

DEVELOPMENT CONTROL AND REGULATORY BOARD

Wednesday, 18 December 2019
REPORT OF THE CHIEF EXECUTIVE

Airfield Business Park 2019/1793/03

PART A – SUMMARY REPORT

APP.NO. & DATE:	2019/1793/03 (2019/REG3Ma/0246/LCC)
PROPOSAL:	The proposal is to 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.
LOCATION:	Airfield Business Park, Leicester Road, Market Harborough, LE16 7UL
APPLICANT:	Leicestershire County Council
MAIN ISSUES:	Visual amenity
RECOMMENDATION:	Permit subject to the conditions in the Appendix

Circulation Under Local Issues Alert Procedure

Dr. P. Bremner CC

Officer to Contact

David Wallis (Tel. 0116 305 3835).
Email: planningcontrol@leics.gov.uk

PART B – MAIN REPORT

Description of Site

1. Airfield Business Park is a small business park, approximately nine hectares in area, located 1.8km north west of Market Harborough town centre (see Figure 1). The business park comprises the application site and other existing business development. Greenacres Travellers' site, made up of both temporary and permanent pitches, adjoins the business park to the south. The North West Market Harborough Strategic Development Area (NWMH SDA) (reference 11/00112/OUT) is located to the west and south west of the business park, with the B6047 (Leicester Road) to the east and agricultural land to the north.
2. Footpath A23 passes 230m south of the application site and converges with footpath A24 and A25 270m south. The Grand Union Canal (Harborough Arm) lies approximately 140m south east of the site and is accompanied by the Grand Union Canal Conservation Area.

Background

3. Development of the central-southern portion of the business park had been permitted under outline planning permission (15/01609/OUT), before Leicestershire County Council purchased the land and submitted a fresh application for planning permission for similar development. This planning permission (reference 2018/0257/03, varied by 2019/0874/03) allows three large business units (E, G & J, see Figure 2), associated off-street parking and landscaping provisions. This area is designated as Zones 1 & 2 and comprises approximately 2.4 hectares (see Figure 3).
4. The remaining areas of the business park yet to be developed are designated as Zones 3 (one hectare) & 4 (1.75 hectares) (see Figure 3).

Description of Proposal

5. The proposal consists of two parts; movement and deposition of soils, and erection of fencing.
6. Excess topsoil and clay material has arisen during the development of buildings E, G & J. This material is believed to be of good quality and sits within existing bunds and heaps within Zones 1, 2 & 3. This amounts to approximately 5825m³ of topsoil and 9660m³ of clay. It is proposed to re-locate 9660m³ of this stockpiled clay to Zone 4, to a level for 106.45m above ordnance datum (AOD). 70% (4080m³) of the topsoil will be laid on top of this clay, raising the surface level to approximately 106.90m AOD. The remaining 30% of topsoil will be used for landscaping works relating to units E, G & J. The lowest point of the current ground conditions is 105.3m AOD, giving a 1.60m maximum depth of deposited material.

7. Construction of new fencing around Zone 3 and around Zone 4 is proposed, to enable each of the two zones to be securely enclosed. The proposed fencing would consist of black paladin fencing 2.4m in height around Zone 3 and 1.8m green paladin fencing around Zone 4.

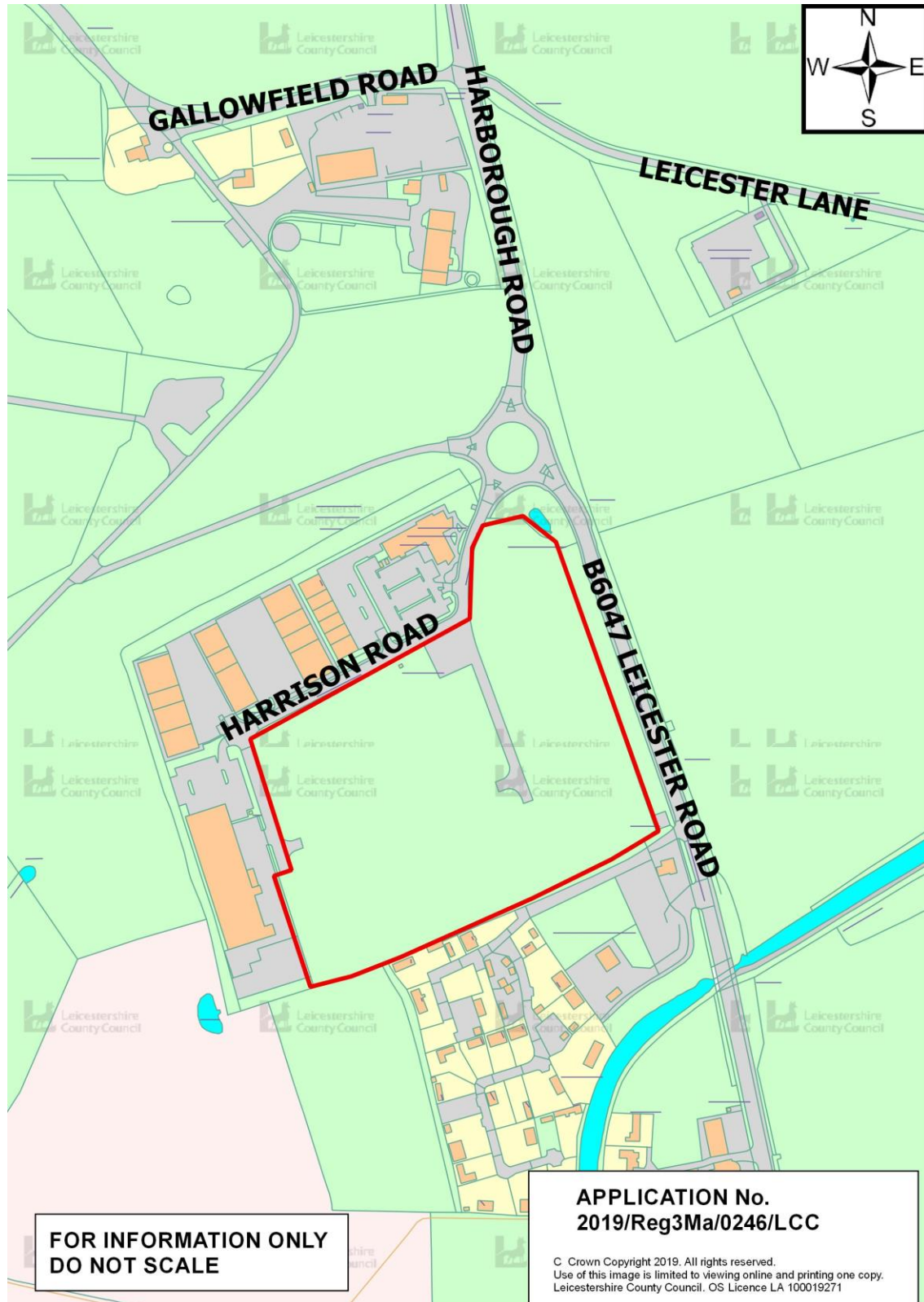


Figure 1. Airfield Business Park site location



Figure 2. Airfield Business Park units approved under 2019/0874/03

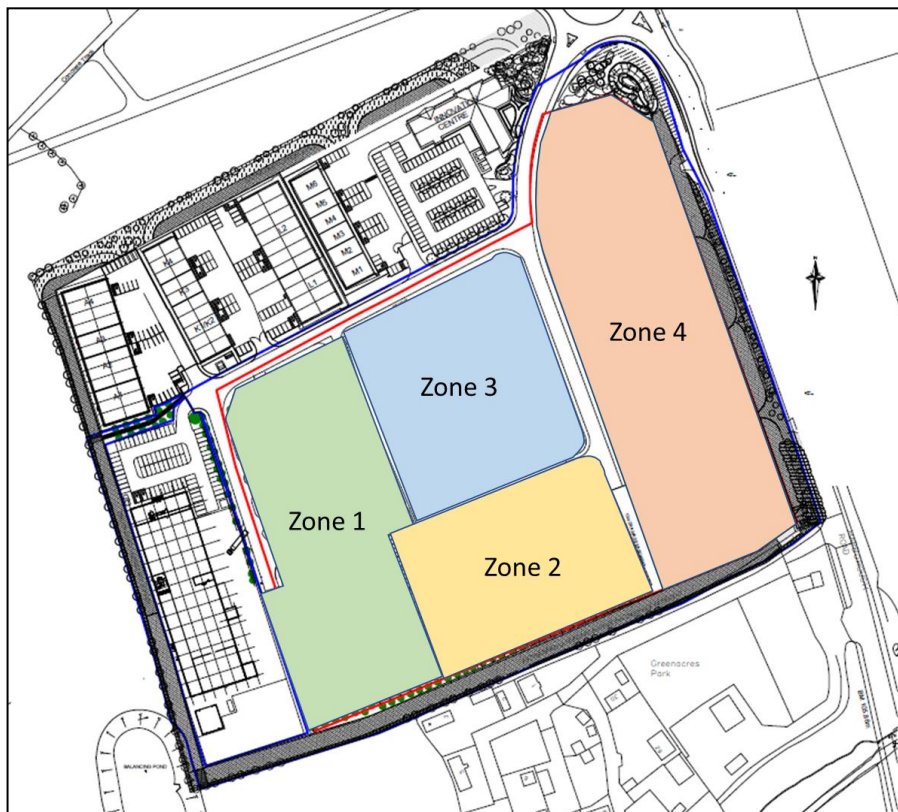


Figure 3. Airfield Business Park zoning

Planning Policy**Local**

8. The Harborough Local Plan 2011 to 2031 (adopted April 2019) is the part of the development plan relevant to this application. The policies that apply to the proposed development are:
- BE1 Provision of new business development;
 - GD1 Achieving sustainable development;
 - MH5 Airfield Business Park;
 - SS1 The spatial strategy.
9. Lubenham Neighbourhood Plan was adopted in 2017; none of its policies are relevant to this application.

National

10. The National Planning Policy Framework (NPPF, 2019) sets out central government's planning policies in order to achieve appropriate, sustainable development. The relevant sections are:
- Paragraph 108 – which proposed sustainable transport; safe and suitable access; and the mitigation of and significant impacts on the transport network.
 - Paragraph 109 – which states that development should only be refused on highways ground if residual cumulative impacts on the road network are severe.

Consultations

11. **Canal & River Trust:** no objection.
12. **Environment Agency:** no objection.
13. **Harborough District Council – Environmental Health:** no comments.
14. **Harborough District Council – Planning:** A 1.8m high black paladin fencing enclosing the site for the entire length adjacent to Leicester Road is not considered to be appropriate given its semi-rural location and key gateway into and out of Market Harborough.
15. **Leicestershire County Council – Archaeology:** the site was evaluated in 2005 with largely negative results. Consequently, there is no major need to request further archaeological involvement with this scheme. However, a condition could

be imposed to ensure appropriate recording/retention of any found archaeological features should any be found during the excavation of soils.

16. **Leicestershire County Council – Ecology:** no objection.
17. **Leicestershire County Council – Heritage:** given the nature of the proposals and the existing intervening development and planting it is not anticipated that the significance of the designated heritage asset will be unduly compromised.
18. **Leicestershire County Council – Landscape Architect:** no objection.
19. **Leicestershire County Council – Lead Local Flood Authority:** the proposed development does not have any impact on surface water drainage.
20. **Leicestershire County Council – Local Highway Authority:** the impacts of the development on highway safety would not be unacceptable, and the impacts on the road network would not be severe. The development therefore does not conflict with paragraph 109 of the NPPF. The Construction Method Statement is appropriate to the proposal and should be adhered to throughout the duration of the works.
21. **Lubenham Parish Council:** no comments.
22. **Market Harborough West & Foxton Member – Dr. P. Bremner CC:** no comments.

Publicity and Representations

23. The application was publicised by press notice in the Harborough Mail on 7th November and by site notice posted on 5th November. No representations have been received.

Assessment of Proposal

24. The proposed development comprises two components: the engineering operation of raising ground level, and the fencing of parts of the site. The site is designated as land for business development by the Harborough Local Plan, and as such policies BE1, MH5 and SS1 are relevant. Neither of the proposed constituent parts of this application are for business development. Further to this, the proposal does not permanently prejudice the ability for future business development of the site. Therefore, it is considered that the proposals do not conflict with policies BE1, MH5 or SS1.
25. Development of the site by the applicant is ongoing; at present the first phase (units E, G & J) is nearing completion and is the first of three intended phases. Whilst the applicant does not hold planning permission for Zones 3 & 4, their

intention is to develop that land in the near future. The applicant proposes to spread soil and clay to aid potential future earth works associated with future development of the site, as this would allow easier drainage connections to the adopted drainage network designed for the site and to lessen site gradients to the carriageway.

Highways

26. The proposed internal movement of soils within the site would result in fewer vehicle movements on the highway than if material were to be taken off site for disposal. The impact of the proposed development on highway safety would not be unacceptable, and therefore does not conflict with paragraphs 108 and 109 of the NPPF. The Local Highway Authority does request that the development, if permitted, should be carried out in accordance with the submitted Construction Method Statement to reduce the possibility of unsafe impacts on the highway. This could be controlled by appropriate condition.

Surface Water Drainage

27. The development site is within Flood Zone 1. The Lead Local Flood Authority advises that the proposed development does not have any impact on surface water drainage.

Sustainability

28. The NPPF and Policy GD1 stipulate that in determining planning applications, local planning authorities should give great weight in favour of sustainable development. The internal movement of soils within the site would lead to fewer vehicle movements than if the material were to be taken off site for disposal. The applicant anticipates that if future development of the site were to come to fruition in their intended manner, there would be a need to bring similar material onto site. Internal movement of this material as proposed in this application would therefore potentially reduce the vehicle movements in future. While determination of this application does not endorse nor prejudice future development, the arrangement currently proposed could partially increase the sustainability of future operations. Therefore, the proposal does not conflict with the requirements of policy GD1, nor is it contrary to the presumption in favour of sustainable development advocated by the NPPF.

Ecology

29. No ecological issues relevant to the proposal have been raised by the County Council's Ecologist.

Archaeology

30. The County Council's Archaeologist advises that the site was evaluated in 2005, leading to largely negative results. No request for further archaeological information was issued. A condition could be imposed to ensure the adequate recording/retaining of any archaeological features if found during excavations.

Fencing

31. The proposed fencing would provide increased security for Zones 3 & 4. An increased level of security is not essential to safeguard future development of the site, and as such the proposed fencing is not required to enable nor secure potential development. The undeveloped portion of the site has been subject to informal equestrian grazing. This has led to horses finding their way into the surrounding area including the highway and this has consequently been identified by the applicant as a health and safety risk. The proposed fencing is intended to reduce this risk, improving the safety of road users and others in the vicinity.
32. Zone 3 is currently enclosed by Heras-style fencing, which is designed for temporary uses and has been found to be inadequate due to its poor ability to be secured over the long-term. Given the storage of plant and other equipment in this area, the proposed 2.4m black paladin fencing around this zone would provide additional security.
33. The 2.4m fencing around Zone 3 would be seen against the backdrop of the recent development in Zones 1 & 2 from the highway. From the Innovation Centre, this fencing would be seen against the backdrop of the recent development in Zones 1 & 2 and the existing vegetation along the southern boundary of the business park. From Greenacres, the fencing would be partially obscured by unit G and where not, would be screened by vegetation along the southern boundary (stipulated by 2019/0874/03) and would be seen against the backdrop of the Innovation Centre.
34. The use of 2.4m black paladin fencing was approved as part of planning permission 2019/0874/03 (for units E, G & J) and as such further provision of this style and type of fencing, as proposed in this application, would not be out of character for this location. The use of green paladin fencing around Zone 3 would be more sensitive to the semi-rural location of the site in the short-term. However, as this site is allocated for business use, and the applicant is currently intending to further develop the site accordingly, aesthetic uniformity across the phases of development would be important in contributing to the character of the business park. Consequently, the use of black paladin fencing would not be unacceptable.

35. Zone 4 is currently enclosed by 1.8m green paladin fencing to the north, east and south and by Heras-style fencing to the west. The existing green 1.8m fencing is sensitive to its surroundings and is partially screened from the road by existing trees and shrubs. The replacement of the existing Heras-style fencing with green paladin would be more appropriate to this location and would be in keeping with the existing paladin fencing.
36. Harborough District Council does not consider *black* 1.8m paladin fencing along the length of the site adjacent Leicester Road to be appropriate given the site's semi-rural location. The applicant has clarified that the fencing referred to in this response currently exists and is green in colour. The colour of this fence does not appear to be inappropriate as assessed above.

Conclusions

37. The proposed engineering operation would prevent double handling of material required for potential future development. If permitted, the re-use of the material on site would prevent increased vehicle movements on the highway network, preventing disruption, and is in line with future development of the site as employment land.
38. The proposed fencing is intended to reduce an identified safety risk by better securing the site and is in keeping with existing fencing provision on the site.
39. The proposals do not conflict with the requirements of the development plan.

Recommendation

1. PERMIT subject to the conditions set out in the Appendix.
2. To endorse, as required by The Town and Country Planning (Development Management Procedure) Order 2010 (as amended), a summary of:
 - a. How Leicestershire County Council worked with the applicant in a positive and proactive manner:
 - b. In dealing with the application and reaching a decision account has been taken of paragraph 38 of the National Planning Policy Framework.

APPENDIX**Conditions****Scope of Permission**

1. The development shall be begun within three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following documents:
 - i. 8012 CF20, dated September 2019;
 - ii. 8012 CF21, dated September 2019;
 - iii. 8012 CF22, dated September 2019;
 - iv. 8012 CF23, dated September 2019;
 - v. 8012 CF24, dated September 2019;
 - vi. 215060-TOPSOIL-PL01 revision C, dated 29/10/2019;
 - vii. 215060-TOPSOIL-PL02revC, dated 22/11/2019;
 - viii. Airfield Business Park, Market Harborough, Leicestershire.
Proposed plateau works to Zone 4. Highway Review / Statement, undated;
 - ix. Airfield Business Park, Market Harborough, Leicestershire.
Proposed plateau works to Zone 4. Flood Risk Review / Statement, undated;
 - x. Fill Specification for Zone 4, dated 17/09/2019.
3. The development hereby permitted shall be carried out in accordance with the Construction Method Statement, dated 08/11/2019.

Reasons

1. To ensure the development is completed in a timely manner and to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. For the avoidance of doubt; to ensure the development hereby permitted is carried out as permitted.
3. To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users; to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area; in accordance with paragraphs 108 and 109 of the NPPF.

Notes to the Applicant**From the Local Highway Authority**

The applicant is advised that it is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore the applicant should take every effort to prevent this occurring.

From the Environment Agency

The applicant is advised that any development using waste or other material for engineering works may require an Environmental Permit, unless it is exempt from the need for a permit.

Waste transported to and from the development must only be carried by a registered waste carrier.

If planning permission is granted, the applicant should arrange a meeting with the Environment Agency to discuss the permitting implications. Such a meeting is unnecessary where the proposal is exempt from the need for a permit.

For information, the applicant will have to agree a waste recovery plan with the Environment Agency for any activity involving the recovery of waste on land as part of the Environmental Permit (unless the activity is exempt from the need for a permit). Please contact our National Customer Call Centre (Tel: 03708 506 506) for advice prior to commencing work or to check whether someone is a registered waste carrier on the public register.

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

No implications for disabled persons.

COMMUNITY SAFETY IMPLICATIONS

The proposed introduction of fencing is positive in relation to crime reduction and safety, as set out in the report.

BACKGROUND PAPERS

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

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

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

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

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

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

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

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