



**DEVELOPMENT CONTROL AND REGULATORY BOARD**

**11<sup>th</sup> July 2024**

**REPORT OF THE CHIEF EXECUTIVE**

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

**PART A – SUMMARY REPORT**

<b>APP.NO.</b>	2024/00120/03 (2024/Reg3Ma/0015/LCC)
<b>PROPOSAL:</b>	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)).
<b>LOCATION:</b>	Airfield Business Park, Leicester Road, Market Harborough, LE16 7UL
<b>APPLICANT:</b>	Leicestershire County Council
<b>MAIN ISSUES:</b>	Principle of 'drive thru' unit; highways, design and landscaping.
<b>RECOMMENDATION:</b>	PERMIT subject to the conditions set out in Appendix A

**Circulation Under Local Issue Alert Procedure**

Mr. P. King CC.

**Officer to Contact**

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## **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**

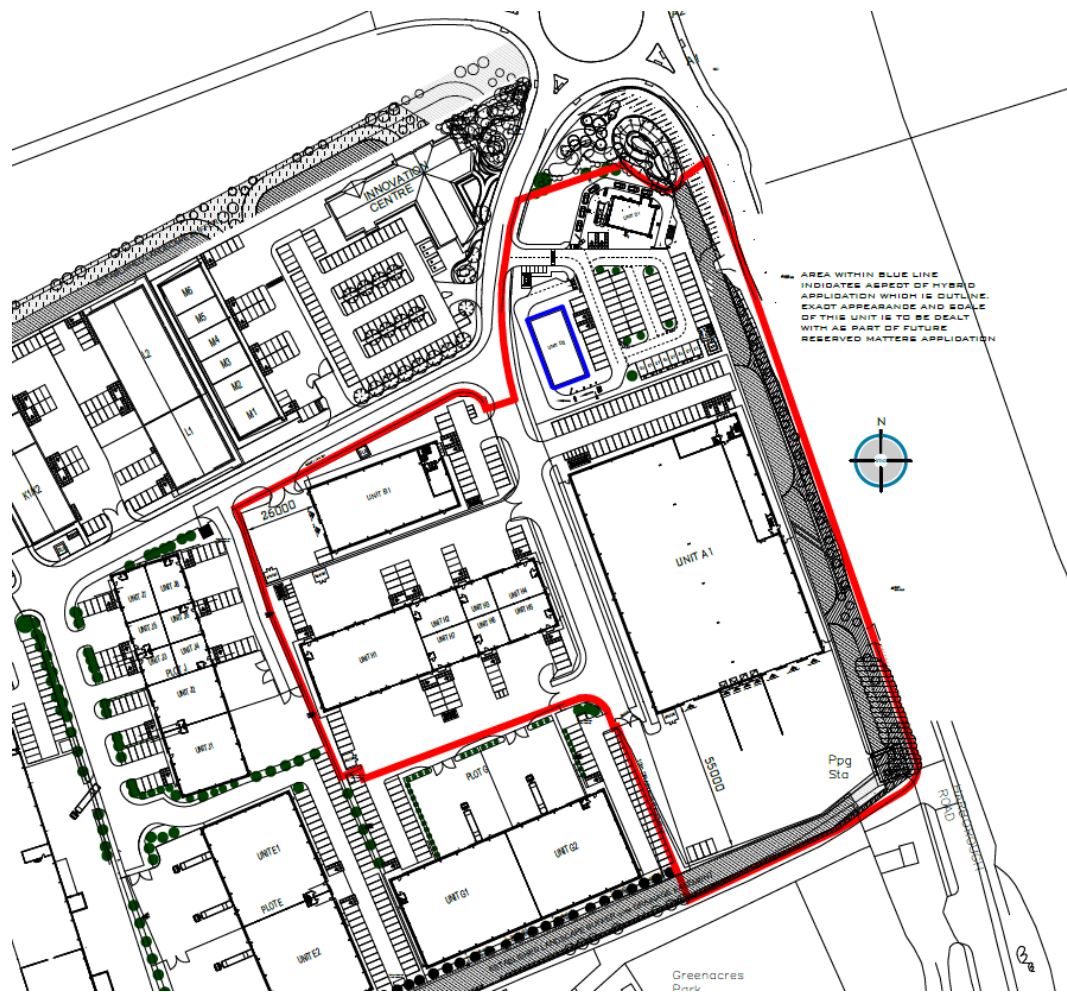
7. The site is allocated in the Harborough Local Plan 2011-2031 for Class B1, B2 and non-strategic B8 development.

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 2,217m<sup>2</sup>.

<u>Unit</u>	<u>Floorspace (m<sup>2</sup>)</u>
H1	1045
H2	220
H3	146
H4	220
H5	220
H6	146
H7	220
<b>Total</b>	<b>2217</b>

### Units A1, B1 & D1

Unit A1: Two-storey unit comprised of 5,336 m<sup>2</sup> warehousing floorspace and 974 m<sup>2</sup> office space (GF 487 m<sup>2</sup> FF 487 m<sup>2</sup>). Total floorspace is 6,310 m<sup>2</sup>. 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 m<sup>2</sup> warehousing floorspace and 250 m<sup>2</sup> office space (125 m<sup>2</sup> GF and 125 m<sup>2</sup> FF). Total floorspace is 1,288 m<sup>2</sup>. 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 m<sup>2</sup>. 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 23,000m<sup>2</sup> employment, with the following mix: 13,000m<sup>2</sup> for B1a/b; 2,100m<sup>2</sup> for B1c/B2; and 8,000m<sup>2</sup> 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 30,700m<sup>2</sup> (7,700m<sup>2</sup> 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 law<sup>1</sup> 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

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<sup>1</sup> 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 ft<sup>2</sup>) 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 polices 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**

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## 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 &amp; 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](http://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](http://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](mailto: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](mailto: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.