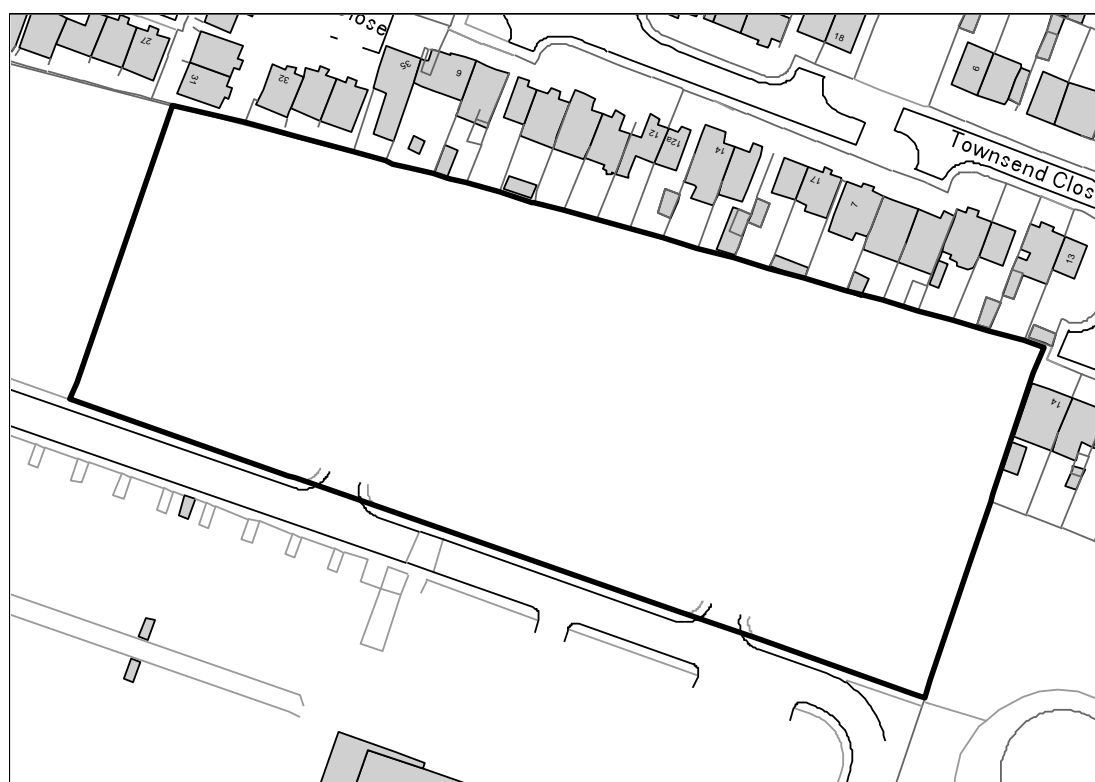


COMMITTEE REPORT

20213040	Melton Road , Land North of Sainsburys	
Proposal:	Construction of a dual brand motor retail facility (Sui Generis), including car showroom, offices, repair, MOT testing and valeting, alongside access, landscaping and associated works	
Applicant:	Henry Boot Developments Limited	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	19 October 2022	
JL	TEAM: PM	WARD: Rushey Mead



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Summary

- The application is reported to the committee as six representations have been received raising concerns with or objection to the proposal.
- The representations have raised issues in relation to noise pollution, air pollution, impacts on living conditions and waste.
- Main issues relate to the impact of the proposed built development and related activities on neighbours
- The application is recommended for approval.

The Site

The application site is a vacant area of brownfield land, which previously accommodated the GE Thorn Lighting factory. The site is relatively flat and covered with scrub grassland. At the time of the site visit it was evident that fly tipping had occurred at the site. There are currently two bell-mouth access points to the site which are off the delivery road for the existing supermarket. The main access is from the Melton Road (A607), which is a classified road and major road into the city.

To the north of the site are residential properties with fencing and trees along the boundary. To the Southeast is the Jesse Jackson Park and to the South is a Sainsburys supermarket, car park and petrol filling station. To the west of the site is a vacant area of land on which there is currently a planning application under consideration for a fast-food takeaway restaurant and a food supermarket.

The site is in flood zone 2, a critical drainage and final hotspot area.

Background

20181373 - HYBRID APPLICATION FOR CONSTRUCTION OF A SUB-DIVISIBLE EMPLOYMENT UNIT (USE CLASSES B1/B2/B8), AND A FAMILY RESTAURANT/PUB UNIT (USE CLASS A4) WITH ACCESS, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS (FULL), AND FURTHER SUB-DIVISIBLE EMPLOYMENT UNITS (USE CLASSES B1/B2/B8) WITH ACCESS, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS (OUTLINE). This permission has not been implemented and has expired

Planning permission had previously been granted on site for Class B use under reference 20171124 - HYBRID APPLICATION FOR THE CONSTRUCTION OF A SUB-DIVISIBLE EMPLOYMENT UNIT (USE CLASSES B1/B2/B8), AND A RESTAURANT/PUB (USE CLASS A4) WITH ACCESS, PARKING, LANDSCAPING AND ASSOCIATED WORKS (FULL). FURTHER SUB-DIVISIBLE EMPLOYMENT UNITS (USE CLASSES B1/B2/B8) WITH ACCESS, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS (OUTLINE) (AMENDED PLANS). This application was not determined and no decision made. An appeal for non-determination was made but later withdrawn.

20120416 - FOODSTORE (CLASS A1) WITH PETROL FILLING STATION , ASSOCIATED CAR PARKING, LANDSCAPING, HIGHWAY WORKS AND REMOVAL OF TPO TREES (FULL APPLICATION); EMPLOYMENT USES (CLASS B1, B2, B8) (OUTLINE) (AMENDED PLANS) (SUBJECT TO S106 AND S278 AGREEMENTS). The foodstore (Sainsburys) element was implemented, however no reserved matters applications were made for the Class B uses.

There had been an extensive history to the now demolished GE Thorn Lighting factory.

To the west of the site, application reference 20212042 is currently under consideration for a drive through restaurant and food supermarket.

The Proposal

The proposal seeks permission to erect a dual brand car showroom, including workshops and MOT testing facilities for both brands (Kia and Volvo). Access to the site from Melton Road would be via and from the existing service road to the Sainsburys store.

It is proposed that the building would have a flat roof with a height of 7.5m (two storey). The building would have a length of 66.2m and width of 38.5m. It is proposed that the building would have a floor area of 3,241sq m. It is noted that the previously approved Use Class B building had a height of 10m but that would have been located approximately 20m from the rear elevation of the nearest properties.

To the ground floor, it is proposed that the showrooms, delivery bays, workshops, storerooms and offices will be located. To the first floor, offices and welfare facilities for staff are proposed, with much of the space left as void over the showrooms.

Externally on the site, it is proposed that a substation, bike store, covered valet bays, storage buildings (for waste) and parking, including service bays and 6 electric charging points are proposed. Landscaping is proposed, to also include swales to the north and west of the site. It is proposed that solar PV's will be erected to the roof of the building, covering approximately 250m². To the rear of the site, a 3.5m high acoustic fence is proposed. The site plan indicates three flag poles and two pylon identification signs to the front of the site. There will be a requirement to apply for advertisement consent for these, which is acknowledged in the submitted design and access statement.

Policy Considerations

National Planning Policy Framework (NPPF) (2021)

Paragraph 2 states that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration.

Chapter 2 – Achieving sustainable development

Paragraph 11 states that decisions should apply a presumption in favour of sustainable development, which includes c) approving development proposals that accord with an up-to-date development plan without delay.

Paragraph 12 highlights that the presumption in favour of sustainable does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. Local planning authorities should work proactively with applicants to secure developments that will improve the

economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 56 states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Paragraph 81 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

Paragraph 110 states that in assessing applications, it should be ensured that a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

Paragraph 112 goes on to say that within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Paragraph 119 states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 130 states that decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change; d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 131 states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that opportunities are taken to incorporate trees in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 135 states that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Paragraph 152 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk. It should help to shape places in ways that contribute to radical reductions in greenhouse gas

emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Paragraph 157 states that in determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption

Paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 167 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

Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.

Paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 180 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary

objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Paragraph 183 states that planning decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Paragraph 185 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 188 states that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Development Plan policies

Development plan policies relevant to this application are listed at the end of this report.

Most relevant Core strategy policies and Local plan policies are PS10, PS11, AM11, E03, UD06 and CS02, CS03 and CS17.

Supplementary Planning Documents (SPD)

Biodiversity in Leicester SPG (October 2003)
Climate Change SPD (January 2011)
Employment Land SPD (December 2007)

Other Informative Documents

National Design Guide (MHCLG)
Economic Development Needs Assessment (2020)

Consultations

- Air Quality – No objection subject to condition.
- Land Pollution – No objection subject to condition.
- Local Highways Authority – No objection subject to conditions covering cycle parking, travel plan, surfacing and construction management plan.
- LLFA - This site is at risk to pluvial and fluvial sources and flood protection measures are proposed to address and manage this risk. Flood protection in the form of raised FFL is proposed to comply with the National Planning Policy Guidance (NPPG) “Standing Advice for vulnerable developments”. Surface water is to be managed using a combination of SuDS (permeable paving, cellular attenuation, rainwater harvesting and swales) prior to controlled discharge using flow control devices into the public sewer. A number of Flood Risk, Drainage Strategy and Water Quality requirements remain outstanding. These will need to be satisfied or secured through condition prior to determination. Conditions relating to SuDS, drainage and construction have been requested. The LLFA have also recommended that the applicant consult STW regarding *Consent to Discharge Trade Effluent* for the proposed valeting building, to get an agreement in principle from STW. This is on the grounds of water quality control and correspondence from STW will need to be provided as part of this or any associated future application.
- Noise and Light Pollution – No objection subject to conditions.
- Sustainability – No objection subject to conditions.
- Tree Officer – No objection.

Representations

Six letters have been received from different city addresses which raise the following concerns or objections:

- Questions regarding position of the building to dwellings, size of buffer zone, screening details, trees to be retained, height of proposed building.
- What are the air quality mitigation measures? Previous issues of dust pollution from Sainsburys development.
- What are the proposed construction hours (issues with Sainsburys).
- What are the operation hours as well as deliveries?
- What are the waste storage details.
- Current issues with vermin on site.
- How will any car valet pollution be mitigated?
- Concerns about security on site following previous crimes committed.
- Concerns about noise.
- Noise at weekends needs to be kept to a minimum.
- Concerns about safety of trees on the boundary.
- What are the details for the maintenance of landscaping?
- Concerns about increase in traffic.
- Proposed valet/workshop is very close to the adjacent boundary.
- Concerns about height of proposed acoustic fence.
- Concerns about trees affecting outbuilding.

- Would like a contact for during the construction phase following issues with Sainsburys.
- Concern about loss of light.
- Loss of privacy to bathroom and bedroom at rear of property
- Not able to enjoy garden due to noise from the show room, traffic and workshop/valet
- Loud music from valet and workshop
- Health and safety concerns regarding noise, pollution and chemicals from workshop and valet
- Rodents from storage of waste
- Trees might be cut down (along rear boundary)
- Lights on during the night from the show room and advert boards
- Building is an eyesore and can't enjoy property garden.

Following the submission of some of the original comments received, a site visit was made to neighbouring occupiers to discuss the proposal and to answer some of the questions raised- following the site visit, questions raised were put to the agent for a response, which was subsequently published on the website for neighbours to view. A neighbour who had been at the meeting had been emailed about the additional information.

Consideration

Principle of development

The site corresponds to the Site B part of Application 20181373, on which approval, subject to conditions, was granted for employment units.

The application site falls within a site allocated as primarily employment land. Core Strategy (2014) Policy CS10 'Employment Opportunities' and Saved Local Plan (2006) Policy E03 'Primarily Employment Areas' both apply. These policies protect existing employment land for B-class use. Policy CS10 'Employment Opportunities' states that the City Council will work with partners to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the city. It also states that employment land will be retained for B1(c), B2 and B8 uses. In lower quality employment areas, as defined by the existing Employment Land SPD (2007) and the subsequent revised Employment Land Study, day nurseries, places of worship, **car showrooms**, and other uses that do not have a use class but are commonly found in industrial estates will be acceptable in principle.

Saved Local Plan Policy E03 'Primarily Employment Areas' states that:

"Within Primarily Employment Areas planning permission will be granted for development of B1, B2 and B8 uses as appropriate, and not for changes to other land uses unless it can be shown that:

- a) the land and buildings are no longer viable for employment purposes; or*
- b) the use is ancillary or complementary to an existing or proposed B-Class use; or*
- c) the use would provide a significant number of jobs; or*
- d) redevelopment of the site would make an important contribution to improving the wider urban environment; or*

*e) the use would be for housing on a site without a greater need to be retained for employment purposes; or
f) the use proposed is a local community facility for which there are no alternative sites available, for which there is a demonstrable need in the area, and which will not have unacceptably adverse effects on existing businesses.”*

It is acknowledged that the land has been vacant for a significant amount of time and that the proposed use for the site would provide a significant number of jobs, in line with exception c) of Policy E03 'Primarily Employment Areas'. Furthermore, it is accepted in planning policy terms that certain Sui Generis uses such as car showrooms are an acceptable use on primarily employment land. The information submitted with the application states that this proposal would allow an existing business in the City to expand, which has outgrown its current site and where there is no scope to expand.

It is considered that the principle of the proposed development is acceptable.

Design

The proposal would result in one single showroom/ workshop for the two brands. The proposed building would have two floors, with much of the second floor a void area over the showrooms.

In relation to proposed materials, it is proposed that the building will be constructed of materials that are commonly found on this type of development, including an aluminium curtain wall system with wall panels and acrylic render. The information submitted in relation to materials is considered acceptable, subject to the submission of a sample panel and detailed specification of the materials. The proposed building would have a flat roof and a typical car show room design with expanses of glazing across the lower level of the front elevation and wrapping round the south western corner of the building.

Officers had questioned if the building could be divided to reduce the massing on site, however due to operational requirements of the operator this was rejected. It was also asked if the building could be moved further forward on the site, however this would then move more activity to the rear of the site, creating more noise for neighbours to the rear.

The proposed building would have a large amount of parking to the front and sides of the building, however due to the nature of the proposed use, it is expected that there would be a significant amount of parking surrounding the building. 27 standard customer bays, 8 accessible parking bays, 7 service parking bays, 18 demonstrator bays, 119 used parking bays, 32 service work bays, 21 staff bays and 12 cycle parking spaces are proposed. Many of the parking bays proposed would be for display or servicing parking. Therefore, although there will be a significant amount of parking on site, given that many of the cars would be for sale, there would not be a significant number of vehicular movements.

The proposed valet building located to the northeast corner of the site, would have a length of 11.6m, width of 9.1m and maximum height of 4.6m (3.8m to the rear). It is proposed that the building would be able to house two cars at one time. It is proposed that the building would be constructed of composite roof cladding panels and the walls

with profile sheets. The valet building would be enclosed, which would help to reduce noise transmission.

Taking into account the location, proposed use and proposed materials, I consider that the design of the development is appropriate and in accordance with policy CS03 of the Core Strategy, and the relevant policies of the NPPF in relation to design.

Heritage Assets

There are no heritage assets near to the application site which would be affected by the proposal.

Residential amenity (*neighbouring properties*)

The proposed building would be located 9.8m from the rear boundary of residential properties at its closest point, with a height of 7.5m. It is proposed that the valet building will be located approximately 7m from the rear boundary. A daylight assessment has been submitted with the application which demonstrates that the proposed building would not result in a loss of light to the occupiers at the rear and therefore would not have a detrimental impact on the amenity of the occupiers. The proposed development would not have any windows at first floor to the rear of the building therefore protecting privacy.

The proposal includes a 3.5m high acoustic fence to the rear boundary. The gardens to the rear of the site vary in length from approximately 3.6m at 32 Cotton Close, to 17m at 6 Locke Avenue where the fence starts to move away from the rear boundary, to 14m at 17 Locke Avenue where the fence ends. Initially to the west of the site the fence sits directly on the boundary with the neighbouring properties (31 Cotton Close to 35 Cotton Close) and is then positioned to gradually move away from the boundary at a slight angle. Along the length of the boundary the plans show existing boundary treatments are to be retained and where the fence does not sit against the boundary, vegetation/ landscaping is proposed. It is noted that the boundary treatment at some properties is more substantial at some than others. The length of this fence was extended following discussions with residents living to the rear of the site to project past the valet building and service parking bays. This fence would help to prevent noise transmission but would reduce the amount of daylight to the rear of some properties, especially 31-34 Cotton Close. The loss of this light would be most prevalent during winter months, especially as the fence would be positioned to the south of the dwellings affected. Whilst the loss of light to the neighbouring properties is regrettable, it is considered that noise as a result of the operation of the site could have a more detrimental impact on the living conditions for residents than the potential loss of light. The residents on Cotton Close have not raised concerns over the height of the fence. It is considered that residents on Locke Avenue and Townsend Close would have gardens of sufficient length (ranging from 10.2m to 17m in length) for the proposed fencing to not cause a loss of light which would warrant the refusal of the application. Where it has been possible, the fence has been positioned away from the rear boundary of the neighbouring properties. A sectional drawing has been submitted with the application to demonstrate the impact the fence would have on the rear gardens and dwellings affected.

Concerns have been raised by residents in relation to the potential noise impact the proposal would have, from general operations, deliveries, the workshop and valet

operations. The proposed workshop doors will be on an induction loop system, which will close the doors, where it is proposed they will be closed 75% of the time. The proposed acoustic fence will help to reduce any noise transmission to the residential occupiers at the site. The information submitted with the application states that the background noise level is 50dB(A) and at the worst noise from the workshop will be 52dB(A) and 38dB(A) from the valet building. The levels stated are within the WHO guidance regarding gardens and control for annoyance.

It is noted that the site historically was used for industrial use and that there were no restrictions on the opening/operational hours of the site. However, it is appropriate to include conditions relating to opening hours (including workshop) and deliveries to reduce the potential impacts of noise on neighbouring occupiers. This is as the nature of the site is different from that previously, with more activity taking place to the rear of the site where historically this has not been the case.

An amended site plan has been submitted which shows the location of where out of hours deliveries would be made to, which would be to the eastern side of the building. Due to the operators' requirements, it has been stated that two out of hours deliveries may be required during the night. In order to protect the amenity of the residents to the rear of the site, vehicular movements out of hours would be restricted at the rear of the site and a deliveries management plan would be required to be submitted and approved prior to occupation.

I do not consider the building to have a detrimental impact on the amenity of neighbouring occupiers in terms of overlooking or overbearing. However, the proposed acoustic fence would have an impact on the amenity of neighbours due to the height of the fence and length of some of the rear gardens to properties on Cotton Close. This fence is required for noise mitigation and I consider that the proposed fence is required to protect the amenity of occupiers.

Waste storage and collection

It is proposed that waste storage units will be located to the rear of the site. The proposed bin storage is to be constructed of slatted timber screen fence and profile roof sheets. The building would have a length of 7.6m and depth of 4.8m. Concerns have been raised by residents in relation to this due to safety issues of the storage (especially in relation to waste chemicals and the storage of batteries and tyres) and the existing issue of vermin on the site.

The issues of existing waste and vermin on the site are not material planning considerations but it is likely that once developed and occupied the site would be managed and maintained which would positively address this issue. The storage and disposal of waste such as car batteries and chemicals are covered by non-planning legislation. Waste removal will be by private contractor due to the commercial nature of the development.

Highways and Parking

The main access to the site is a signalised junction on the A607, where it is then proposed that the site will be accessed from an existing access point off the service road for the Sainsburys supermarket. It is also proposed that in addition to the delivery yard for Sainsburys and this application, that this service road would also be used to

access two other proposed users, for which a separate planning application is being considered, and the land to the east of the application site. The access junction, access road and access points have been designed to accommodate articulated heavy goods vehicle movements.

It has been demonstrated as part of this application that although there would be no transporter deliveries to the site (all deliveries being limited to a single flatbed truck for 2 vehicles), in order to protect the amenity of neighbouring occupiers and in the interests of highway safety a condition is proposed to control deliveries to the site.

It is considered that the amount of parking proposed, and the proposed internal site layout is acceptable for the proposal. 27 standard customer bays, 8 accessible parking bays, 7 service parking bays, 18 demonstrator bays, 119 used parking bays, 32 service work bays, 21 staff bays and 12 cycle parking spaces are proposed. Details of the proposed cycle storage rack have been provided. A draft travel plan was also submitted with the application to demonstrate how sustainable travel options to and from the site could be made.

I consider that the proposed development is acceptable in terms of highway safety and would not have a detrimental impact on the local highway network. Relevant conditions regarding construction, parking and travel plans will be included to secure these details.

Sustainable Energy

Details of proposed energy efficiency measures have been included as part of this application, however the final design details of these have not been confirmed. It is proposed that in relation to daylight, the glazing to the show room will be treated with contravision film, which would allow for privacy but allow natural light in at the same time.

It is proposed that air source heat pumps will be used for the show rooms and main office areas, with electric radiators to toilets and circulation spaces.

It is proposed that solar panels will be installed to the roof, covering approximately 250m² with an output of approximately 50kWp. The final design details of these have not yet been confirmed.

I consider that the proposed approach and measures to sustainability are acceptable, and a condition will be included to secure these measures. I consider the proposal would accord with Core Strategy policy CS02 in relation to climate change.

Drainage and Flood Risk

Parts of the site fall within flood zone 2, however the majority is in flood zone 1.

It is proposed that surface water will be managed using SuDS, including permeable paving, cellular attenuation, rainwater harvesting and swales, before discharging into the public sewer. Further information will be required to be submitted prior to the commencement of development on site regrading drainage and SuDS.

The applicant will also need to obtain an agreement from Severn Trent Water in relation to discharging trade effluent. It is also proposed that the SuDS to be installed on site would help to mitigate against any potential pollution.

I consider that the proposed development is acceptable, taking into account the requirements of the NPPF and policy CS02 of the Core Strategy.

Nature conservation/Trees/landscaping

The submitted Ecological Impact Assessment is satisfactory and no further ecological surveys are required. The site is not designated for nature conservation and comprises of previously cleared land that has been left to naturally re-colonise. Features of interest including scattered trees will be largely retained within the scheme. It is noted that boundary vegetation is to be enhanced along the boundary with Jesse Jackson Park and wider extent of the site.

The site was found to provide suitable conditions for breeding birds, for which mitigation will be required. The site also offers limited suitable habitat for hedgehogs, with connectivity to Jesse Jackson Park to the east and residential gardens to the north, although no evidence of the species was recorded during the survey. Again, mitigation measures will be required for this.

The supplied Lux contour plan is acceptable and light spillage would be limited to acceptable thresholds for bats and other nocturnal species around the boundaries of the site.

It had been recommended by the LPA's Ecologist that the provision of a green or brown roof be included in the scheme along with further nesting/roosting provision for birds, bats and hedgehogs (x2 bat x2 bird and x1 hedgehog boxes). Due to the proposed solar PV on the roof, a brown or green roof has not been proposed, however it would be possible to condition nesting/roosting boxes.

Conditions will be included to require further details of the specifications and locations of the bat, bird and hedgehog boxes prior to the commencement of development, to be included within a Landscape and Ecological Management Plan (LEMP).

The proposal includes low level landscaping, swales and retention of trees to the rear boundary. A landscaping plan with plant schedule and maintenance details has been submitted as part of the application. I consider it appropriate to condition the information provided to be implemented and that no further information would be required in respect of landscaping.

Other matters

Concerns have been raised regarding issues that arose during the construction of the Sainsburys supermarket. Any issues during the construction phase of the development are not material considerations and issues such as noise or dust are dealt with other departments within the Council, however conditions regarding air quality and construction methods to prevent dust and dirt are to be included. A Construction Method Statement in relation to highways will be submitted to ensure

that the proposed construction of the development would not have a detrimental impact on nearby parking or the highway network.

Issues regarding waste storage and disposal are covered by other legislation and the Agent has confirmed that these regulations would be followed.

Residents have raised concerns in relation to trees to the rear of the site and the safety of these trees and impact that these trees are having on their property. Any existing issues regarding trees damaging property are not a material consideration for this application.

It is proposed that a new substation will be erected on site. The energy supplier had been consulted on the application but had not responded at the time of this report being written. Whilst the substation is close to the boundary with 31 Cotton Close, it is proposed that the acoustic fence would be an intervening structure between the dwelling and substation. No objection to the substation or its location has been received.

Conclusion

The application site is allocated for business (Class B) use. Whilst a car showroom falls outside any use class and is therefore classed as Sui Generis, it is considered that the proposed use is acceptable for this site, taking into account the location and other nearby uses. The proposal would help an existing business in the city to expand and would provide employment opportunities. The site has been vacant for a number of years and planning permission had previously been granted on the site for Use Class B (B1, B2 and B8).

There are some concerns in relation to the amenity of neighbouring occupiers to the rear of the site in terms of noise from the workshop and general use. It is acknowledged that there would be some loss of light as a result of the acoustic fence to the rear garden of some of the properties to the rear of the site, however this is required to mitigate against any noise which may arise from the use.

In conclusion and considering the planning balance, whilst the proposal may result in some negative impacts on a limited number of residents (those on Cotton Close), the development of the previously developed site would create employment opportunities during the construction and operational phase of the development and would allow an existing business in the city to expand. The site has been vacant for a number of years and the previous history of the site, including the previous 2018 permission, has also been taken into account when considering this application.

I consider that the proposal is in accordance with the relevant saved local plan policies, core strategy and relevant paragraphs of the NPPF.

I recommend that this application is APPROVED subject to conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)

2. No part of the development shall be occupied until 12 secure and covered cycle parking spaces have been provided and retained thereafter. (In the interests of the satisfactory development of the site and in accordance with saved policy AM02 of the City of Leicester Local Plan).

3. No part of the development shall be occupied until an Area Wide Travel Plan for the development has been submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with a timetable to be contained within the Travel Plan, unless otherwise agreed in writing by the Local Planning Authority. The plan shall (a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries; (b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as a single occupancy vehicle users, so that all users have awareness of sustainable travel options; (c) identify marketing, promotion and reward schemes to promote sustainable travel and look at a parking management scheme to discourage off-site parking; (d) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use; (e.) a framework Area Wide Travel Plan, to cover all other development within the adjacent development plots, to share best practice (including marketing/promotion/sharing ideas/monitoring etc.) to encourage use of smarter choices of travel to the site for all users; (f.) a Parking Management Plan/Strategy explaining how parking at the site shall be allocated, managed and monitored. (g) A Delivery Management Plan, to plan deliveries to avoid key peak times for large vehicles to reduce interaction with general traffic headed to adjacent uses. The plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with saved policies AM01, AM02 and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).

4. No part of the development shall be occupied until the following works have been carried out in accordance with details submitted to and approved in writing in advance by the Local Planning Authority: (a) surfacing and marking out of all parking areas; (b) provision of loading/unloading areas; (c) provision of turning space, (d) provision of EVC spaces and infrastructure to support future conversion of all active parking spaces to EVC spaces. The parking, loading/unloading areas and turning space shall not be used for any other purpose. (In the interests in highway safety, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

5. No construction or demolition work, other than unforeseen emergency work, shall be undertaken outside of the hours of 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday or at any time on Sundays or Bank Holidays, unless the methodology has been submitted to the City Council Noise Team. The methodology must be submitted at least 10 working days before such work commences and agreed, in writing, by the City Council Noise Team.

The City Council Noise Team shall be notified of any unforeseen emergency work as soon as is practical after the necessity of such work has been decided by the developer

or by anyone undertaking the works on the developer's behalf. (In the interests of neighbour amenity and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan).

6. The recommended remediation scheme and any further necessary remediation shall be implemented in accordance with the Remediation Strategy (Ref: 079598-CUR-XX-XX-T-GE-00003, October 2021, Curtins) and a completion report shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied. Any parts of the site where contamination was previously unidentified and found during the development process shall be subject to remediation works carried out and approved in writing by the Local Planning Authority prior to the occupation of the development. This shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11". (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy PS11 of the City of Leicester Local Plan.)

7. The development hereby permitted shall be carried out in accordance with the details as contained in Appendix G of the Air Quality Assessment (Project 442563, May 2017, RSK Environment Ltd). (In the interests of air quality and residential amenity, and in accordance with saved policy PS10 of the City of Leicester Local Plan).

8. Prior to the commencement of development full design details of energy efficiency measures including a solar PV array, shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until evidence demonstrating the satisfactory operation of the approved scheme including on-site installation has been submitted to and approved in writing by the Local Planning Authority. The energy efficiency measures shall be retained and maintained thereafter. (In the interests of securing energy efficiency and in accordance with Core Strategy policy CS02). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

9. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

10. Prior to the commencement of development details of drainage, shall be submitted to and approved in writing by the Local Planning Authority. The use shall

not commence until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

11. Prior to the commencement of development, a Construction Method Statement, with consideration being given to the water environment and flood risk management in addition to highways, shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the vehicle and pedestrian temporary access arrangements including the parking of vehicles of site operatives and visitors; (ii) the loading and unloading of plant and materials; (iii) the storage of plant and materials used in the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for storage and management of waste resulting from excavation works (viii) the proposed phasing of development and a detailed description of the works in each phase (ix) the temporary access arrangement to the construction site including vehicle/deliveries routing and temporary signage; (x) procedures to ensure flood risk is managed on site during the period of works for personnel, plant and members of the public (xi) the procedures to ensure flood risk is not increased anywhere outside of the site for the duration of the works; (xii) the procedures to ensure pollution and sedimentation is minimised to any adjacent watercourse and the procedure to be used in case of a pollution incident; (xiii) the measures that will be undertaken to ensure the structure of any adjacent watercourse is not impacted by the proposed development. (To ensure the satisfactory development of the site, and in accordance with saved policies AM01 and UD06 of the City of Leicester Local Plan and Core Strategy policies CS02 and CS03.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

12. The workshop, MOT testing and valet element of the use hereby permitted shall take place between the hours of 08.00 and 18:00 Monday to Friday and between 08.00 and 13.00 on Saturdays only and at no time on Sundays or public or bank holidays. (In the interests of the amenities of nearby occupiers, and in accordance with saved policy PS10 of the City of Leicester Local Plan.)

13. Deliveries to and collections from the site shall only be undertaken between 08:00 hours and 22:00 hours, with the exception of up to two parts deliveries per day (Mon-Sat) beyond these hours. The out of hours deliveries shall only be made to the parts drop location as indicated on drawing P-1010 Rev E, with no vehicular movements to the rear of the building and in accordance with provisions detailed within a Deliveries Management Plan, which shall have been submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. (In the interest of neighbour amenity and in accordance with saved policy PS10 of the City of Leicester Local Plan.)

14. Prior to the commencement of development, a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon shall be submitted to and agreed in

writing with the Local Planning Authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments, including details of the entrance gates; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots), (viii) a detailed plan of the biodiversity enhancements on the site such as meadow creation and hedgerow improvements including a management scheme to protect habitats during site preparation and post-construction. x) details of the make and type of [2]x bird boxes/tiles/bricks and [2] x bat boxes/tiles/bricks to be erected on buildings and [2] hedgehog boxes to be installed under the guidance and supervision of a qualified ecologist. The approved LEMP shall contain details on the after-care and maintenance of all soft landscaped areas and be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme and a written assessment of the landscaped/habitat areas and use by wildlife/species present shall be submitted annually to the Local Planning Authority (In the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

15. Prior to the construction of any above ground works, sample panels shall be constructed on site, showing all external materials, for inspection and approval in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved sample panel and materials. (In the interest of visual amenity and character and appearance of the area and in accordance with Core Strategy policy CS03).

16. The development hereby permitted shall be carried out in accordance with the following drawings:

P-1120 Proposed Roof Plan,
P-1170 Proposed External Elevations,
P-2100 Proposed Wet Valet Building, received by the Local Planning Authority on 16 December 2021.

P-1110 B Proposed First Floor Plan,
P-3100 Proposed Bin Store Details,
EKV0015 Proposed Substation,
Proposed Cycle Storage, received by the Local Planning Authority on 14 February 2022.

21-116-P-01 C Detailed Soft Landscape Proposals, received by the Local Planning Authority on 5 May 2022.

P-1010 E Proposed Site Plan, and
P-1100 B Proposed Ground Floor Plan, received by the Local Planning Authority on XXX

(For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process. The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2021 is considered to be a positive outcome of these discussions.
2. No consent is granted or implied for the advertisement shown on the submitted plans, for which a separate application may be necessary.
3. It is unlikely that any construction or demolition work will be agreed outside of the hours detailed above unless the City Council Noise Team is satisfied that
 - a) the work will not be detrimental to occupiers of neighbouring properties or
 - b) the developer is able to demonstrate that there is no practicable alternative to the proposed work taking place outside of these hours.
4. Development on the site shall avoid the bird nesting season (March to September), but if this is not possible, a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 48 hours prior to the commencement of works and evidence provided to the Local Planning Authority. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.

All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird and during the nesting season to damage or destroy an active nest or eggs during that time.

Policies relating to this recommendation

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| 2006_AM01 | Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations. |
| 2006_AM02 | Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations. |
| 2006_AM11 | Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01. |
| 2006_E03 | Planning permission granted for the development of appropriate B1, B2 and B8 uses in Primarily Employment Areas and not for changes to other uses unless it meets criteria. |

- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2006_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS10 The Council will seek to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the City. The policy sets out proposals to achieve this objective.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.