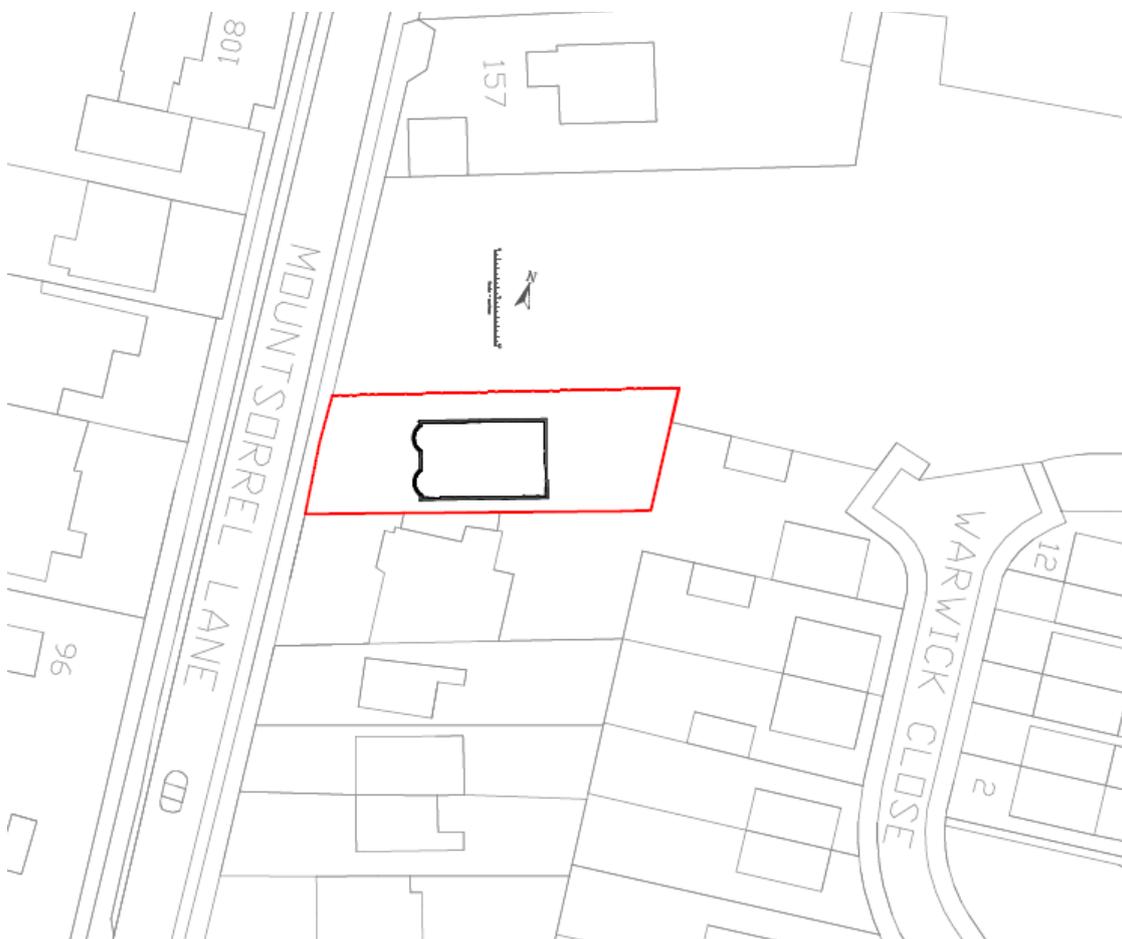


Figure 1. Site Location

Planning History

3. There are no previous County Matter or District applications associated with this property.

Description of Proposal

4. The proposal involves the change of use from a family dwelling (Use Class C3) to a Children's Home (Use Class C2). The property would primarily be a home for two children, but occasionally three children. There would be adults in the home directly responsible for caring for the children. At night there would always be an adult in charge of the home and the children's care. It is proposed that the care of the children would be delivered by Barnardo's, but the children would formally be in the care of the County Council. It is proposed that an existing attic room would be used as the Manager's office / bedroom with all other rooms retaining their current function.
5. The home would have a registered manager and would be registered with Ofsted. Other professional adults relating to the care of the children would visit the children in the home from time to time depending on the individual needs of the children.
6. It is estimated by the applicant that it is unlikely there would be more than three cars present at any one time. Outside the property the existing parking and rear garden areas would be retained with landscape management arrangements put in place for maintenance.

Planning Policy

The Development Plan

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

7. 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.
8. Rothley 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 Rothley to provide for the daily needs of the people living there as well as supporting nearby communities.
9. 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 CS25: Presumption in Favour of Sustainable Development

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

10. 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

Rothley Parish Neighbourhood Plan (2020–2028)

- Policy RO1: Development within Rothley Limits to Development
- Policy RO3: Design Principles

National Policy

11. *National Planning Policy Framework (NPPF) – December 2023*

- The NPPF provides the Government's policies for the delivery of sustainable development through the planning system. Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development.
- Paragraph 96 (a) & (b) of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which:
 - a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
 - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas;
- Paragraph 97 (b) & (e) state that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Other Policy Considerations

12. 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.
13. 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, although due to the Charnwood Local Plan 2021 to 2037 having reached an advanced stage, significant weight can be attributed to the policies within.
14. The relevant emerging Local Plan policies are:
 - a) Policy DS1: Development Strategy
 - b) Policy DS2: Leicester and Leicestershire Unmet Needs
 - c) Policy LUA1: Leicester Urban Area
 - d) Policy H1: Housing Mix
 - e) Policy H3: Internal Space Standards
 - f) Policy E1: Meeting Employment Needs
 - g) Policy T3: Car Parking Standards
 - h) Policy CC5: Sustainable Transport
 - i) Appendix 4: Design Guidance
15. The hearings for the Charnwood Local Plan have now closed, with the Planning Inspectorate highlighting key matters regarding the soundness of the Local Plan and how these can be addressed through Main Modifications.
16. Charnwood Borough Council Children and Young People's Strategy 2019 to 2024 sets out the aims and objectives for the next three years in regard to the well-being and safety of children and young people within Charnwood borough.

Consultations

17. **Charnwood Borough Council (Planning)** – No objections.
18. **Charnwood Borough Council (Environmental Health Officer)** – No objections.
19. **Rothley Parish Council** – No comments received.
20. **Highways Authority** – The Local Highway Authority (LHA) considers that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework (December 2023), subject to the imposition of appropriate planning conditions.
21. **Leicestershire Police (Designing Out Crime Team)** – No objections, some observations and recommendations are made regarding access, security and lighting to be in-line with the most-up-to-date building regulations and British Standards. 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

22. The application has been publicised by means of a site notice, posted on 7 May, press notice published in the Loughborough Echo, and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
23. Several letters of representation were received from 6 households within the statutory period, raising objections on the following grounds:
 - inappropriate location of the proposed development;
 - parking and highways issues;
 - activity and disturbance;
 - loss of privacy
 - concerns over safety and crime.
24. It should be noted that several representations include reference to negative impact on property value however, these are not material planning considerations and therefore cannot be considered in this report.
25. The issues raised are considered in the Assessment of Proposal section of this report.

Assessment of Proposal

Principle of Development

26. The proposal is for C2 Use Class at 149 Mountsorrel Lane in Rothley, this would require a change of use from the existing use as a dwellinghouse which falls within the C3 Use Class. 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.
27. This planning application for change of use seeks approval for a residential institution not a secure institution.
28. The planning application proposes to use the premises as a residential institution and is located in a residential setting which is an appropriate location for a use of this type. 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

29. 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.
30. NPPF paragraph 96a 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 96a. This integration would also be supported by paragraph 97e by ensuring an integrated approach to the location of community services.
31. Paragraph 97b 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”.

32. Leicestershire County Council’s Strategic Plan (2022 to 2026) and LCC’s Children and Family Services Departmental Plan (2024 to 2026) 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 97b of the NPPF.
33. In the Charnwood Local Plan 2011 to 2028 Core Strategy (adopted November 2015) Rothley 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 Rothley is identified as part of the Leicester Urban Area with the centre identified as a District Centre, recognising the sustainable location and evolving role Rothley is to take in accommodating new development.
34. 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 significantly detrimental 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

35. Local residents have raised concerns about the level of traffic and parking that may be generated by the proposal.
36. 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.
37. 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.
38. 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 is only a single point of access to the driveway, which would likely result in vehicles reversing when exiting the site. However, the LHA do not consider this to be a significant safety concern and have not requested that the access is amended. The 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.

39. 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

40. The application site is in a highly sustainable location, within walking distance of Rothley 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

41. Local residents have raised concerns about the level of noise and disturbance that may arise from the proposal.
42. The proposed use would 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 would 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.
43. 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

44. Local residents have raised concern about the potential for increased nuisance and crime.
45. 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.

46. The measures suggested by Leicestershire Police's Designing Out Crime Team are equally applicable to improving the security of dwellings.
47. 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. 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. Other measures have been suggested by Leicestershire Police Designing Out Crime team, and these will be included as an informative for the applicant to consider.
48. 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, 96b and 135f and therefore would not be unacceptable on fear of crime grounds.
49. 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

50. Local residents have raised concerns about the potential loss of privacy. No external alterations, extensions or new windows are proposed to the property and as such, there would not be any additional overlooking or loss of privacy as a result of the proposal.

Socio-Economic Impact

51. There would 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.
52. 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.

Biodiversity Net Gain (BNG)

53. From 12 February 2024, it is mandatory for all new development to achieve a minimum biodiversity net gain (BNG) of 10%. However, Planning Practice Guidance (PPG) sets out the threshold below which, development would be

exempt from this requirement. PPG states that if a development does not impact a priority habitat and impacts less than:

- 25 square metres (5m by 5m) of on-site habitat
- 5 metres of on-site linear habitats such as hedgerows

Then it is exempt from the BNG rules.

54. The property has been recently renovated, prior to the submission of the planning application, with landscaping works creating a new lawn and patio area to the rear. No extensions or alterations are proposed that would impact habitat on site, and the level of activity would be similar to that of standard residential occupation. As such, the development will impact less than 25m² of on-site habitat and therefore meets the exemption requirements set out above.

Conclusion

55. A children's home is a type of residential use which is appropriate in a residential area. As such, the principle of the proposed change of use of 149 Mountsorrel Lane, Rothley is acceptable and in line with the relevant policies in the development plan.
56. 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

57. 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 all valid representations received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

Recommendation

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

Officer to Contact

Rob Tollyfield (Tel: 0116 305 2733)

E-Mail 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:

- Drawing titled 'Location Plans' dated 18/04/2024
- Drawing titled 'Proposed Floor Plans' dated 18/04/2024
- Drawing titled 'Landscape as existing and proposed' dated 18/04/2024
- Drawing titled 'Parking provision' dated 18/04/2024

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

4. The development hereby permitted shall not be occupied until such time as the access arrangements and parking provision has been implemented in accordance with submitted drawing titled 'Parking provision', dated 18/04/2024. Thereafter the onsite parking provision shall be kept available for such use in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

Notes to the Applicant

1. The consent of Severn Trent 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.stwater.co.uk or by contacting Severn Trent Water New Connections Team (01332 683369).
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 Severn Trent Water should be contacted (0247 771 6843).
3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. The existing boundary hedge/tree line directly bordering the development is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuring that it is cut back so as not to interfere with the public highway (whether or not a fence is installed in front of it).
5. Leicestershire Police Designing Out Crime Team, in their planning consultation response, have made the following recommendations in regard to crime prevention and safety for the applicant to consider.
 - Door sets will be to PAS 24 (2016), which is now included in building regulations for doors and windows.
 - BS 6375 Security Locking and Fire Security and BS EN 50486 in relation to Audio and Video door entry systems. Consideration should be made to identify the most appropriate option for this site. Dwellings are recommended to have an Alarm System to BS7958, but there are other options on the Secured by Design portal which include BS6799 in relation to wire free alarm systems. Also, BS EN 50131 and PD 6662 in relation to wired systems.
 - Consideration of Secured by Design accreditation as a deterrent to potential offenders and to provide effective security for residents.
 - Street lighting columns to BS 5489 are recommended.

- 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.
- 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.
- Lampposts at vehicle entry points recommended to have electrical spur to allow power supply for CCTV. (Section 38 Agreement Recommended)
- 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.
- Vehicular parking is recommended to be in curtilage as part of the dwellings where possible. Communal parking should be supported by natural observation, lighting and be set in clearly defined areas to deter unauthorised access.
- Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.

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.



DEVELOPMENT CONTROL AND REGULATORY BOARD

11th July 2024

REPORT OF THE CHIEF EXECUTIVE

**APPLICATION UNDER REGULATION 3 OF THE TOWN AND
COUNTRY PLANNING GENERAL REGULATIONS**

PART A – SUMMARY REPORT

APP.NO.	2024/00120/03 (2024/Reg3Ma/0015/LCC)
PROPOSAL:	Hybrid application: Full permission for the erection of 3 no. B2 / B8 / E(g)(iii) use class buildings and 1 no. E(b) drive thru unit; all parking and landscaping within the site; and ancillary office space provided within units A1 and B1. Outline permission for the erection of a second drive thru unit (use class E(b)).
LOCATION:	Airfield Business Park, Leicester Road, Market Harborough, LE16 7UL
APPLICANT:	Leicestershire County Council
MAIN ISSUES:	Principle of 'drive thru' unit; 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

Rob Tollyfield
Email: Planningcontrol@leics.gov.uk

PART B – MAIN REPORT

The Site and Surroundings

1. The site is located within the former Airfield Farm off Harborough Road (B6047), 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 (ha) and forms the remaining, undeveloped part of the wider Airfield Business Park (ABP), which covers an area of land of around 30ha and is located approximately 1.8km north of Market Harborough town centre.
3. The plots to which this application relate include the eastern and central part of the overall site, which are 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 in the north-east at the gateway to ABP along with Units A D, E, G, J, K. L and M, which are all buildings similar to the employment types (B2) proposed as part of this 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; His Majesty's Prison (HMP) Gartree is located about 1.2km to the west; former Royal Airforce (RAF) Market Harborough lies approximately 1.6km south west and St Luke's Hospital approximately 750m to the south.

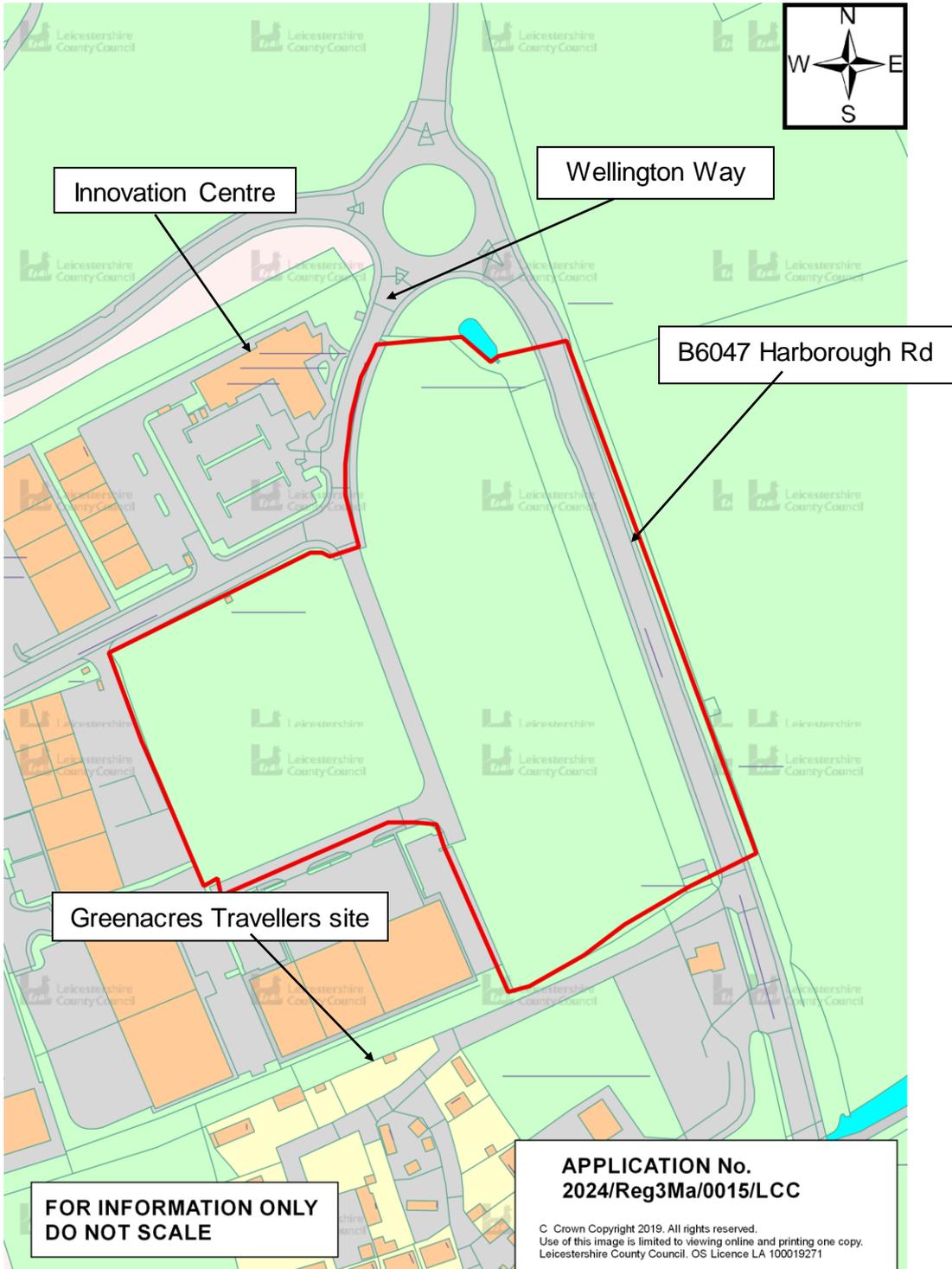


Figure 1. Site Location

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.

There are four relevant planning applications associated with the development site:

1. **2021/1716/03** (2021/Reg3Ma-0122/LCC) – Erection of 8 no. buildings to be used for E(g)(iii) / B2 / B8 – Approved 26/10/23.
2. **2019/1793/03** (2019/REG3Ma/0246/LCC) – Re-locate stockpiled material and spread / level over the next phase of development land, including the construction of a new fence to secure 2 parts of the site – Approved 20/12/2019.
3. **2018/0257/03** (2018/Reg3Ma/0016/LCC) – Erection of 3 no. buildings to be used for B2 / B8 / B1a purposes – Approved 12/07/2018.
4. **15/01609/OUT** – Erection of up to 30,700 sq m of commercial buildings comprising uses falling within Classes B1, B2 and B8 (means of access to be considered)

Description of Proposal

8. The proposal is a hybrid application and is an alternative scheme to that granted permission in October 2023. Full permission is sought for the erection of 3 no. B2 / B8 / E(g)(iii) use class buildings and 1 no. E(b) drive thru unit; all parking and landscaping within the site; and ancillary office space provided within units A1 and B1.

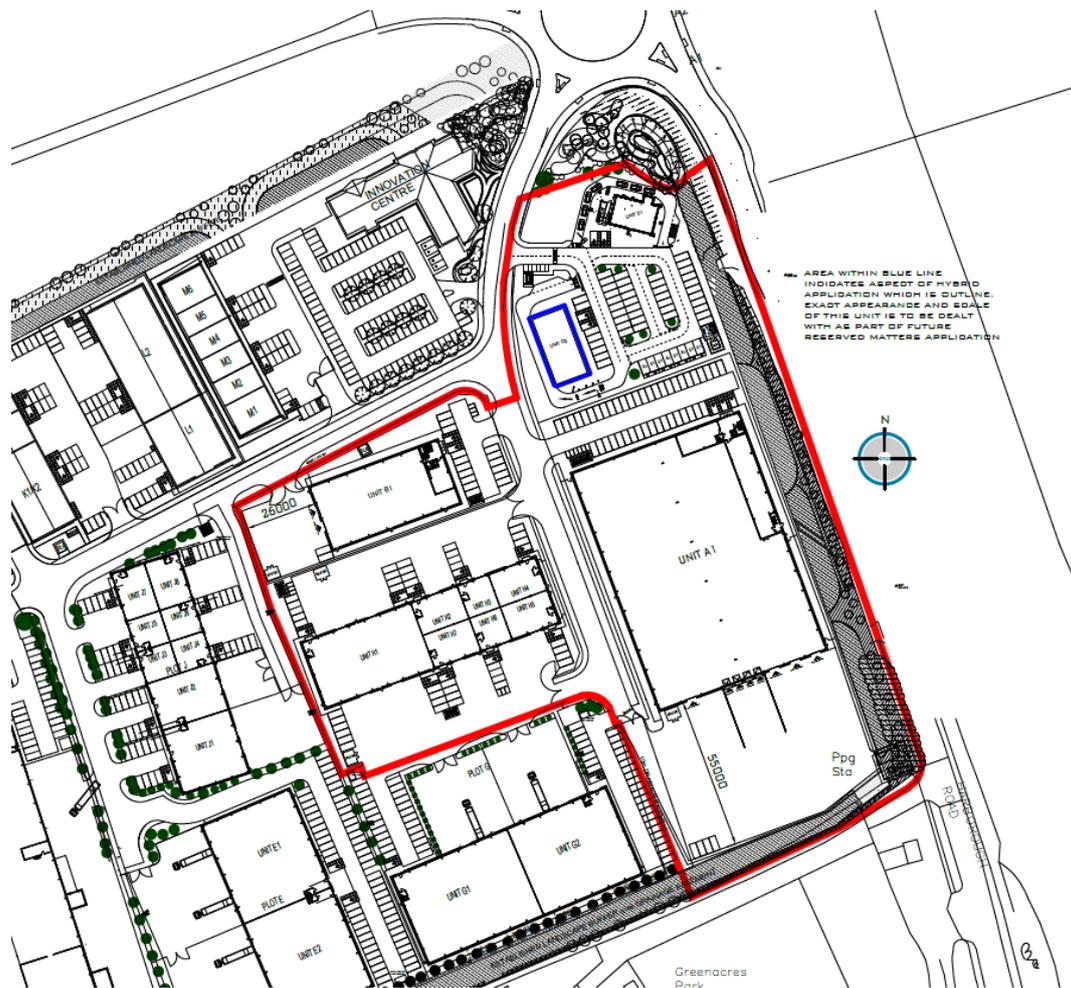


Figure 2. Site Plan

9. The area edged in blue in Figure 2 above is the outline element of this hybrid application and is for the proposed erection of a second drive thru unit – D2 (use class E(b)).
10. The proposal involves the erection of three new industrial buildings with twin-pitched roofs, vehicle parking and landscaping. Contained within these three buildings will be 9 no. units. 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:

Units H1 to H7

Units H1 to H7 is a single storey building subdivided into seven no. units. The roof is double-pitched and the ridge height of the building is approximately 9.90 metres, unchanged from what was approved in October 2023 permission (ref: 2021/1716/03). The total floorspace (Gross Internal Area) is 2,217m².

<u>Unit</u>	<u>Floorspace (m²)</u>
H1	1045
H2	220
H3	146
H4	220
H5	220
H6	146
H7	220
Total	2217

Units A1, B1 & D1

Unit A1: Two-storey unit comprised of 5,336 m² warehousing floorspace and 974 m² office space (GF 487 m² FF 487 m²). Total floorspace is 6,310 m². The roof is double-pitched and the ridge height of the building is approximately 11.155 metres. The roof is double-pitched and the ridge height of the building is approximately 13.4 metres.

Unit B1: Two-storey comprised of 1,038 m² warehousing floorspace and 250 m² office space (125 m² GF and 125 m² FF). Total floorspace is 1,288 m². The roof is double-pitched and the ridge height of the building is approximately 11.155 metres.

Unit D1: Proposed Costa Coffee Drive-thru with external bin storage. The floorspace is approximately 167.2 m². The ridge height of the building is approximately 6.35 metres at the highest point.

- The buildings which will contain units A1, B1 and H1-H7 all utilise the same material palette, 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.

12. Unit D1 will use materials associated with Costa Coffee branding, with the wall constructed in white rendered blockwork, with British Western Red Cedar cladding boards and powder coated aluminium fascias.
13. 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 south of the access roundabout on Harborough Road, with 3-4 buses each hour (both directions) stopping at this point.
14. 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.
15. 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
 - Sequential Assessment; and
 - Site Location and layout plans, and elevation drawings.

Planning Policy

The Development Plan

Harborough Local Plan (HLP) 2011-2031 (adopted April 2019)

- GD1 Achieving sustainable development
- GD5 Landscape character
- GD8 Good design in development
- BE1 Provision of New Business Development
- BE3 Existing Employment Areas
- RT2 Town and Local Centres
- GI5 Biodiversity and geodiversity
- CC3 Managing flood risk
- CC4 Sustainable drainage
- IN2 Sustainable Transport
- MH5 Airfield Business Park

Emerging Local Plan

16. Harborough District Council (HDC) is currently in the process of preparing a new Local Plan for the District. The Plan is currently at Regulation 18 stage, with the Issues and Options consultation being held between January and February 2024. The Local Development Scheme (2023) confirms that the next stage ‘proposed submission consultation’ (Regulation 19) will be held between January and March 2025. HDC is aiming to adopt the Emerging Plan by December 2026.

National Policy

National Planning Policy Framework (NPPF) – December 2023

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 173 states that “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
20. 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;
[...]
 - 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;

Consultations

21. **Harborough District Council** – No objections however, comments have been made in regard to the drive-thru units being a departure from the Local Plan. Conditions recommended to control use and opening hours of Units D1 & D2.
22. **Harborough District Council (Environmental Health Officer)** – No comments received.
23. **Anglian Water** – Requested condition that a surface water management plan is submitted and approved prior to commencement.
24. **Leicestershire County Council Lead Local Flood Authority** – No objection, subject to conditions.
25. **Leicestershire County Council Highways Authority** No objection, subject to conditions.
26. **Leicestershire County Council Ecology** – No objection, on condition that the provided report for biodiversity enhancements is followed, in accordance with the NPPF, paragraph 180.
27. **Leicestershire County Council Landscape** - No objection, subject to conditions.
28. **Lubenham Parish Council; The Canal and River Trust; The Environment Agency; and LCC Archaeology, Public Health and Planning Obligations** have been consulted. No comments were received.
29. **Mr. P. King CC** – Has been notified of the application.
30. The issues raised are considered in the Assessment of Proposal section of this report.

Publicity and Representations

31. The application has been publicised by means of site notices, 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.

32. Two letters of representation have been received from one local resident, which raised objection to the proposed drive-thru, stating that it would encourage increased car travel to the site, resulting in an unnecessary amount of traffic and litter.

Assessment of Proposal

33. Planning applications 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

34. 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.
35. 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.
36. 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.
37. The proposal is for the erection of 3 no. B2 / B8 / E(g)(iii) use class buildings and 1 no. E(b) drive thru unit; all parking and landscaping within the site; and ancillary office space provided within units A1 and B1. Outline permission for the erection of a second drive thru unit (use class E(b)). For information, the following definitions apply to the use classes included in the application:
- E(b) Food & Drink which is mostly consumed on the premises
 - E(g) (iii) Industrial Processes
 - B2 General Industrial
 - B8 Storage or Distribution

38. 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).
39. 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.
40. 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.
41. 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 situated. On this basis, the development contributes to the overall achievement of employment related floorspace set out in Policy BE1.
42. 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 B2 / B8 / E(g)(iii) elements of

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

the proposed development are in accordance with the site allocation as set out in Policy MH5.

Proposed Drive-Thru Units and departure from Policy

43. ABP is allocated for Class B1, B2 and non-strategic B8 development in the HLP Policies Map, and the introduction of two drive-thru units (Use Class E(b)) would represent a departure from policy on this site, as well as result in the loss of previously approved employment use units. As such, a key land use consideration in the determination of this application is the acceptability of the loss of these units and the impact of the proposed drive-thru units on the vitality and viability of the Market Harborough town centre. It is the case that drive through coffee shop is a main Town Centre Use, as defined in Annex 2 of the NPPF.
44. Policy RT2 of the HLP states that, to support the retail hierarchy and promote the vitality & viability of the district's town and local centres, proposals for main town centre uses outside of defined town/local centres should be supported by a sequential test which demonstrates that development cannot be accommodated within an existing centre or edge of centre location. Harborough District Council also raised concern that the proposed development of two no. drive-thru units could have a detrimental impact on the delivery of the Northwest Market Harborough Strategic Development Area (SDA).
45. The applicant has submitted a sequential test, which would identify and assess potential alternative sites within Market Harborough and the NW Market Harborough SDA against the following criteria, as set out by Leicestershire County Council:
 - Minimum site area of 1.4 acres (60,984 ft²) to deliver 2 no. drive-thru units with associated car parking, internal road network and landscaping; and
 - A suitable site configuration to accommodate 2 no. drive-thru units.
46. The sequential test identified 17 potential sites within Market Harborough Town Centre and the Northwest Market Harborough SDA Local Centre. A further 6 sites were identified in edge of centre locations – 5 within 300m of Market Harborough Town Centre and 1 within 300m of the local centre. A total of 23 sites were identified.
47. The sequential test concluded that none of the 23 sites met the criteria outline above and so were deemed to be unsuitable for the proposed development. Furthermore, the site is accessible and well connected to identified centres.

48. Although not an employment use, the development of the drive-thru units would allow for employment on the site in support of the existing employment uses on the site. In relation to the sequential test, the proposed development complies with Policy RT2 (Town and Local Centres) of the Harborough Local Plan (2011-2021) and the NPPF (2023). In this instance, therefore, a departure from policy is acceptable.
49. As stated in para. 50 above, there has been limited demand for office space on the site, with the drive-thru units considered an appropriate alternative to attract tenants to the site. Therefore, on balance, it is considered that the loss of a small proportion of office space allocated to the site to an alternative, supplementary and employment generating use would not undermine the Local Plan's employment strategy. This is particularly the case in this instance, given the lack of market demand for office space. Furthermore, allowing the proposed development offers a complimentary diversification of uses that can maintain the vitality and viability of the site and promote Market Harborough and the new SDA as a Key Centre.
50. The particular use is quite site specific, relying heavily on the location with good access onto the wider road network, and proximity to Market Harborough town centre and the SDA which sits adjacent to the development site. As such, the acceptance of these units would be based on the individual circumstances identified, such that it would not set an unwanted precedent for other employment sites.
51. It should be noted that whilst the principle of development is accepted for outline permission for the second drive-thru unit (D2), any reserved matters application would be subject to further assessment against design and amenity policies contained within the HLP.

Visual Impact and Design

52. 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 H1-H7 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.

53. There have been amendments to building design, with the proposed Costa Coffee drive-thru (Unit D1) being rotated by approx. 45° and moved closer to the northern landscaping to reduce its massing and impact when viewed from the highway.
54. Given the existing industrial/business buildings within the wider ABP and the site allocation within the Development Plan, it is considered that the visual impact from this application is acceptable and that the proposed development would 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.
55. Policy MH5 seeks to restrict the height of buildings on the site to no more than 10m. Two of the proposed units do exceed this height restriction (Unit A1 is 13.4m to the ridge, Unit B1 is 11.55m to the ridge) however, the level of visual impact is considered not to be detrimental to the character of ABP or wider area, with supplementary planting include to provide additional mitigation. The heights of the units were raised as an issue in the previous application however, the level of visual impact is considered to be limited and the increased height acceptable. No objections have been raised by the LCC Landscape Officer or Harborough DC. 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.

Landscape & Planting

56. The wider ABP benefits from landscaping planted under the original outline consent, in particular along the southern boundary between the site and the residential caravan park.
57. A detailed landscaping scheme has been submitted which provides a 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, in accordance with Policy GD5. As such, it is considered that the proposals would not have an unacceptable visual

impact on the site or wider area. The landscaping will be secured via planning condition(s).

Ecology and Biodiversity

58. 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.
59. 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

60. 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.
61. 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.
62. Anglian Water had requested a pre-commencement condition for the submission of a surface water management plan due to the downstream system not being publicly adopted. Concerns had initially been raised by the LLFA with regard to the capacity of the downstream system to accommodate the discharge rates and volumes from the development.
63. The applicant has provided supporting evidence / information, in the form of an updated drainage strategy and flood risk assessment which demonstrates that both the on-site and downstream sewer infrastructure have been designed to accommodate flows from the site without risking surface water flooding. The drainage strategy has been developed in accordance with the drainage hierarchy set out in the National Planning Policy Framework (NPPF) and includes the most sustainable approach to surface water disposal in accordance with said hierarchy.

64. The comments made by Anglian Water are noted, however these relate more to the Section 104 adoption process rather than the drainage strategy and surface water management plan. The LLFA has raised no objection after re-consultation on the updated drainage strategy and have not requested a pre-commencement condition related to drainage and surface water management.
65. 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

66. The site would 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.
67. An objection has been raised by a local resident, stating that the development would cause an increase in traffic due to visitors to the proposed drive-thru units.
68. The Highway Authority has reviewed 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 115 of the NPPF (Dec 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

69. 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.
70. A Noise Assessment has been submitted by the applicant. The report has concluded that recorded noise levels during monitoring were below the specified limits at receptors which may be affected by noise from the development. The report also noted that instances of recorded noise being above the specified limits could be attributed to vehicular traffic along the B6047 Harborough Road, which runs to the east of the site. As such, it is considered that nearby properties will not be adversely affected by noise from the development and that

the noise report and proposal are in accordance with Policy GD8 (Good design in development) of the Harborough Local Plan.

Other Considerations

71. An objection had been raised regarding the potential increase in litter from the development of the Costa Coffee unit (D1) and the subsequent development of unit D2. It is acknowledged that there is potential for an increase in litter to occur, due to the sale of food and drink at the site, and its impact should be appropriately mitigated.
72. As such, a management plan which details how litter will be managed will be conditioned, with details submitted prior to use commencing.

Conclusion

73. The proposed development is an alternative to the previously scheme approved in October 2023 (2021/1716/03 / 2021/Reg3Ma-0122/LCC) and comprises the erection of 3 no. B2 / B8 / E(g)(iii) use class buildings and 1 no. E(b) drive thru unit; all parking and landscaping within the site; and ancillary office space provided within units A1 and B1. Outline permission is sought for an additional drive-thru unit. 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.
74. 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. It is acknowledged that there will be a loss of office use on the site however, the applicant has provided evidence which demonstrates, to the satisfaction of the County Planning Authority, that there is insufficient demand for office space on the site. Furthermore, the two drive-thru units would provide additional employment on site and complimentary diversification of uses that support the continued vitality and viability of Airfield Business Park.
75. Policy MH5 includes a criterion seeking to limit the ridge height of buildings to no more than 10m. Although Units A1 & B1 do exceed this height, the visual impact of this exceedance by one building is not considered to result in substantial harm and the development as a whole and is of a scale, character and appearance in keeping with the existing business park buildings.

76. 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

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

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

Officer to Contact

Rob Tollyfield (Tel: 0116 305 2733)
E-Mail: robert.tollyfield@leics.gov.uk

Appendix A**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:

<u>Units A1, B1, H1-H7</u>	<u>Drawing / Document No.</u>		<u>Rev</u>	<u>Date</u>
• Plots A1 B1 H1-H7 Site Location Plan	223077-IMA-ST-00-DR-A	051001	P03	22/03/2024
• Plots A1 B1 H1-H7 Site Layout Plan	223077-IMA-ST-00-DR-A	051002	P03	22/03/2024
• Plots A1 B1 H1-H7 External Finishes Layout	223077-IMA-ST-00-DR-A	051003	P03	22/03/2024
• Plots A1 B1 H1-H7 Fencing Layout	223077-IMA-ST-00-DR-A	051004	P03	22/03/2024
• Plots A1 B1 H1-H7 Fencing Elevations	223077-IMA-ST-00-DR-A	051005	P03	22/03/2024
• Plots A1 B1 H1-H7 Cycle Shelter Details	223077-IMA-ST-00-DR-A	051006	P03	22/03/2024
• Plots A1 B1 H1-H7 Bin Store Details	223077-IMA-ST-00-DR-A	051007	P03	22/03/2024
• Plots A1 B1 H1-H7 Hybrid Application Plan	223077-IMA-ST-00-DR-A	051008	P01	10/04/2024
• Unit A1 - GA Elevations	223077-IMA-WH-ZZ-DR-A	053301	P02	26/04/2024
• Unit A1 - GA Floor Plan	223077-IMA-WH-00-DR-A	052301	P01	19/01/2024
• Unit A1 - GA Office Plans	223077-IMA-OF-ZZ-DR-A	052303	P01	19/01/2024
• Unit A1 - GA Roof Plan	223077-IMA-WH-R1-DR-A	052302	P01	19/01/2024
• Unit A1 - GA Section	223077-IMA-WH-ZZ-DR-A	054301	P01	19/01/2024

• Unit B1 - GA Elevations	223077-IMA-WH-ZZ-DR-A	053101	P02	26/04/2024
• Unit B1 - GA Floor Plan	223077-IMA-WH-00-DR-A	052101	P01	19/01/2024
• Unit B1 - GA Office Plans	223077-IMA-OF-ZZ-DR-A	052103	P01	19/01/2024
• Unit B1 - GA Roof Plan	223077-IMA-WH-R1-DR-A	052102	P01	19/01/2024
• Unit B1 - GA Section	223077-IMA-WH-ZZ-DR-A	054101	P01	19/01/2024
• Unit H1-H7 GA Elevations	223077-IMA-WH-00-DR-A	053201	P02	26/04/2024
• Unit H1-H7 GA Floor Plan	223077-IMA-WH-00-DR-A	052201	P01	19/01/2024
• Unit H1-H7 GA Roof Plan	223077-IMA-WH-R1-DR-A	052202	P01	19/01/2024
• Unit H1-H7 GA Section	223077-IMA-WH-ZZ-DR-A	054201	P01	19/01/2024
• Design and Access Statement - Plots A1, B1, H1-H7, D1 & D2, Airfield Business Park, Market Harborough				28/03/2024

<u>Unit D1 (Costa Coffee)</u>	<u>Drawing / Document No.</u>		<u>Rev</u>	<u>Date</u>
• Costa GA plan	1800(SIDE)	01F		24/01/2024
• Costa Elevations	1800(SIDE)	02F		24/01/2024

• Costa Roof plan	1800(SIDE)	03D	24/01/2024
• Costa Sections and Details - Layout1	1800(SIDE)	04C	24/01/2024

<u>Landscaping</u>	<u>Drawing / Document No.</u>	<u>Rev</u>	<u>Date</u>
• Airfield Farm Market Harborough Plots A1 B1 H1 to H9 Landscape Proposals	24.1833.001	A	09/01/2024
• Airfield Farm Market Harborough Plots A1 B1 H1 to H9 Landscape Proposals	24.1833.002	A	09/01/2024
• Airfield Farm Market Harborough Plots A1 B1 H1 to H9 Landscape Proposals	24.1833.003	A	09/01/2024
• Airfield Farm Market Harborough Plots A1 B1 H1 to H9 Landscape Proposals	24.1833.004	A	09/01/2024
• Airfield Farm Market Harborough Plots A1 B1 H1 to H9 Landscape Proposals	24.1833.005	A	09/01/2024
• Airfield Farm, Market Harborough Easement Planting Landscape Proposals	24.1833.006		11/03/2024

<u>Drainage & Highways</u>	<u>Drawing / Document No.</u>		<u>Rev</u>	<u>Date</u>
• Drainage Strategy - Sheet 1of2	20197-RLL-20-XX-DR-C	2001	P05	28/03/2024
• Drainage Strategy - Sheet 2of2	20197-RLL-20-XX-DR-C	2001	P05	28/03/2024
• Flood Risk & Drainage Strategy	20197-RLL-21-XX-RP-C	001_Part1	P06	28/03/2024
• Flood Risk & Drainage Strategy	20197-RLL-21-XX-RP-C	001_Part2	P06	28/03/2024
• Flood Risk & Drainage Strategy	20197-RLL-21-XX-RP-C	001_Part3	P06	28/03/2024
• Technical Note	20197-RLL-21-XX-TN-C	2	P01	08/11/2021
• Bellmouth Designs and Visibility Splays	20197-RLL-23-XX-DR-D	503	P04	26/03/2024
• Transport Assessment	20197-RLL-23-XX-RP-D	5002_Part1	P04	23/01/2024
• Transport Assessment	20197-RLL-23-XX-RP-D	5002_Part2	P04	23/01/2024
• Travel Plan	20197-RLL-23-XX-RP-D	5003	P04	08/03/2024
• Construction Surface Water Management Plan (CSWMP) Outline Strategy	20197-RLL-24-XX-DR-C	2023	P01	30/01/2024
• Construction Surface Water Management Plan (CSWMP)	20197-RLL-24-XX-TN-C	4	P01	30/01/2024
• Highways Technical Note – Retail Area Update	20197-RLL-24-XX-TN-D	5005	P01	28/03/2024

<u>Ecology</u>	<u>Drawing / Document No.</u>	<u>Rev</u>	<u>Date</u>
• eDNA results letter 2024 1040068-FPCR-Lockington	6772		26/04/2024
• Airfield Business Park BNG Report	6772		29/04/2024
• GCN eDNA Report Airfield Business Park	6772		29/04/2024
• Airfield Business Park CEMP Biodiversity	6772		27/06/2024

<u>Other Reports</u>	<u>Drawing / Document No.</u>		<u>Rev</u>	<u>Date</u>
• Airfield Business Park Noise Issued		403.00075.00126		Jun-22
• Archaeological Assessment		PG/8999/02		Mar-16
• HISTORIC Site Investigation-BSP Report	16035-J1463-D1-2	31052016(1.0)_Part1		16/03/2016
• HISTORIC Site Investigation-BSP Report	16035-J1463-D1-2_	31052016(1.0)_Part2		16/03/2016

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

4. No development of Unit D2, outlined in blue on plan titled 'Plots A1 B1 H1-H7 Hybrid Application Plan', Drawing No. 223077-IMA-ST-00-DR-A-051008 Rev. P01, dated 10/04/2024, shall commence on site until details of the appearance, layout and scale (hereinafter called "the reserved matters") have been submitted to, and approved in writing by, the County Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: The application was made for outline planning permission and is granted to accord with the provisions of Section 92 of the Town and Country Planning Act 1990.

5. The development hereby permitted (including any site clearance/preparation works) shall be built in accordance with the details contained in the Construction Method Statement (CMS) dated 19 January 2024.

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.

6. 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.

7. 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-23-XX-DR-D-503, Revision P04, dated 26 March 2024 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 (December 2023).

8. 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-23-XX-DR-D-503, Revision P04, dated 26 March 2024 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 (December 2023).

9. 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 223077-IMA-ST-00-DR-A-051002, Revision P03, dated 22 March 2024. 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 (December 2023).

10. The development hereby permitted shall not be occupied until such time as secure cycle parking has been implemented in accordance with IMA Architects drawing number 223077-IMA-ST-00-DR-A-051002, Revision P03, dated 22 March 2024. Thereafter the onsite cycle parking provision shall be kept available for such use in perpetuity.

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

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

Reason: To promote travel choice in accordance with the National Planning Policy Framework (December 2023).

12. The measures and incentives included in RLRE Consulting Engineers, document ref: 20197-RLL-24-XX-TN-D-5003, 'Travel Plan - Airfield Business Park' (TP), Revision P04 dated 8 March 2024 shall be implemented in full from first occupation unless an alternative timetable is submitted to, and approved in writing by, the County Planning Authority. The approved Framework Travel Plan includes provisions for:

- Travel Packs - to inform new employees from first use of the site of the available sustainable travel choices in the surrounding area;
- A six-month bus pass per employee;
- Appointment of a Travel Plan Co-ordinator from commencement of development until five years after use;
- Monitoring of the Framework Travel Plan and the effects of the development using the County Council's monitoring programme.

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 (December 2023).

13. The approved landscaping scheme, as detailed in Airfield Farm Market Harborough Plots A1 B1 H1 to H9 Landscape Proposals, Drawing No's.:

- 24.1833.001 Rev. A (dated 05/04/2024)
- 24.1833.002 Rev. A (dated 05/04/2024)
- 24.1833.003 Rev. A (dated 05/04/2024)
- 24.1833.004 Rev. A (dated 05/04/2024)
- 24.1833.005 Rev. A (dated 05/04/2024)
- 24.1833.006 (dated 11/03/2024)

shall be implemented in the first available planting season following construction of the development hereby permitted. All planted material shall be suitably maintained and replaced as necessary for a period of not less than 5 years from the date of planting.

Reason: To ensure the landscaping scheme is implemented in an appropriate timeframe and that the planting becomes established.

14. The approved Construction & Environmental Management Plan (CEMP) – Airfield Business Park CEMP Biodiversity, Document Ref. 6772, Dated 27/06/2024 – shall be strictly adhered to and implemented throughout the site clearance and construction period, in accordance with the approved details.

Reason: To ensure that opportunities to improve biodiversity in and around development are integrated and to secure measurable net gains for biodiversity, in accordance with Policy GI5 of the Harborough Local Plan and Paragraph 180 of the NPPF.

15. Within 3 months of the date of this permission, a detailed scheme of biodiversity offsetting shall be submitted to the County Planning Authority to demonstrate that a minimum of 1% net gain in biodiversity units will be achieved. The scheme

shall include baseline biodiversity information of the proposed off-setting site, proposed enhancements, ownership, a management programme for a minimum of 30 years and a programme of implementation. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: To compensate of the net loss of biodiversity resulting from the development by providing biodiversity enhancements off-site in accordance with Policy GI5 of the Harborough Local Plan and Paragraph 180 of the NPPF.

16. Prior to the occupation of Unit D1, a management plan shall be submitted to, and approved in writing by, the County Planning Authority. The management plan shall include:

- a) Regime for dealing with any anti-social behaviour;
- b) Litter management and picking regime
- c) Contact for dealing with complaints to be displayed on site at all times; and
- d) A programme of implementation.

The development shall thereafter be carried out in accordance with the approved plan.

Reason: To protect the residential amenity of nearby residents, in accordance with GD8 of the Harborough District local Plan and the NPPF.

Informative(s)

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 (Tel: 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 (Tel: 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.
4. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.

To erect temporary directional signage, you must seek prior approval from the Local Highway Authority in the first instance (Tel: 0116 305 0001).

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.



DEVELOPMENT CONTROL AND REGULATORY BOARD
11 JULY 2024

VARYING OF LEICESTERSHIRE COUNTY COUNCIL TREE
PRESERVATION ORDERS REPORT 2024

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

Purpose of the Report

1. The purpose of the report is to make the Development Control and Regulatory Board (DCRB) aware of an exercise that is to be undertaken to review and vary Leicestershire County Council Tree Preservation Orders (TPOs) that no longer reflect the intent of the original order.

Background

2. Until 1974, Leicestershire County Council made 274 orders following their introduction in the 1947 Planning Act. After that date, the power to make TPOs was transferred to the district Local Planning Authorities (LPAs). A small number of TPOs have been made since by Leicestershire County Council, where the tree was on Council land.
3. Planning practice guidance from the Ministry of Housing Communities and Local Government (MHCLG) published on 7 March 2014 replaced earlier guidance on the law and good practice around TPOs. As in earlier guidance, this advises that authorities keep their TPOs under review, to ensure that protection is still merited, and that Orders contain appropriate classifications. There are currently 264 orders remaining in effect.
4. Prior to 12 March 2020, the DCRB considered applications for works to the Council's TPOs for approval. After this date, the powers to deal with applications for works to protected trees was delegated to officers, unless an elected Local Member has indicated that the application should be referred to the Board for determination. The DCRB receives a full list of the delegated decisions made on applications for works to the Council's TPOs every six months.

Tree Preservation Orders General Information

5. TPOs are used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the

public. Trees can be specified in a TPO either individually, by reference to area, in groups, or as woodlands. If a tree has merit in its own right, it will be specified as an individual. Area classification is used as an alternative way of specifying scattered individual trees. The group specification is used for trees whose overall impact and quality merit protection. A woodland classification is used for woodlands which have a defined boundary.

6. The youngest County Council TPO is now over 35 years old, and some of the oldest are over 70 years old. Changes in legislation and procedures since the majority of the County Council's Orders were made include:
 - a) The designation of Conservation Areas where works to any tree with a stem diameter of 75mm at 1.5m height has to be notified (pursuant to section 211 of the Town and Country Planning Act 1990) to the district LPA who have the power to make a TPO should the tree be judged to contribute to the special character of the Conservation Area.
 - b) That in the case of TPO protected woodland, where the volume of timber that is proposed to be felled is over 5.0 cubic metres, the Forestry Commission determine the application under the 1967 Forestry Act through a Felling Licence. The LPAs are consulted on the felling proposals.
 - c) Applications for works to trees subject to district TPOs can be made electronically through the planning portal. This facility is not available for applications relating to works to trees subject to County Council TPOs.
7. Area TPOs cover all trees that were planted at the time that the order was confirmed, so not all trees within the specified area may be covered. Woodland TPOs cover all trees, whatever the size within the defined area of woodland.
8. In the case of a tree protected by a TPO, the County Council's consent is normally required prior to undertaking any works to the tree and this will require the submission of a formal application. Any consent may be subject to conditions, and there is a right of appeal to the Secretary of State against the refusal of consent or the granting of consent subject to conditions.
9. If the County Council wishes to carry out works on protected trees within their own estate, there is no statutory requirement to complete an application for TPO works as it is considered that the Council would use best practice to maintain trees. The County Council's Forestry Team informs the County Council's Tree Officer of planned TPO works which is agreed by both parties (as specified in Chapter 6 section 6.76 of the Tree Preservation Orders: A Guide to the Law and Good Practice, published by the Department of the Environment, Transport and the Region).

Issues

10. Some TPOs, which are still in force, were made in the 1940s and the 1950s, the oldest being Charnwood Forest made in 1949. Since that time, the use of

the land might have changed; the land might have been developed; trees standing at the time the TPO was made might have been removed (with or without the consent of the LPA); some of the trees still standing, perhaps, no longer merit the protection of the TPO; new trees might have been planted which do merit protection; or the map attached to the original TPO might bear little comparison with a modern map of the area.

11. Such difficulties are likely to be compounded when dealing with an old 'area order' which protects only those trees standing at the time the TPO was made but does not identify each one. In time, this is likely to lead to uncertainty about whether particular trees were present at the time of the making of the TPO. According to the Government's guidance (Tree Preservation Orders a Guide to Law and Good Practice), if it is no longer possible, to ascertain with certainty which trees on the site are protected, by reference to the TPO and map, it may be time to review and vary the TPO.
12. The Council previously completed the process of revoking 10 TPOs in the district of Oadby and Wigston in 2022-23, with the Borough Council having made seven new replacement Orders.
13. As part of the continuing process of reviewing and improving the Council's TPOs, the intention is to undertake an assessment of the Council's TPOs and vary those orders found to be inaccurate, in that the original order, schedule and plan no longer reflect the current situation on the site of the order.

Legal Considerations

14. Planning controls relating to trees are set out in Part VIII of the Town and Country Planning Act 1990 (as amended by the Planning Act 2008) and the procedure for making, varying and revoking TPOs is set out in the Town and Country Planning (Tree Preservation) (England) Regulations 2012. See figure 1 below for further details.
15. County Planning Authorities have only limited powers, pursuant to the Town and Country Planning Act 1990 to make TPOs. The LPAs are now the principal bodies for making new TPOs.
16. Trees in a conservation area that are not protected by a TPO are protected by the provisions of section 211 of the Town and Country Planning Act 1990. That provision makes it an offence to damage trees within a conservation area.
17. It is not proposed that any Orders are revoked at this time, rather, that those with significant changes be reviewed and varied as appropriate. As the TPOs are administered and managed by the County Council, there is no statutory requirement to consult with the district councils on this matter. The County Council will need to inform the district councils of any changes to TPO schedules and plans, so that they can update their records.

Flowchart 2: Varying or revoking a Tree Preservation Order

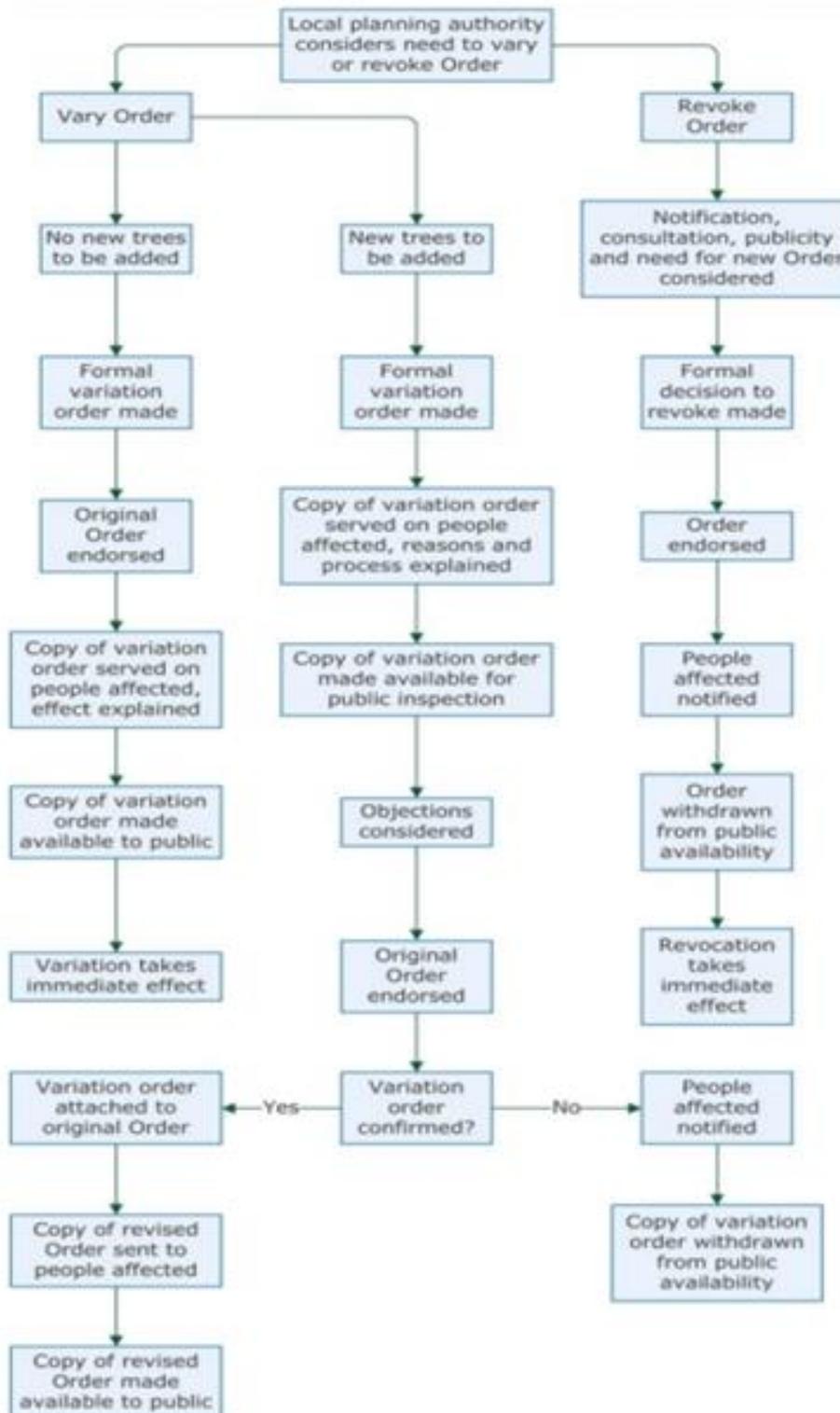


Figure 1: Flowchart showing process for varying or revoking a Tree Preservation Order

Proposed Process

18. It is proposed that the following steps will be taken to enable a review of the Council's TPOs to be carried out:
- a) Undertake a desktop assessment by district of the County Council's TPOs using the Ezytreev (software used for managing and mapping the Council's tree assets) and Google Streetview in order of priority for review and produce a list of categorised orders for review / variation:
 - i. Category 1: High priority – those Orders that have seen significant development and/or other changes.
 - ii. Category 2: Medium priority – those Orders that have seen some development and/or other changes.
 - iii. Category 3: Low priority - those Orders that have seen little or no development and/or other changes.
 - b) After a desktop review, those sites deemed to be high priority sites are to be visited in person and visually assessed using the Ezytreev onsite mapping system and TEMPO (Tree Evaluation Methodology for the Making of Preservation Orders) and re-categorised if needed.
 - c) A report from the above site visits will be produced, including a list of high priority sites that warrant the TPO being varied with the report being submitted to the DCRB for approval.
 - d) Subject to approval, the formal process of varying TPOs as per the list contained in the report will begin.
19. Once the review of high priority sites has been completed, the review of medium and low priority sites will follow the same process, with reports going to the DCRB for information and approval. The process of reviewing all County TPOs is expected to take several years.

Equality and Human Rights Implications

20. There are no discernible equality and human rights implications.

Resource and Financial Implications

21. The review and varying of Orders will have no additional resource or financial implications to the Council as the work will be scheduled to fit within the standard working hours and within the routine of existing roles. It should be emphasised that this proposal is being pursued for the reasons of improved service delivery to the public and the medium- to longer-term improvement in the efficiency of administrating the Council's TPOs.

Conclusion

22. The Council's TPOs cover the period of 1949–1974. Many of these Orders need reviewing due to development and removal of trees over the years. This inaccuracy makes it difficult to manage the TPOs effectively. A review of the TPOs by surveying Orders could result in a number being varied or revoked due to the TPO no longer being viable as shown in the original order.

Recommendation

23. The DCRB is being asked to note the content of the report and in particular the proposed process for carrying out the review and variation of the Council's TPOs.

Background Papers

National planning practice guidance

<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

Officers to Contact

Ann Carruthers
Director, Environment and Transport
Tel: 0116 305 7000
Email: Ann.Carruthers@leics.gov.uk

Joanna Gyll
Assistant Director, Environment & Waste Management
Tel: 0116 305 8101
Email: Joanna.Gyll@leics.gov.uk



DEVELOPMENT CONTROL AND REGULATORY BOARD

11th July 2024

REPORT OF THE CHIEF EXECUTIVE

DELEGATED DECISIONS ISSUED

22nd March – 30th June 2024

Application	Applicant and Location	Description	Delegated
2024/CM/0025/LCC	British Gypsum - Barrow Works, Paudy Lane, Seagrave, LE12 8GB	Two-storey Quality Centre and external works	<u>Received:</u> 29/02/2024 <u>Resolution:</u> 24/05/2024 <u>Decision Date:</u> 24/05/2024 <u>Decision:</u> Approved <u>Total weeks</u> <u>For Determination:</u> 12
2024/CM/0014/LCC	Severn Trent Water Ltd - Sewage Disposal Works, Snarrows Road, Osgathorpe, Leicestershire, LE67 8UR	Installation of 2 no. of Kiosks.	<u>Received:</u> 24/01/2024 <u>Resolution:</u> 26/04/2024 <u>Decision Date:</u> 26/04/2024 <u>Decision:</u> Approved <u>Total weeks</u> <u>For Determination:</u> 13
2023/VOCRMi/014 3/LCC	Leicestershire County Council - Strategic Property - Former Workspace 17 Site, Highfield Street, Coalville	Proposed variation of condition numbers 3 and 4 of planning permission reference 2021/0539/07 (2021/Reg3Mi/0040/LCC) relating to the approved plans and site access details.	<u>Received:</u> 22/01/2024 <u>Resolution:</u> 24/06/2024 <u>Decision Date:</u> 24/06/2024 <u>Decision:</u> Approved <u>Total weeks</u> <u>For Determination:</u> 22

This page is intentionally left blank



DEVELOPMENT CONTROL AND REGULATORY BOARD

11th July 2024

REPORT OF THE CHIEF EXECUTIVE

DELEGATED ENFORCEMENT NOTICES ISSUED

22nd March – 30th June 2024

Enforcement Reference	Details of person notice was served on	Description	Delegated
2024/UD/0001/INV	<p>GREEN MEADOW LIMITED (Co. Regn. No. 3628414) of Unit 61, Wymeswold Industrial Park, Wymeswold Road, Burton-On-The-Wolds, Loughborough LE12 5TY.</p> <p>Geoffrey James Harvey, Director, Green Meadow Limited Unit 61, Wymeswold Industrial Park, Burton On The Wolds, Loughborough, Leics, LE12 5TR</p> <p>G.E.RECYCLED AGGREGATES LIMITED, Unit 22b Wymeswold Industrial Park, Wymeswold Road, Burton-On-The-Wolds, Loughborough, England, LE12 5TY.</p> <p>Gary Malcom Elson, Director, G.E. Recycled Aggregates Limited, Unit 22b Wymeswold Industrial Park, Wymeswold Road, Burton-On-The-Wolds, Loughborough, England, LE12 5TY.</p> <p>Jaydon Lewis Elson, Director, G.E. Recycled Aggregates Limited Unit 22b Wymeswold Industrial Park, Wymeswold Road, Burton-On-The-Wolds, Loughborough, England, LE12 5TY</p> <p>The Owner/s of Land at Unit 22 (inclusive of Unit 22a and Unit 22b), Wymeswold Industrial Park, Wymeswold Lane,</p>	<p>Enforcement Notice for, without planning permission, a material change of use of the Land from general storage to a waste facility (sui generis) comprising the sorting, processing, storage and exportation of waste soils and construction, demolition and excavation (CD&E) wastes, erection and use of a picking station and retention of containers for office use associated with the operations.</p>	<p>Notice Served: 18th April 2024</p>

	<p>Wymeswold, Leicestershire, LE12 5TY</p> <p>The Occupier/s of Land at Unit 22 (inclusive of Unit 22a and Unit 22b), Wymeswold Industrial Park, Wymeswold Lane, Wymeswold, Leicestershire, LE12 5TY</p>		
--	--	--	--