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Hinckley & Bosworth
Borough Council

Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive

Date: 10 December 2018

To: Members of the Planning Committee

Mr R Ward (Chairman)	Mr C Ladkin
Mr BE Sutton (Vice-Chairman)	Mr KWP Lynch
Mr PS Bessant	Mrs J Richards
Mr DC Bill MBE	Mr RB Roberts
Mrs MA Cook	Mrs H Smith
Mr WJ Crooks	Mrs MJ Surtees
Mr MA Hall	Ms BM Witherford
Mrs L Hodgkins	Ms AV Wright
Mr E Hollick	

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

There will be a meeting of the **PLANNING COMMITTEE** in the De Montfort Suite - Hub on **TUESDAY, 18 DECEMBER 2018** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen
Democratic Services Officer

Fire Evacuation Procedures

Council Chamber (De Montfort Suite)

- On hearing the fire alarm, leave the building **at once** quickly and calmly by the nearest escape route (indicated by green signs).
- *There are two escape routes from the Council Chamber – at the side and rear. Leave via the door closest to you.*
- Proceed to **Willowbank Road car park**, accessed from Rugby Road then Willowbank Road.
- **Do not** use the lifts.
- **Do not** stop to collect belongings.

Abusive or aggressive behaviour

We are aware that planning applications may be controversial and emotive for those affected by the decisions made by the committee. All persons present are reminded that the council will not tolerate abusive or aggressive behaviour towards staff, councillors or other visitors and anyone behaving inappropriately will be required to leave the meeting and the building.

Recording of meetings

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Members of the public, members of the press and councillors are hereby informed that, in attending the meeting, you may be captured on film. If you have a particular problem with this, please contact us using the above contact details so we can discuss how we may accommodate you at the meeting.

PLANNING COMMITTEE - 18 DECEMBER 2018

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS
2. MINUTES (Pages 1 - 6)
To confirm the minutes of the meeting held on 20 November 2018.
3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES
To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.
4. DECLARATIONS OF INTEREST
To receive verbally from Members any disclosures which they are required to make in accordance with the Council's Code of Conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**
5. QUESTIONS
To hear any questions in accordance with Council Procedure Rule 12.
6. DECISIONS DELEGATED AT PREVIOUS MEETING
To report progress on any decisions delegated at the previous meeting.
7. 18/00658/HYB - 21 SHAW LANE, MARKFIELD (Pages 7 - 44)
Application for hybrid planning application comprising outline permission (access, scale and landscaping) for the erection of up to 5000 sqm of B8 storage and full permission for extension to existing manufacturing unit (B2/B8) with associated access, landscaping and drainage works.
8. 18/01034/FUL - KIRBY GRANGE FARM, TAVERNER DRIVE, RATBY (Pages 45 - 54)
Application for change of use to vehicle repair garage (Use Class B2).
9. 18/01061/FUL - BEECHWOOD FARM, ASHBY RD, STAPLETON (Pages 55 - 62)
Application for widened vehicular access and new driveway (resubmission of 17/00271/FUL).
10. 18/00903/FUL - LAND ADJACENT 166 SAPCOTE ROAD, BURBAGE (Pages 63 - 76)
Application for erection of a two storey 4 bedroom dwelling.
11. 18/00827/FUL - NEWHAVEN, 12 WYKIN ROAD, HINCKLEY (Pages 77 - 82)
Application for erection of 7 dwellings with associated access (resubmission of 16/00270/FUL).
12. APPEALS PROGRESS (Pages 83 - 86)
To report on progress relating to various appeals.
13. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

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Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

20 NOVEMBER 2018 AT 6.30 PM

PRESENT: Mr R Ward - Chairman
Mr BE Sutton – Vice-Chairman
Mr DC Bill MBE, Mrs MA Cook, Mr WJ Crooks, Mr MA Hall, Mr E Hollick, Mr C Ladkin,
Mr KWP Lynch, Mr K Nichols (for Mrs L Hodgkins), Mrs J Richards, Mrs H Smith,
Mrs MJ Surtees and Ms BM Witherford

Also in attendance: Councillor CW Boothby, Councillor DS Cope, Councillor K Morrell
and Councillor LJP O'Shea

Officers in attendance: Andrew Cunningham, Gemma Dennis, Rhiannon Hill, Rebecca
Owen, Rob Parkinson, Michael Rice and Nicola Smith

253 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Hodgkins and Roberts,
with the substitution of Councillor Nichols for Councillor Hodgkins authorised in
accordance with council procedure rule 10.

254 MINUTES

It was moved by Councillor Lynch, seconded by Councillor Hollick and

RESOLVED – the minutes of the meeting held on 23 October 2018 be
confirmed and signed by the chairman.

255 DECLARATIONS OF INTEREST

No interests were declared at this stage.

256 DECISIONS DELEGATED AT PREVIOUS MEETING

No interests were declared at this stage.

257 18/00643/FUL - LAND REAR OF 125 - 131 LUTTERWORTH ROAD, BURBAGE

It was noted that this application had been withdrawn.

258 18/00680/FUL - ASHCROFT, 4 PIPE LANE, ORTON ON THE HILL

Application for erection of two dwellings.

It was moved by Councillor Crooks, seconded by Councillor Sutton and

RESOLVED – permission be granted subject to the conditions contained
in the officer's report.

Councillor Morrell left the meeting at this juncture.

259 18/00706/FUL - DUNLOP LIMITED, STATION ROAD, BAGWORTH

Application for erection of six dwellings with associated parking and landscaping.

Whilst generally in support of the recommendation, concern was expressed that the contribution to primary education of £8,103.06 would not facilitate improvements to education in Bagworth and it would be better used for recreational equipment in the village as requested by Bagworth & Thornton Parish Council. It was moved by Councillor Hall, seconded by Councillor Hollick and

RESOLVED –

- (i) Permission be granted subject to:
 - a. Prior completion of a S106 agreement to secure:
 - 100% affordable housing provision
 - A contribution of £8,103.06 for primary education to be used for recreational equipment in Bagworth subject to there being appropriate schemes within the parish; if no appropriate schemes are available, the contribution to be used for education;
 - b. The conditions contained in the officer's report;
- (ii) The interim Head of Planning be granted delegated powers to determine the final detail of planning conditions;
- (iii) The interim Head of Planning be granted delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

260 18/00843/FUL - OLD WOODLANDS, DESFORD LANE, RATBY

Application for change of use of a woodland area to leisure/camping site including associated access tracks, car park, camping zone, wooden eco pods, amphitheatre, mounds, tunnel maze and ponds.

It was moved by Councillor Cook, seconded by Councillor Sutton and

RESOLVED – permission be refused for the reasons contained in the officer's report and late items.

Councillors Boothby and O'Shea left the meeting at 7.34pm.

261 18/00827/FUL - NEWHAVEN, 12 WYKIN ROAD, HINCKLEY

Application for erection of seven dwellings with associated access.

Notwithstanding the officer's recommendation that permission be granted, concern was expressed that the space between the access road and number 12 Wykin Road was not adequate to mitigate the harm to the residents. It was moved by Councillor Bill and seconded by Councillor Nichols that they be minded to refuse the application for these reasons. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – members be minded to refuse permission and the item be brought back to a future meeting.

262 17/00538/FUL - MORRISONS, 2 CLOVERFIELD, HINCKLEY

Application for creation of a second vehicular exit onto Stoke Road.

Notwithstanding the officer's recommendation that permission be granted subject to conditions, members expressed concern in relation to the proposal and suggestions were made that the exit should be restricted to left turn only or should be controlled by a barrier to allow use only at busy times. It was moved by Councillor Hollick and seconded by Councillor Sutton that the application be deferred for discussion of the points raised with the applicant. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the application be deferred.

263 18/00770/OUT - THE MEETING CENTRE, 1 MARCHANT ROAD, HINCKLEY

Application for demolition of existing D1 unit (1 The Meeting Centre) with proposed erection of 18 flats (outline – access, layout and scale only).

It was moved by Councillor Witherford, seconded by Councillor Cook and

RESOLVED –

- (i) Planning permission be granted subject to:
 - a. The prior completion of a S106 agreement to secure the following obligations:
 - Affordable housing: four units (tenure or unit size not specified)
 - Public open space facilities / public realm improvements: £20,259.94
 - b. Planning conditions outlined in the officer's report and late items.
- (ii) The interim Head of Planning be granted delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods;
- (iii) The interim Head of Planning be granted delegated powers to determine the final detail of planning conditions.

Councillor Cope left the meeting at 8.47pm.

264 18/00903/FUL - LAND ADJACENT 166 SAPCOTE ROAD, BURBAGE

Application for erection of a two storey, four bedroom, dwelling.

Notwithstanding the officer's recommendation that permission be granted subject to conditions, some members felt that the development should not be permitted as it was outside of the settlement boundary and would cause harm to the character and appearance of the countryside. It was moved by Councillor Hall and seconded by Councillor Lynch that the committee be minded to refuse permission. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – members be minded to refuse permission and the application be brought back to a future meeting.

Councillor Ladkin left the meeting at 9.12pm.

265 17/01338/FUL - FORMER COUNCIL DEPOT, MIDDLEFIELD LANE, HINCKLEY

Application for residential development of 54 dwellings.

It was moved by Councillor Sutton, seconded by Councillor Bill and

RESOLVED –

- (i) Permission be granted subject to:
 - a. The prior completion of a S106 agreement to secure the following obligations:
 - 100% affordable housing provision
 - Play and open space contributions:
 - Provision: £66,995.65
 - Maintenance: £46,219.60
 - Health contribution: £27,198.60
 - Travel packs for the future occupiers (£52.85 per pack)
 - Six month bus passes (two per dwelling) at approximately £360 per pass;
 - b. Conditions contained in the officer's report;
- (ii) The interim Head of Planning be granted delegated powers to determine the final detail of planning conditions;
- (iii) The interim Head of Planning be granted delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

266 17/01050/OUT - HORNSEY RISE MEMORIAL HOME, BOSWORTH ROAD, WELLSBOROUGH

Application for demolition of care home building and erection of up to 20 dwellings including conversion of former chapel to dwelling and associated access, drainage and landscaping works (in part).

It was moved by Councillor Crooks, seconded by Councillor Hall and

RESOLVED –

- (i) Permission be granted (access only) subject to:
 - a. The prior completion of a S106 agreement to secure the following obligations:
 - A commuted sum of £354,000 for off-site affordable housing provision in lieu of 40% on-site provision
 - Education facilities contribution of £130,538.02
 - Health facilities contribution of £5,512.32

- Permanent future management and maintenance of the woodland and natural landscaping buffer (estimated cost £110,000).
- b. Planning conditions contained in the officer's report;
- (ii) The interim Head of Planning be granted delegated powers to determine the final detail of planning conditions;
 - (iii) The interim Head of Planning be granted delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

267 18/00805/FUL - LAND NORTH OF CADEBY LANE, CADEBY

Application for the erection of three log cabins for holiday let purposes.

Councillor Richards proposed that permission be granted. In the absence of a seconder, the motion was not put to the vote.

Notwithstanding the officer's recommendation that permission be granted and following an indication at the previous meeting that members were minded to refuse permission, concern was expressed that the application was outside of the settlement boundary and had an impact on the character and landscape of the area contrary to policy DM4 and the design and materials of the cabins were not in keeping with surrounding properties and it was therefore contrary to policy DM10. It was moved by Councillor Cook and seconded by Councillor Hall that permission be refused for these reasons.

The time having reached 9.30pm, it was moved by Councillor Witherford, seconded by Councillor Crooks and

RESOLVED – the meeting be permitted to continue after 9.30pm.

On returning to the discussion and the motion of Councillor Cook, seconded by Councillor Hall that permission be refused, the motion was put to the vote and subsequently CARRIED and it was therefore

RESOLVED – planning permission be refused for the following reasons:

- (i) The timber cabins, by virtue of their location outside of a defined settlement, along with the creation of an access road, would introduce urbanising features within a countryside location which would be detrimental to the intrinsic value and open character of the surrounding countryside, contrary to Policy DM4 of the Site Allocations and Development Management Policies DPD (adopted July 2016);
- (ii) The timber cabins by virtue of their design, form and materials would not respect the materials or design of adjoining buildings. The cabins would therefore have an adverse effect on the visual amenity of the surrounding area, contrary to Policy DM10 of the Site Allocations and Development Management Policies DPD (adopted July 2016).

268 NAILSTONE COLLIERY, WOOD ROAD, NAILSTONE - DEED OF VARIATION

Following deferral of this report at a previous meeting for discussions with the highways authority, it was moved by Councillor Crooks, seconded by Councillor Nichols and

RESOLVED –

- (i) The deed of variation to the signed section 106 agreement for planning application reference 06/00980/OUT, 10/00851/EXT and 14/00572/CONDIT be agreed as follows:
 - a. to amend the off-site highways works to those outlined in the following plans:
 - 018750 CA-0-G00-DR-SE-1000-P09
 - 4752.000H1/1/001
 - 4752.000H1/1/002
 - 4752.000H1/1/003
 - b. Provision of footpaths from Nailstone to the application site;
 - c. Provision of bus stops within the site and on Bagworth Road and Grange Road;
- (ii) The interim Head of Planning be granted delegated powers to determine the final wording of the S106.

269 MAJOR PROJECTS UPDATE

The update on major projects was noted.

270 PLANNING ENFORCEMENT UPDATE

The update on planning enforcement was noted.

271 APPEALS PROGRESS

The progress in relation to appeals was noted.

(The Meeting closed at 9.48 pm)

CHAIRMAN

Planning Committee 18 December 2018
Report of the Interim Head of Planning

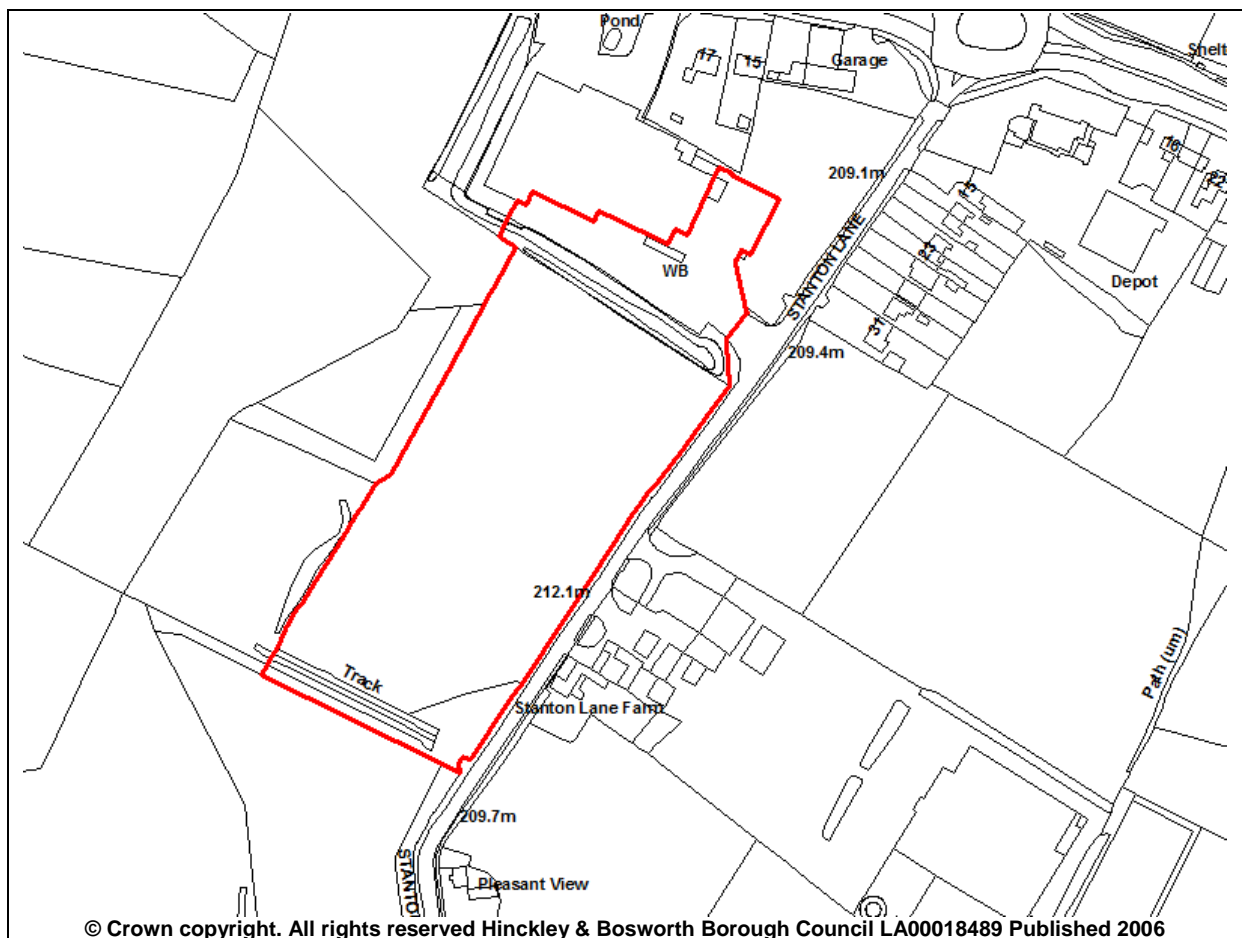


Hinckley & Bosworth
Borough Council

Planning Ref: 18/00658/HYB
Applicant: CJ Upton And Sons
Ward: Markfield Stanton & Fieldhead

Site: 21 Shaw Lane Markfield

Proposal: Hybrid planning application comprising outline permission (access, scale and landscaping) for the erection of up to 5000 sqm of B8 storage and full permission for extension to existing manufacturing unit (B2/B8) with associated access, landscaping and drainage works.



1. Recommendations

1.1. Grant planning permission subject to

- The prior completion of a S106 agreement to secure the following obligations:
 - £64,582.80 towards improvements along the A511, specifically the A511/B591 junction (flying horse) and the A511/B585 junction.
 - £3500 per stop to the two nearest stops for bus stop improvements (to allow level access)
 - £5500 per stop to the two nearest stops for Real Time Information systems
 - £6000 monitoring fee for LCC to support the Travel Plan Coordinator.

- 1.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.
- 1.3. That the Interim Head of Planning be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning Application Description

- 2.1. This is a hybrid application seeking planning permission for:
 - Outline permission (access, scale and landscaping) for the erection of up to 5000 sqm of B8 storage and;
 - Full permission for extension to existing manufacturing unit (B2/B8) with associated access, landscaping and drainage works.
- 2.2. The proposed development is sought in phases, with phase one consisting of the full permission for the extension of the existing premises and the second phase being the outline element for the erection of 5000sqm of B8 storage use for the use of Upton Steel.
- 2.3. Upton Steel is a steel processing company producing sheets of steel cut from coils to customer specification, they are one of 3 comparable companies in the UK to offer this service. Upton Steel are unique in that they offer a next day service for standard and cut-to-length sheets. Upton Steel currently operate from two sites; the site subject of this application and a site within Ellistown. The full element of this application would see the consolidation of the business to the application site.
- 2.4. The proposed extension to the existing building amounts to 3,240sqm of additional B2/B8 floor space. This element of the application includes a new access from Stanton Lane creating a circulatory arrangement within the site. The extension is formed of a 1025m square canopy area housing a HGV wash loading and parking area and pallet making facility and would link to an attached enclosed building housing an additional production line and the associated equipment and machinery as well as the consolidated business operations from Ellistown. The proposed building measures approximately 72m by 34m (at the deepest point) with an eaves and ridge height of 10m and 7.75m above ground level respectively. The canopy is of the same eaves and ridge height and measures 38m wide and 34m deep. A parking area for HGV's is proposed adjacent to the eastern boundary behind an area of landscaping. The building and the canopy will be clad in profiled metal sheeting to match the existing buildings both in colour and profile. The proposed finished floor level will be the same at the existing buildings. The existing ground level requires the extension to be cut in to the land at the west by approximately 6m, with a retaining wall and landscape bank to the rear. The full element of the proposal also includes swales to the east boundary, for drainage purposes.
- 2.5. The outline element of the proposal is to locate 5000sqm of B8 storage within phase two seeking approval for access, scale and landscaping. An indicative layout is provided showing the site can accommodate the proposal. The indicative plans propose the finished floor levels of the buildings set 1.5m higher than the proposed new building that forms part of phase one, which responds to the rising ground levels as the site extends to the south. The proposed buildings would have a finished floor level of 213.500, compared to the existing level of 220.00 to the land adjacent to the west. They will therefore be cut into the site by 6.5m, with a 1.8m high retaining wall to the rear, with a landscape bank sloping up to natural ground level.
- 2.6. A Screening Opinion was conducted in accordance with the Environmental Impact Assessment (2017) regulations. The site falls within Schedule 2 development of those regulations under 10(a). Infrastructure Projects (a) Industrial Estate

Development projects and the site exceeds the thresholds set of 0.5ha of site area therefore requiring a Screening Opinion to be conducted. However, in this instance the proposed Development details do not generate the requirement of an Environmental Statement in accordance with the regulations.

- 2.7. A Planning Statement, Design & Access Statement, Transport Assessment, Travel Plan, Road Safety Audit Stage 1 & 2, Flood Risk Assessment, Ecological Appraisal, Noise Assessment, Lighting Scheme, Phase 1 & 2 Site Investigation, Landscape and Visual Impact Assessment, Arboriculture Assessment, Archaeological Assessment have been submitted to support the application.
- 2.8. It is noted that the applicant undertook pre-application meetings with Officers of the Council and with local residents. However, no formal pre-application advice was sought.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located to the south of the existing employment premises of Upton Steel situated on the A511 (Shaw Lane), west of Stanton Lane, Markfield and incorporates the adjacent agricultural land to the south.
- 3.2. The site is located within the countryside as defined by the Site Allocations and Development Management Policies DPD (2016). The settlement of Markfield is located approximately 3 miles to the east and the village of Stanton under Bardon approximately 900m to the south. The site is adjacent to the A511 (Shaw Lane) and is a short distance to Junction 22 of the M1. Bardon Hill Industrial Estate is to the north of the application site and there are a number of quarry sites in the surrounding area.
- 3.3. Phase one of the development is located within 1.48ha of land situated to the south of the existing premises and is formed of part existing employment land and part open countryside. Phase two of the development is located within 1.03ha of adjoining land to the south of the existing site and the proposed extension, it is currently agricultural land.
- 3.4. The existing employment site comprises of an extended industrial building made up of 4 adjoined portal framed buildings with red brick plinths and dark green profiled metal sheet clad walls and roof, there are a range of single storey buildings to the front; the existing combined floor area is approx. 5120sqm. There is associated visitor and staff parking to the front of the building accessed from the A511 and a hardstanding yard area to the rear, used for loading, parking and servicing of HGV vehicles, accessed from Stanton Lane. There is a pallet manufacturing facility to the north east corner of the site. The south and east areas of the existing building and the yard area are the main areas of industrial use with the northern parts housing the associated office uses. The site has maximised the space available within the current site with operations extending to all boundaries.
- 3.5. The current southern and western boundary of the existing employment area is formed of a planted bund and stone Gabions with a green perimeter security fence with the employment premises being lower than the land beyond. The southern boundary currently severs the phase 1 site, with the majority of the proposal being beyond the existing site boundary. The northern boundary of the application site is bound by the existing Upton Steel buildings and to the east are less dense tree lines along Stanton Lane.
- 3.6. There are two residential properties along Shaw Lane that abut the Upton Steel site, there is a petrol station beyond this at the junction with Stanton Lane. This corner is characterised by dense tree coverage which is within the ownership of Upton Steel.

- 3.7. The agricultural land is formed of a single field enclosed on all sides by mature trees and shrubs with the boundary to the west forming Billa Barra Hill a Local Wildlife Site and Natural Open Space as set out in the SADMP (2016). The site is also within the National and Charnwood Forests. The slope of the site runs from a high point in the west and falls towards both the north east and south east from this point, away from Billa Barra Hill. The level difference across the site is 10.60m, with the low level in the east.
- 3.8. There is an existing field access along Stanton Lane opposite the access to the equestrian centre. The equestrian centre is at a lower elevation than Stanton Lane and the site and is made up of a grouping of agricultural and equestrian style buildings. Stanton Lane Farm; a residential dwelling is located here.
- 3.9. To the east of Stanton Lane, north of the existing HGV access there are a number of residential properties that face on to the site (although not directly) across the intervening highway. These properties are set lower than Stanton Lane and set back from the highway by front gardens and driveways.

4. Relevant Planning History

00/01141/FUL	Erection of replacement canteen	Permission	11.01.2001
95/00381/FUL	Extension to factory	Permission	28.06.1995
96/00038/CONDIT	To carry out the development approved by planning consent no 95/00381/FUL without compliance with condition no 4	Permission	13.03.1996
96/00083/FUL	Erection of workshop extension and new offices, alterations to parking and servicing arrangements (revised scheme)	Permission	21.08.1996
99/01068/FUL	Construction of a canopy over existing loading bay area	Permission	31.05.2000
04/00908/FUL	Factory extension	Permission	06.12.2004
10/00292/FUL	Extensions and alterations to offices	Permission	15.06.2010
14/00250/FUL	Erection of temporary building for pallet manufacture	Permission	02.06.2014
14/00937/FUL	Extensions and alterations to premises	Permission	10.12.2014
17/00669/FUL	Single storey extension and alterations to existing	Permission	04.09.2017

	car park		
17/01045/FUL	Single storey extension and alterations to existing car park	Permission	07.12.2017
84/00076/4	Extension of existing workshop staffs area	Withdrawn	23.03.1984
92/01015/4	Erection of storage building	Refused	23.12.1992
75/00778/4	Retention of garage and repair workshop	Refused	29.07.1975
74/00196/4	Replacement of temporary repair garage	Refused	24.09.1974
90/00855/4	Extension to provide offices and toilets	Permission	25.09.1990
90/00282/4	Re siting of existing oil stores and diesel tank construction of canteen area and landscaping	Permission	22.05.1990
83/00409/4	Erection of garage for maintenance of coach fleet and hardstanding area for coaches	Permission	21.06.1983
78/00859/4	Retention of access	Permission	27.06.1978
74/01135/4	Replacement of brick garage to store and repair coaches	Permission	25.01.1975
75/00204/4	Retention of access to rear of 21 Shaw Lane	Permission	25.03.1975
90/00995/4A	Display of externally illuminated advertisements	Consent	07.11.1990

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. 4 letters of representation have been received from 3 separate addresses, raising the following concerns:-
- 1) Concerns for the scale and mass of the proposed buildings
 - 2) Loss of agricultural land
 - 3) Concerns for the proximity to the nature reserve
 - 4) Proposed new access is only a field access create around 5 years ago

- 5) Traffic conflicts with proposal and existing equestrian centre, proposed access should be moved.
- 6) Noise from the development would be intolerable
- 7) Stanton Lane already too busy and congested
- 8) There are vacant industrial buildings in the surrounding area
- 9) Road is not suitable for more HGV movement
- 10) Road safety is a concern
- 11) No air quality assessment has been made and air quality is already an issue in this area
- 12) Upton Steel already creates significant noise disruption
- 13) Hours of operation should be restricted
- 14) The business has grown over time and filled the plot with its industrial activity creeping away from the A511 to Stanton Lane.
- 15) Was once a small business operating from A511
- 16) Upton Steel is not a rural business
- 17) Light pollution to a rural area

5.3. One petition with 12 signatures was also received raising the following concerns:-

- 1) Stanton Lane already congested
- 2) Road is not suitable for more HGV movement
- 3) Road safety is a concern
- 4) No air quality assessment has been made and air quality is already an issue in this area
- 5) Upton Steel already creates significant noise disruption
- 6) Hours of operation should be restricted

5.4. A letter from the Chair of Shaw Lane Community Action Group was received raising the following:-

- 1) Existing congestion at Stanton Lane and the A511 roundabout causes queuing of HGVs
- 2) If the application is approved it should include improvements to the Flying Horse Island
- 3) Consideration should be given to an alternative route rather than the A511
- 4) Current opening hours are 24/5 with reduced hours Saturday already leading to noise nuisance
- 5) Increase in air pollution
- 6) Out of character with the countryside
- 7) Construction phase will cause significant disruption.

6. Consultation

6.1. No objections subject to conditions received from:-

LCC (Drainage)
 LCC (Highways)
 National Forest Company
 LCC (Ecology)
 HBBC (Pollution)
 HBBC (Drainage)

6.2. No objection received from:-

HBBC Waste Services
 Natural England
 North West Leicestershire District Council
 LCC (Minerals)

6.3. No response from:

Severn Trent Water
LCC (Archaeology)
HBBC Green Spaces

7. Policy

7.1. Core Strategy (2009)

- Spatial Objective 1: Strong and Diverse Economy
- Policy 21: National Forest
- Policy 21: Charnwood Forest

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM9: Safeguarding Natural and Semi-Natural Open Spaces
- Policy DM10: Development and Design
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM20: Provision of Employment Sites

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2018)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Employment Land and Premises Review (2013)
- Housing and Economic Development Needs Assessment (2018)
- Landscape Character Assessment and Landscape Sensitivity Assessment (2017)
- The Employment Land Availability Monitoring Statement (2016-2017)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity
- Highways Considerations
- Impact upon Ecology
- Impact upon Drainage and Flood Risk
- Land Contamination and Pollution
- Developer Contributions and Obligations

Assessment against strategic planning policies

8.2. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 requires the determination of this application to be made in accordance with the development plan, unless material considerations indicate otherwise.

8.3. Paragraphs 11-13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision making and that the NPPF is a

material consideration in determining applications but does not change the statutory status of the Development Plan.

- 8.4. The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies Development Plan Document DPD (SADMP).
- 8.5. The Core Strategy (2009) sets out the overarching spatial strategy for the Borough. Spatial Objective 1 of the Core Strategy sets the target of strengthening and diversifying the economy by providing sufficient, sustainably located, good quality land and premises. The focus for new employment will be the urban areas within the borough; primarily Hinckley to reflect its status as a sub regional centre and in Earl Shilton and Barwell to support the regeneration of these areas, with smaller scale employment in the key rural centres to support the rural areas of the borough. The application site lies outside of the settlement boundaries of any of the Key Rural Centres and therefore, Policies 7 and 8 of the Core Strategy are not applicable as these policies seek to support development within the identified settlements.
- 8.6. There is general consensus from the Employment Land and Premises Review (2013) that the specific policies in the Core Strategy are sensible and will allow the vision and objectives of the document to be achieved. The most recent Employment Land Availability Monitoring Statement 2016-2017 provides a basis for monitoring the relevant Local Plan policies with regards to delivering sustainable economic development and employment land in the borough and sets out the net gains or losses of employment development across the borough at 1st April 2017. It shows that there has been a loss of 2.81 hectares of employment land within the key rural centres as the land is utilised for alternative uses, primarily housing. Therefore the challenge remains in helping to ensure there is an increased provision of employment opportunities meeting the requirements of the Core Strategy in these areas. However there has been a positive gain of 10.34 hectares of employment land within the rural villages, hamlets and remaining settlements, meeting the requirements of these settlements.
- 8.7. Since the above, a Housing and Economic development Needs Assessment (HEDNA) (2017) has been completed for Leicester and Leicestershire Authorities to assess the scale of future economic growth for B class uses. The assessments states that Leicestershire authorities are strategically located at the centre of the UK and see strong demand for logistics/ distribution floor space and shows a strong market demand for additional B8 development. The assessment identifies a need for small scale B8 development (less than 9,000 sqm) with a requirement in Hinckley and Bosworth of 20ha and a requirement of 17ha for B1C/B2 uses between 2011- 2036.
- 8.8. Therefore the most up to date assessments and monitoring reports demonstrate there is clear need for additional employment land which weighs in favour of the application. However, this growth should be guided to the most sustainably located sites.
- 8.9. The Site Allocations and Development Management Policies DPD implements the policies within the Core Strategy and contains policies to help guide new employment development and protect existing employment floor space. Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay unless material considerations indicate otherwise.
- 8.10. It is recognised that Policy DM19 “Existing Employment Sites” relates to employment sites that have been identified in the Council’s Employment Land and

Premises Review (2013), which this site has not, and therefore it is not relatable as the policy provides no guidance in respect of unallocated existing employment sites.

- 8.11. As described the application site is located outside of any defined settlement boundaries, and is therefore situated within the countryside. Policy DM4 of the SADMP seeks to safeguard the countryside from unsustainable development and identifies several criteria outlining where development in the countryside can be considered to be sustainable. The policy identifies that development in the countryside can be considered sustainable where proposed development would significantly contribute to economic growth, job creation; involves the extension of an existing buildings, subject to it meeting further detailed criteria; namely that the development would not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development.
- 8.12. The current business has 6 cut-to-length lines, 2 independent recoiling lines, 5 guillotines and approximately 10,000 tonnes of coil stock at any one time giving the capability to produce 120,000 tonnes of steel sheet and coil per annum. Upton Steel offer a next day service for standard and cut-to-length sheets which is facilitated by 24/7 presence on site and a fleet of HGV's. The current location of the business supports their logistical needs being within short connection to the M1 and other major routes.
- 8.13. Upton Steel buy steel from international manufacturers, however given the weight and the bulk purchase of the steel this is often stored at port until required by the business. At any one time, 9,000 tonnes of steel is held at both the Markfield and Ellistown sites, with a further 18,000 tonnes residing in Docks around the UK. The business has grown over time with a steel output of 2000 tonnes in 1989 to 10,000 tonnes in 2018. The applicant is looking to expand the existing premises to enable future growth. Phase one and two of the proposed development is planned to reduce the need for port storage and additional vehicular movements making the business more efficient in the long term.
- 8.14. Upton Steel has specific requirements of their business premises to house the heavy duty machinery required for their operations. Given these specific operation needs the applicant argues they cannot relocate to alternative existing premises. They state that the nature of their operation requires a building to be designed to accommodate their operation specifically with regards to the weight of the steel coils and provision of integral cranes. The applicant argues that expansion of the business in to the adjacent site will allow sustainable growth for the business in a bespoke manner to address their future accommodation and economic needs.
- 8.15. Criteria b) of Policy DM4 states that proposals for the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting can be considered sustainable in the countryside. The proposals could be considered as an extension to the existing building; however, it is not considered that it would lead to an enhancement of the immediate setting. Although the visual impacts of the proposal are mitigated, they do not enhance the landscape character. This is discussed further later in the report.
- 8.16. Criteria c) state that proposals in the countryside that significantly contribute to economic growth and job creation, would be considered sustainable development. It is considered that the proposed extension which makes up the `FULL` element of the hybrid application meets the needs of the business as outlined above by providing additional floor space for the manufacturing operations of the business, additional storage and the re-arrangement of the servicing and parking area. The full element will house a new production line as well as the line currently at

Ellistown. The application would allow for the consolidation of the business operations of an additional site within a bespoke designed building. The submitted Planning Statement suggests the proposed B8 units that make up the Outline element of the application safeguard future growth. The applicant puts forward an argument that their current growth trends make it evident that the business is expanding and they wish to secure such economic growth for the future. The planning statement refers to the need of storage space at port which could be located here to reduce storage and transport costs. The planning statement states

“The development is proposed in two phases as the manufacturing element will bring in additional revenue to fund the development of the warehousing units and overall operating efficiency. The B8 uses will future proof for any further growth in the future allowing any investment to be economically viable.”

- 8.17. Therefore it cannot be considered that the proposed B8 units in the outline application are enabling development as they come after the proposed extension, this is also demonstrated by the fact that this element of the proposal is in outline form.
- 8.18. The Planning Statement sets out how Phase one of the proposed developments would create 11 jobs within Hinckley and Bosworth, 6-8 of these will be jobs moving from Ellistown into Hinckley with an additional 3-4 new jobs created, these jobs will be production or driving roles. It also states that Phase two of the development has the potential to create approximately 167 jobs based on the standard HCA employment density for B2 use types (36sqm GIA per employee). The applicant states that the proposals are expected to make a contribution to the local economy of £15.6m, although the basis for this claim has not been provided.
- 8.19. The scale of the buildings is small, and not significant in policy terms. The job creation from the `FULL` element is minimal (11 jobs total, including existing jobs from Ellistown) and the method used for the forecast of job creation used for the outline element indicates that this is an unknown. The HCA employment figures are not intended to replace detailed development-specific information and should be used as a guide. Given that the use of the buildings in the outline element would be tied to the existing operations of Upton Steel, it is not thought the job creation would be as high as a new stand alone employment use but no development specific details regarding job creation have been provided.
- 8.20. In addition, a B2 use class has been used to give a figure with the submitted application, when the outline element is for a B8 proposal. The employment figures for a B8 distribution use are dependent on scale/type of distribution, given Upton Steel distribute nationally the density could be 95 GEA at a regional scale the figure is 77sqm GEA per employee this would give a range of 53- 65 employees, which is much lower than the figure given in the submission. Therefore it is not considered to be significant economic growth which weighs against the proposal.
- 8.21. Overall, it is not considered that the proposed development is sustainable development in the countryside as it does not significantly contribute to economic growth, job creation or diversification of a rural business and does not lead to an enhancement of the immediate setting. In these circumstances, development of this type does not reflect the strategic approach to employment development as set out in the Core Strategy supported by the Employment Land and Premises Study (2013). Notwithstanding this, the NPPF is clear that decisions should help create conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth. Paragraph 80 states that this is of particular importance in areas with high levels of productivity which should be able to capitalise on their performance and potential. Paragraph 84

highlights that decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements.

- 8.22. Therefore, significant weight is given to supporting Upton Steel as an existing business in the rural area to expand and capitalise on its demonstrated performance and future potential. The proposed developments although not considered to be significant economic development in themselves, enable and safeguard the continued growth of an existing successful business which does have economic significance. Therefore, when considered in connection with the existing use at the site, the proposals secure the sustainability of this existing business in the rural area.
- 8.23. The SADMP acknowledges it is important that employment opportunities are not stifled. Therefore Policy DM20: Provision of Employment Sites seeks to allow development of new employment sites. Albeit this is an existing employment site and policy DM20 relates to the provision of new employment, given the hybrid nature and outline element it is important to consider if the outline proposal is for the erection of new employment premises unless it is to meet the operational needs of Upton Steel. It is therefore relevant to the determination of this application. It sets out that proposals which stand outside the settlement boundary and on greenfield sites will only be found acceptable where it is demonstrated that there are no suitable alternative sites identified sequentially in the following locations:-
- Within settlement boundaries
 - On previously developed land
 - Adjacent to existing employment sites
 - Adjacent to settlement boundaries
- 8.24. Policy DM20 requires the applicant to submit a sequential assessment including an appraisal of the study area against the employment areas identified in the Employment Land and Premises Review.
- 8.25. The applicant has provided a market report to demonstrate that there are no other preferable locations for this development. The report highlights that the SADMP does not allocate any new employment land other than sites that are existing or already benefit from planning permission. The report then goes on to argue that the HEDNA identifies a need for small scale (less than 9,000sqm) of B8 warehousing. They argue that the lack of allocated employment site in the Local Plan leads to the need to accept applications for employment sites. The submitted Market Report sets out that there are no comparable sites with planning permissions and those with planning permission such as DPD are on a much larger scale. The Council is aware however of other sites such as application 16/00314/FUL for the erection of 5905sq.m of B2/B8 units, which has recently been erected. This demonstrates the Council's approach to applying Local Plan policy to meet the economic needs of the Borough. The submitted market report does not consider any sites without consent that are in sequentially preferable locations.
- 8.26. Policy DM20 highlights that new employment sites should be delivered in the most sequentially preferable locations which does not include isolated countryside sites. It is not considered that the submitted market assessment is adequate in demonstrating that this is the most sequentially preferable location for the erection of B8 storage units of this scale. Therefore, if the outline element of this application were not to be for the operational needs of Upton Steel, this site would not meet the requirements of Policy DM20.
- 8.27. The applicant is prepared to accept a condition to the outline element of this application to ensure that the B8 use of the site would be for the use of Upton Steel only, to support its economic growth in the future. Therefore, this outline element

can be considered as expansion of Upton Steel, as above, significant weight can be attributed to supporting this and therefore is not considered to be new employment use in the countryside and a sequential test in line with Policy DM20 is not necessary in this instance.

- 8.28. The site is within the National and Charnwood Forests therefore Policy 21 and 22 apply. These policies state that proposal that contribute to the delivery of the National Forest Strategy will be supported provided that; the siting and scale is appropriately related to its setting The development respects the character and appearance of the wider countryside and The development does not adversely affect the existing facilities and working landscape of either the Forest or the wider countryside. Therefore, given adequate mitigation is applied development in the National and Charnwood Forests can be supported.
- 8.29. Paragraph 170 NPPF identifies that where significant development of agricultural land is demonstrated to be necessary, areas of poor quality land should be used in preference to higher quality. This development would result in the loss of a small area of Grade 3 land. This is not considered to be the best and most versatile soil and is not considered to be of significant size. Further to this, the proposed site occupies a single enclosed field bound by mature landscaping, therefore this is not considered to be the most accessible agricultural land.
- 8.30. The proposals do not make a significant contribution to economic growth and job creation within the Borough and do not lead to the enhancement of the immediate area. Therefore, the proposal is not considered to be sustainable development in the countryside in conflict with Policy DM4 of the SADMP DPD. Notwithstanding this, the proposals are to support the continued growth of an existing business in the rural area and in accordance with paragraph 80 and 84 of the NPPF significant weight is attributed to enabling economic growth taking in-to account existing local business needs and performance. Both elements of the proposal are to meet the operational needs of Upton Steel only and so with adequate conditions the requirements of DM20 to locate new employment in the most sustainable locations in a sequential manner do not apply to this application. Subject to adequate mitigation against adverse impacts upon the National and Charnwood Forest, the open countryside and all other material considerations being adequately addressed the principal of development is acceptable.

Design and impact upon the character of the area

- 8.31. The Outline part of the application includes scale and landscaping for consideration, no other element of the design is to be considered for this part. Phase 1 of the development is in full form with all elements of design considered.
- 8.32. The site falls within the National and Charnwood Forest therefore Policy 21 and 22 of the Core Strategy are relevant. These policies state that proposals that contribute to the delivery of the National Forest Strategy will be supported provided that; the siting and scale is appropriately related to its setting; the development respects the character and appearance of the wider countryside and the development does not adversely affect the existing facilities and working landscape of either the Forests or the wider countryside.
- 8.33. Policy DM10 states that developments will be permitted providing that the following requirements are met: it complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features; it incorporates a high standard of landscaping where this would add to the quality of design and siting.
- 8.34. Policy DM4 of the Site Allocations and Development Management Policies DPD states that to protect its intrinsic value, beauty open character and landscape

character, the countryside will first and foremost be safeguarded from unsustainable development.

- 8.35. Paragraph 142 of the NPPF states that the National Forest offers valuable opportunities for improving the environment around towns and cities, by upgrading the landscape and providing for recreation and wildlife.
- 8.36. The site is not located within any National landscape designations although is within the National and Charnwood Forests. The site falls within Charnwood Forest Settled Forest Hills (A) area with a Settled Forest Hills landscape character type, as set out in the Hinckley and Bosworth Landscape Character Assessment (2017). The key characteristics of this landscape type, amongst others, include; diverse land uses which relate to the varied geology, dominated by pasture and woodland with quarries, pools and outcrops, woodland cover of varying age from mature ancient woodland to new National Forest plantations, small to medium scale field patterns interspersed with large areas of woodland cover and distinctive local assets for recreation and biodiversity such as Billa Barra Hill.
- 8.37. The Landscape Character Assessment (2017) sets out key sensitivities for the area that include; Large mature woodlands and newer woodland plantations interspersed throughout the landscape creating a well-wooded context which create relatively tranquil sub areas away from the busy roads. Long distance and panoramic views to Leicester from the more elevated vantage points combined with contrasting contained views to provide a high scenic quality. Valued for recreation, with local attractions including Billa Barra Hill connected via a network of public footpaths.
- 8.38. The site is typical of the landscape character area being formed of a small field enclosed by woodland, in this case new National Forest plantation to the north east with an adjacent quarry to the south. The site is also bound by Billa Barra Hill which is highlighted as a distinctive landscape feature of the area. The relevant landscape strategies to this application set out in the assessment are to support the vision of the National Forest Strategy, conserve and enhance the well wooded character of the landscape and promote woodland management and promote a positive landscape strategy, including woodland planting, around Stanton-Under-Bardon to help integrate the industrial units, quarries and development pressures associated with the M1 (junction 22).
- 8.39. A Landscape and Visual Impact Assessment (LVIA) was submitted in support of the application. The LVIA submitted by the applicant attempts to demonstrate that there would be no significant adverse affect on landscape character or on visual amenity through unacceptable visual intrusion or loss of key landscape elements, subject to a number of mitigation measures. The landscape character of the site and its surrounding environment is assessed to have a medium sensitivity to the proposed development.

Impact on the National Forest

- 8.40. The National Forest Company require the development to provide woodland planting in accordance with their Guide for Developers and Planners. The guide expects a development of this scale to incorporate 20% of the site area as woodland planting which in this instance would equate to 0.5ha. The Landscape Strategy acknowledges this need and states that a green infrastructure development element including “areas of native woodland, hedgerow and wild grass areas” is included within the proposal. However, the National Forest Company did not consider that the site accommodated this adequately. However, Upton Steel is in ownership of some woodland to the north of the application site, within the blue line area. The National Forest Company accepted a Woodland Management Strategy for this piece of woodland as an alternative to the on-site planting.

- 8.41. Subsequently, a Woodland Management Plan was submitted to the Council produced in conjunction with the Forestry Commission for England and submitted to the National Forest Company for comment. The management plan area covers 0.4ha of woodland, the long term vision of the plan is to provide management of the woodland to benefit local wildlife and to increase accessibility. The plan outlines how this would be achieved though; improving the woodland structure by thinning the tree cover to increase light levels beneath the upper canopy, removing non-native species and lower quality specimens; regular management of understorey through coppicing to create habitat and increase light level on the woodland floor to promote ground flora growth; installing bird and bat boxes to provide nesting and roosting opportunities for birds and bats and providing access to Upton Steel employees through the installation of an informal footpath loop.
- 8.42. To ensure that the impact of the development on the National Forest is adequately mitigated it is appropriate that the Woodland Management Plan is conditioned to ensure compliance.

Impact upon Landscape Character

- 8.43. Landscapes with medium sensitivity such as the application site are described in the LVIA as having less defined character than high sensitive areas but are however in reasonable condition with some valued features but exhibit signs of erosion as a result of intrusive elements. Landscapes with medium sensitivity have scope for development with mitigation and/or enhancement.
- 8.44. The site is currently bound by unmanaged hedgerow and mature trees that are only found on site within these field boundaries. The majority of the perimeter hedgerows are to be retained; however the complete loss of hedgerow H4 and a small section of hedgerow H1 are anticipated to facilitate the construction of the proposed extension and new B8 floor space and access road; the proposal includes additional landscaping to the eastern boundary fronting Stanton Way and to the west boundary adjacent to Billa Barra Hill.
- 8.45. The submitted Arboricultural Assessment identifies one grouping of category B trees that will be lost due to development and some category C trees as well as some sections of category C hedgerow. Further to this, the proposed retaining wall falls within the Root Protection Area (RPA) of some category C trees, and although outside of the RPA the proposed swales are in close proximity to tree roots. Therefore, the report suggests tree protection methods that should be adhered to during construction, it is considered reasonable for this to be conditioned.
- 8.46. G42 is the group of category B trees that require removing to facilitate development. This is the group of trees that currently forms the boundary of the existing site, dividing it from the agricultural land to the south. However, the proposal includes additional tree planting to the eastern boundary of native only species as well as proposed additional native shrub and hedgerow, a landscape condition will ensure that this planting is property managed. Therefore, it is considered that the tree loss is mitigated elsewhere across the site and by the submitted woodland management plan.
- 8.47. Maintaining and enhancing the planting to the boundaries (other than the northern boundary which sees a complete loss) of the site, would help to maintain the landscape character and meets the landscape strategies for the area by conserving the well wooded character and will help integrate the industrial units in the landscape. This is also in accordance with the mitigation recommendations set out in the LVIA.
- 8.48. It is proposed that the site levels across both elements of the proposal are reduced with the finished floor levels sunk down into the site, this will reduce the impact of

the development and only a shallow roof scape will be noticeable from limited viewpoints. The retention of the existing boundary trees and hedgerows along with the proposed landscaping will limit views into the site from the immediate area and will mitigate the adverse impacts on the character of the National Forest, Charnwood Forest or wider countryside and landscape character. This is in accordance with the recommendations of the LVIA.

- 8.49. Both elements of the proposal introduce a substantial amount of hard landscaping which would significantly alter the existing character of the site. However, like the buildings themselves the additional soft landscaping will limit views of this, which will be contained to the access points.
- 8.50. Billa Barra hill is located to the immediate north of the site and the impact on the nature reserve is considered minimal due to the extensive woodland planting around the site, a significant landscape buffer between the development is proposed to further mitigate any impact. The perception of the local landscape will not change from within Billa Barra Hill, only facing onto the development are views likely. However, due to the site levels being significantly lowered and the proposed scale of the buildings the tree line of Billa Barra Hill will still be evident and will still have an elevated appearance.
- 8.51. The LVIA concludes that overall the magnitude of change is considered to be negligible to slight, with the site levels being lowered greatly reducing the impact of the development. The retention of the boundary hedgerows and trees as described above along with additional planting will limit views to the immediate area. The perception of landscape character on other publicly accessible spaces is considered minimal due to the existence of other similar structures in the wider landscape.
- 8.52. The mitigation measures as set out in the LVIA with regards to building height, land levels, lighting and planting have been incorporated in to the design of the proposal. However, it is considered reasonable to condition these elements on both the full and outline application, as well as materials of the proposals to mitigate adverse visual impact.

Siting, Design and Layout

- 8.53. The outline element of the proposal is for the construction of 5000sqm of B8 storage space. An indicative layout is provided showing the site can accommodate the proposal. The indicative plans show the proposed finished floor levels of the buildings have been set 1.5m higher than the proposed new building that forms part of phase one, which responds to the rising ground levels as the site extends to the south. The proposed buildings would have a finished floor level cut into the site by 6.5m, with a 1.8m high retaining wall to the rear, with a landscape bank sloping up to natural ground level.
- 8.54. The site sections give an indicative scale of the buildings to be 7.6m to the eaves with a shallow pitch up to a ridge height of 10m, this is reflective of the scale of the proposed extension and as set out above this is deemed to be appropriate to its context.
- 8.55. The proposed extension is to the south elevation of the existing building and forms the full element of the proposal amounting to 3,240sqm of additional B2/B8 floor space. The extension is formed of a 1025m square canopy area housing a HGV wash loading and parking area and pallet making facility and would link to an attached enclosed building. The proposed building measures approximately 72m by 34m (at the deepest point) with an eaves and ridge height of 10m and 7.75m above ground level respectively. The canopy is of the same eaves and ridge height and measures 38m wide and 34m deep. There is a small low level projection to the west

elevation, which will be screened from view. The extension is set back in to the site from the east boundary and is screened by the above described landscaping. A parking area for HGV's is proposed adjacent to the eastern boundary behind an area of landscaping. The building and the canopy will be clad in profiled metal sheeting to match the existing buildings both in colour and profile. The proposed finished floor level will be the same as the existing buildings. The existing ground level is 217.00, requiring the extension to be cut in to the land at the west by approximately 6m, with a retaining wall and landscape bank to the rear.

- 8.56. The scale of the outline elements of the proposal and the layout, design and scale of the proposed extension and full element of the scheme are considered to be in keeping with the character of the existing Upton Steel Buildings and have a fairly standard industrial appearance and character.
- 8.57. Whilst there would be conflict with criteria b) and c) of policy DM4 of the SADMP overall it is deemed that both the full and outline elements of the proposal would complement the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features; It incorporates a high standard of landscaping which adds to the quality of design and siting. It helps support the National Forest Strategy and respects the character and appearance of the wider countryside. In accordance with Core Strategy- Policies 21 and 22, Policy DM4 and DM10 of the SADMP DPD and the overarching principles of the NPPF.

Impact upon neighbouring residential amenity

- 8.58. Policy DM10 states that developments will be permitted providing that the following requirements are met: The amenity of neighbouring occupiers of the proposed development would not be adversely affected.
- 8.59. The proposed extension forming the full element of the proposal is to house the B2 operations of the business. As considered in the Pollution section of the report, adequate mitigation measures have been introduced to mitigate impacts of noise and light pollution of the development on any neighbouring residential properties. In addition to this, the proposal is to relocate an existing pallet making facility away from neighbouring residential properties to the rear of the site, within the proposed canopy which is betterment to the scheme. Further to this, the proposal addresses the access and egress of the site which should remove the requirement of HGV's waiting on the Highway which could currently be a source of disturbance to residential properties. The extension is set back from the boundary of the site and is substantially screened by planting, further to this the majority of residential properties along Stanton Lane are set further north and so have limited views of the proposed site. The residential properties to the north on Shaw Lane are divided from the proposed site of the extension by the existing Upton Steel buildings.
- 8.60. Impacts upon residential amenity from the proposed B8 use in the outline element of the proposal have also been considered in the pollution section of this report. Residential properties along Stanton Lane are likely to have limited view of the buildings (other than Stanton Lane Farm) and the most likely impact is to be from additional HGV movement and associated noise, this has been considered further in the pollution section of the report.
- 8.61. There is however, one residential property at Stanton Lane Farm that is situated directly opposite the proposed location for outline element of the proposal. Although Environmental Health have considered impacts upon residential properties and found there to be suitable mitigation from pollution; the submitted LVIA highlights that the visual impact from this property is likely to be moderate to major. This is as the outlook from the property would be altered permanently. However, consideration is given to the proposed landscaping treatment along this section and

the separation distance to the proposed buildings. Therefore all though the landscape character view from this property would be adversely altered this would not have an overall adverse impact upon the residential amenity of this property as result of the proposed mitigation. In addition to this, the submitted lighting scheme shows how there would be additional light spill from the site towards this property. However, as per the details submitted this is to the highway and does not reach the property, there is a small incursion in to the rear amenity space however, this is to the lowest level and the proposal now includes back shields and baffles to limit this. This should be conditioned.

- 8.62. Therefore the proposal is considered to be in accordance with Policy DM10 as the amenity of neighbouring occupiers of the proposed development would not be adversely affected to warrant refusal of the application.

Impact upon the highway

- 8.63. Policy DM17 of the Site Allocations and Development Management Policies DPD states that development proposals will be supported where they demonstrate that there is not a significant adverse impact upon highway safety and that the development is located where the need to travel will be minimised.

- 8.64. Policy DM18 states that proposals will be required to provide adequate levels of parking provision of an appropriate design.

Access

- 8.65. The Full part of the application includes a new access onto the 60mph section of Stanton Lane; the Outline part of the application does not share a boundary/frontage with the public highway in that it does not create additional access on to the highway but would utilise the access proposed in the full element.

- 8.66. The site will be accessed via the creation of a new priority junction on Stanton Lane, the access will comprise a 7.3m wide access with 15m radii. Footways of 2m in width will be provided either side of the access, with dropped kerbs and tactile paving facilitating safe pedestrian access to the existing footway located on the eastern side of Stanton Lane carriageway.

- 8.67. Throughout the process of the application amended details were required by LCC (Highways) to address issues such as HGV's overrunning in to the opposite carriageway as well as the position of the access in relation to the equestrian centre access.

- 8.68. The submitted stage 1 & 2 Road Safety Audit identified the proposed location opposite the equestrian centre access raised safety concerns with conflict with the equestrian centre use and inadequate visibility splays. The recommendation was to relocate the access to the south of the equestrian centre access. Amended plans were submitted showing the access relocated as per the recommendations. HGV swept paths have been provided to demonstrate that the site can be accessed/egressed from the site safely. In addition to this, amendments have been made to the existing HGV access; which include a wider visibility splay, to avoid HGVs crossing the centre of the carriageway in to the opposite lane. LCC (highways) confirm that the proposed access points and the amendments to the existing access are acceptable.

Accident Data

- 8.69. Speed Survey results show that vehicle speeds of Stanton Lane are in accordance with the posted speed limit. The Personal Injury Accident data from LCC (Highways) shows that 12 accidents have been recorded within the last 5 year period within the study area (wider highway network close to the site), 3 of these have been discounted as being away from the application site. Eight of the records

occurred at the Flying Horse roundabout only one of which was recorded as serious, the rest were slight. The accident rate is not deemed excessive, none of these accidents involved pedestrians or cyclists.

- 8.70. One accident occurred along the proposed site frontage, this appears to be an isolated event with no other accidents occurring in this location during the 5 year study period. It is therefore not considered the proposed development would exacerbate accident trends within the area.
- 8.71. The accident data was reviewed by LCC (Highways) who do not seek to resist the application on highway safety grounds.

Trip Generation

- 8.72. The trip generation for the proposals have been separated into phase 1 and two. TRICS data for the proposed phase 1 extension forming the full application illustrates that the proposed building in phase 1 would generate approximately 21 two-way vehicle trips during the AM peak period and 21 two-way trips during the PM peak period with an overall total of approximately 261 two-way movements. Upton Steel have identified that a large amount of the HGVs at their existing Markfield site leave the site between 05:30-08:00 and return between 15:00-18:00, therefore highlighting that the majority of vehicle movements occur outside of the standard peak hours. As mentioned previously, the proposal is to accommodate the businesses operations from the site in Ellistown. Currently a number of journeys are made between the application site and Ellistown sites to deliver steel coil, the relocation of the Ellistown operations will result in the reduction of HGV movements from the existing use. The actual proposed use for this building is to accommodate existing machinery from their current building, and therefore the anticipated additional trips will be significantly lower than the TRICS data provided.
- 8.73. The TRICS data for Phase 2 of the development indicates the proposal would generate approximately 32 two way trips in the AM and 21 two-way vehicle trips during the PM with a daily total of 280 trips.
- 8.74. There is an existing Improvement Scheme proposed for the Flying Horse roundabout, forming part of the mitigation measures of the wider south east Coalville SUE. The junction improvement scheme will see the roundabout replaced with a signalised crossroad junction, which is anticipated to improve the operation of the junction, removing the current congestion/obstruction caused by HGVs
- 8.75. Through out the process of the application additional information was required by LCC (Highways) relating to additional traffic surveying which also needed to encompass surveying of the equestrian centre access.
- 8.76. LCC (Highways) were not in agreement with the submitted Transport Assessment which states that this was not a significant impact due to the existing capacity restrictions of the neighbouring roundabouts and junctions. They add that the improvement scheme to the Flying Horse would restrict HGVs turning right towards the M1 or going straight on to the B591, therefore HGVs would have to turn left and do a U turn, therefore LCC (Highways) sought supporting highways analysis of this and that the these roundabouts were modelled in Linsig, to support the application.
- 8.77. The applicant argued that they have demonstrated that the trips generated will be staggered with some outside of the peak periods and that the improvement scheme means some HGVs would re-route to use Cliffe Hill Road for access to the M1. Therefore, they agree that Given the number of vehicle movements the development will generate during the peak periods, and the number of alternative routes available, they do not consider the site will have a focussed impact in any one location that would constitute a 'severe' impact on the operation of the local

highway network, especially given the committed highway improvements in the local area. LCC (Highways) do not agree and feel due to the existing issues with the neighbouring junctions any additional trips could cause severe impact upon the highway at these points.

- 8.78. The applicant provided additional data regarding the capacity of the Flying Horse roundabout and argued that the maximum impact to the junction would be a 1.8% increase of traffic during the AM peak which the applicant argues is negligible, traffic surveying of the equestrian centre was also provided.
- 8.79. However, LCC (Highways) feel that the analysis done of these junctions shows the junctions will continue to deteriorate overtime and therefore they request that the applicant be required to pay contributions toward mitigating the impact of this development. A contribution of £1.20 per sq.ft of development which is based on the agreed amount for surrounding approved applications. With this mitigation LCC (Highways) do not object to the application)

Car Parking

- 8.80. Car parking requirements have been assessed using the Leicestershire Highways Design Guide Parking Standards, a B2 use in an out of any town location requires one car parking space for every 120sqm, Phase 2 has a floor area of up to 5,000sqm resulting in a requirement of 42 car parking spaces. The submitted layout plan shows 60 car parking spaces have been accommodated within the site. The B2 use has been used to establish the required car parking spaces as this produces a higher number and therefore models a worst case scenario. Car parking for the extension to the existing building (Phase one) is to be accommodated within the existing site which has recently been upgraded to provide 77 spaces.
- 8.81. The Leicestershire Highways Design Guide stipulates one HGV space for every 400sqm of B2 and B8 uses. Across Phase one and two the provision of 18 HGV spaces is required. A minimum of 28 lorry spaces have been proposed, this is in order to accommodate the vehicle parking fully within the site, therefore, the vehicle parking is considered to be acceptable and will not result in parking to the detriment of safety of the highway or other highway users.
- 8.82. LCC (Highways) confirm that the quantum of car parking and the internal turning arrangements are acceptable for both the outline and full elements of the proposal.

Travel Plan

- 8.83. The proposal looks to address the flow of HGV movements into and out of the existing site. Given the limited size of the existing yard, it is common for HGV vehicles to park along Stanton Lane, waiting to enter the site to load materials. The aim was to redesign the traffic flow and to create more parking spaces within the site to allow vehicles to pull off the road and park and wait until the dispatch area was free for loading.
- 8.84. The application is accompanied by a Travel Plan, in accordance with paragraph 111 of the NPPF that requires development likely to cause significant amounts of movement to submit one. This document focuses on the sustainable transport measures to be implemented as part of the proposed development. The proposals are designed to reduce the number of car borne journeys generated by the development. The Travel Plan has been completed in accordance with LCC Travel Plan Guidance.
- 8.85. The site is accessible by footpaths and there are some facilities within 1km walking distance of the site, providing employees with amenities. However, the report highlights that there are few residential areas within walking distance of the site and it is therefore likely that the majority of employees will travel to the site by alternative

modes of transport. This demonstrates the importance of having and implementing a Travel Plan for this site, which is not in the most sustainable location with regards to access for employees.

- 8.86. There are no national cycle routes within the vicinity of the site and therefore any cycling would be along the local highway network. There are a number of villages within a 5km radius of the site including Stanton under Bardon, Bagworth and Thornton are accessible via more lighter trafficked highways than for example Markfield and so cycling can be encouraged from these locations.
- 8.87. There is a bus stop within 350m of the proposed site access, positioned on the A511, this bus stop serves a large proportion of the surrounding residential areas. However, this bus stop falls outside of the recommended walking distance to the application site. Therefore LCC (Highways) have requested an obligation to be paid to upgrading these bus stops to encourage their use and therefore sustainable transport modes.
- 8.88. The census data for the area sets out that over 70% of people in the area drive to work with a small percentage of trips being by multiple occupants of the vehicle, very few people walk and even less use a bike. The data for the area shows that the proportion of people driving to work is significantly higher than the national average.
- 8.89. The Travel Plan will aim to achieve a 10% reduction in single occupancy journeys, the TP will also aim to increase the percentage of bus trips and increase the number of people working from home.
- 8.90. A Travel Plan Coordinator (TPC) will be responsible for reviewing the travel survey data and determining interim goals to assist in achieving the over aims. This will be met by implementing a series of measure that include the provision of travel information packs, information boards and posters, the promotion of car share, communication strategy, encouragement of working from home, promoting public transport, dedicating car parking to car shares and electric vehicles, identify user groups and enable their communication, cycle storage and changing facilities, corporate social responsibility strategies such as work place challenge, visitors to the site will also be encouraged to use public transport. The TPC will ensure the delivery and incentives of the TP and monitor its implementation, provide an annual report and provide travel planning to employees.
- 8.91. The TP sets out how the plan will be implemented monitored and reviewed as well as the time table for doing this. It considered reasonable to condition that the TP is implemented and monitored and reviewed in line with the provisions within the submitted TP. LCC (Highways) have requested a monetary contribution towards assisting in the monitoring of this Travel Plan.
- 8.92. Overall, the proposals do not have a significant adverse impact upon highway safety with adequate mitigation and although the submitted Travel Plan highlights the challenges the site faces with sustainable transport the submitted Travel Plan satisfies the need to encourage sustainable transport and levels of parking provision are provided of an appropriate design, in accordance with the requirements of Policy DM17 and DM18 of the SADMP.

Drainage

- 8.93. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.94. A Flood Risk Assessment has been submitted with the application in accordance with paragraph 163 of the NPPF. The submitted assessments highlights that there have been no recorded flood incidents on the site. There is an existing field ditch at

the north east corner of the field that discharges to a clay pipe and likely outfalls into a watercourse to the east. The existing Upton Steel site drains in to surface water sewers which outfall to the east of the site in to an existing ditch or to a manhole downstream of the ditch.

- 8.95. The site falls within Flood Zone 1 and so it is at very low risk of flooding, the site is also identified as being at very low risk from surface water flooding with a small proportion of the site to the north east being at low risk. The entire site is designated by the Environment Agency as being located in a medium-low Groundwater Vulnerability Zone, although the site is not in a Groundwater Source Protection Zone the submitted phase 2 ground investigation report found some ground water at a level of 1.85m in one borehole (no other boreholes contained ground water).
- 8.96. The proposed end use of the site falls in the less vulnerable classification as set out in the planning practice guidance. Comparison of the less vulnerable use with the Flood Zone 1 area shows that the development is appropriate at the site with regards to flood risk.
- 8.97. The Flood Risk Assessment considers the use of SuDS however it outlines that due to the proposed significant reduction in land levels proposed across the site the underlying deposits suitable for infiltration would be removed and any drainage is therefore likely to be situated in the bedrock and infiltration is unlikely to be suitable. However, the existing ditch to the east of the site is the preferred option, levels within the site fall to the east and as such this is a feasible method to discharge surface water and can also provide water treatment.
- 8.98. It has been calculated that the increase in impermeable areas across the site would require the attenuation of 1083m cubed of storage volume to accommodate a 1 in 100 year flood event with a 40% allowance for climate change. This is proposed to be provided by below ground cellular storage tanks with a controlled outflow at Greenfield run off rate.
- 8.99. It is proposed that the foul drainage from the development would be via an existing public combined sewer subject to agreement with Severn Trent Water.
- 8.100. LCC are the Lead Local Flood Authority and do not object to the application subject to the imposition of a number of conditions. The conditions include the submission and approval of a surface water drainage scheme which shall include Sustainable Drainage techniques (SuDS) so that the site run off is controlled to a greenfield rate and include the attenuation of water to allow for a critical 1 in 100 year flood event plus an allowance for climate change. Conditions will also include the requirement for the submission of a management and maintenance plan for the submitted drainage scheme. Conditions will also require the submission of infiltration testing to be submitted to support the drainage strategy submitted. The position of swale features are indicated on the plans.
- 8.101. HBBC (Drainage) also commented on the application and have no objection subject to conditions in accordance with LCC (Drainage) response.
- 8.102. The proposed development is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and is located in a suitable location with regard to flood risk.

Ecology

- 8.103. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

- 8.104. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.105. The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions.
- 8.106. This site is in a sensitive location adjacent to Billa Barra Hill (MAR31) Local Wildlife Site and Natural Open Space as set out in the SADMP (2016) it is therefore important that the onsite habitats are adequately assessed to evaluate the impact on biodiversity. An Ecological Appraisal was submitted with the application which included firstly a desk study to identify designated sites and protected species locally following that survey work completed comprising an extended Phase 1 habitat Survey. This included surveys of Grassland Habitats (for Suitability of Reptile habitat), Nearby Ponds (for suitability of Great Crested Newt (GCN) habitat), Hedgerow and Tree Surveys (for suitability of Bat habitat) and a search for evidence of badger activity. A lighting plan and assessment was also submitted to address any impacts lighting from the proposed development could have upon habitats.
- 8.107. Amongst the records of notable and protected species reported in proximity to the study area were four bat species, great crested newt, badger and several bird species. However, the site itself is dominated by species-poor semi-improved grassland with boundary hedgerows and no evidence of badger activity was observed within the site and the habitats present are unlikely to support common reptile species and a limited number of common bird species. The perimeter habitats are suitable to support foraging bats. The existing Upton Steel Buildings were not found to be suitable for roosting bats and no external evidence of bats was observed. Further to this it is considered unlikely that GCN would be present on site and hence the species is not considered to pose a statutory constraint to the proposals. However a number of Reasonable Avoidance Measures (RAMs) are proposed and should be followed, this is supported by LCC (Ecology).
- 8.108. Therefore the recommendations of the Ecological Appraisal are for the retention of existing mature trees and boundary features and the creation of species-rich soft landscaping including species rich grassland and new native scrub, hedgerow and tree planting to minimise potential adverse effects on local wildlife including foraging / commuting bats.
- 8.109. With regards specifically to Billa Barra Hill (MAR31) the ecological appraisal gave consideration to the potential impacts to this Local Nature Reserve should the proposal be implemented. It is concluded that adverse impacts would be minor if best practice guidance and protocols are followed during construction. Therefore, a construction management plan condition is necessary to suitably address this. Although the field boundaries provide connectivity to the adjacent site there were not equivalent habitats within the application site itself and the development proposals include the planting of native species along with boundary which is considered to compliment and extend the existing habitat and create a buffer between Billa Barra Hill and the proposal, this is welcomed by LCC (Ecology). The existing access to the Local Nature Reserve runs along the southern boundary of the application site and is unchanged by the proposed development, it may be that the development would encourage an increase number of users to the Reserve

although this is considered insignificant and therefore indirect impacts would not affect the nature conservation of Billa Barra Hill.

- 8.110. The development will result in the loss of areas of species-poor semi-improved grassland that currently has limited biodiversity value. In its currently, intensively managed state the loss of this habitat to development would not have a significant impact to the local ecological resource and loss of poor semi-improved habitat is not an ecological constraint to the proposed development. Mitigation and compensation for the loss of areas of species-poor semi-improved grassland can be accommodated within the proposals through creation of species-rich grassland within the proposed embankment buffer along the western boundary and swales along the eastern boundary and areas of structure planting within the proposed green infrastructure. An updated Ecological report was submitted that detailed the existing habitat and the creation of species-rich soft landscaping including species rich grass land as recommend by LCC (Ecology). This is shown on the western boundary on a slope beyond the proposed retaining wall before the boundary with Billa Barra Hill. In order to be of the greatest value ecologically in this area, and to help to replace the grassland lost to the development, the whole of the bank is proposed as seeded as species-rich grassland. This will also work as a pollinator mix, helping to reduce the decline in foraging opportunities for pollinators in this area.
- 8.111. The majority of the perimeter hedgerows are to be retained; however the complete loss of hedgerow H4 and a small section of hedgerow H1 are anticipated to facilitate the construction of the proposed extension and new buildings and access road. The loss of these from an ecological view will be mitigated for by the creation of new native hedgerows along the southern and western boundaries and are to include native species such as hawthorn and blackthorn which will enhance the foraging opportunities for local wild fauna including birds and invertebrates. However, it is necessary to ensure that those that are to be retained should be suitably protected during construction and therefore a tree and hedgerow protection condition is necessary.
- 8.112. The only mature trees within the site are present within the field boundaries. In accordance with the Ecological report these should be retained where possible. The tree protection plan and Arboriculture report shows that suitable replacement planting of native species in order to enhance the value of the area of foraging wildlife. The trees on site were not considered to present any roosting opportunities for bats and they lack suitable features.
- 8.113. A lighting scheme was also submitted with the application to address issues of ecology. To further minimise potential effects to the local bat population artificial lighting should be carefully designed adjacent to existing and new potential bat foraging areas including tree groups, hedgerows and commuting lines. The proposed lighting columns are all positioned in the parking and manoeuvring areas of the proposal on the eastern elevation of the proposed buildings. This is situated away from the Billa Barra Hill Nature Reserve, however, there are lighting columns adjacent to the east and south landscaped boundaries, that provide potential foraging areas. A submitted Horizontal Illuminance (lux) Plan has been submitted which shows light spill up to 1 Lux across the site, this shows how light will spill from within the site to beyond the landscaping to the south to a level of 1 Lux, there will also be some spill to the western boundary across the landscape boundary of 5 Lux. LCC (Ecology) welcome that light spill to the nature reserve is minimal however, would like to see a reduction in light spill to the south and east boundary. The applicant has therefore included back shields and baffles to the light columns 2-12 (inclusive) which are those closest to the east and south boundaries which LCC (Ecology) accept. The Submitted External Lighting Impact Assessment set out

that the scheme would have negligible impact on habitats from lighting if the appropriate design considerations are had to the proposal, which the submitted lighting scheme as described above has included.

- 8.114. There is a SSSI within reasonable proximity to the site, Bardon Hill Quarry. However the ecology survey does not identify any adverse impacts to this from the proposal and Natural England state that the proposal would not damage the features of this site.
- 8.115. Further to the above on-site improvements a Woodland Management Plan has been submitted, which sets out how 0.4ha of land contained within the blue line will be managed to the benefit of local flora and fauna and includes bat and bird boxes as well as management of the trees. This further adds to the net gain of biodiversity as a result of the proposed development.
- 8.116. In addition to this the proposed drainage surface water strategy for the site includes swales which are considered to have some ecological benefits.
- 8.117. Overall, impact of the proposed development on protected species is negligible. The plating and landscape schemes, together with appropriate lighting schemes will ensure that there is suitable connectivity and foraging opportunities and are considered appropriate ecological enhancements. It is however, suggested that the recommendations of the ecological report are followed and that appropriate conditions are applied in the interests of biodiversity. Including tree and hedgerow protection, a construction management plan, the inclusion of reasonable avoidance measures in relation to Great Crested Newts, lighting conditions, further bat surveying of the existing building and appropriate landscaping details that include species rich grass land species and native fruit and flower-bearing species in accordance with Policy DM6 of the SADMP PDP.

Pollution

- 8.118. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented.

Noise

- 8.119. A Noise Assessment was submitted with the application and was subsequently updated following comments from HBBC Environmental Health Officer. The scope of the amended assessment and methodology was agreed with HBBC (Pollution) prior to the report being completed.
- 8.120. The noise assessment considers the noise impacts from fixed external plant such as extracts and ventilation systems, internal noise breakout from the proposed new units, operational noise levels from on-site activities, and on/off site movements of HGVs, including traffic generated by development.
- 8.121. Ambient noise levels were recorded at locations representative of the closes noise-sensitive premises. Predominant noise sources were noted to be road traffic using the A511 and distant M1 Motorway noise. There was also an alarm audible from a nearby quarry.
- 8.122. Machinery to be relocated from Ellistown is to be within the proposed phase 1 extension to the existing building. Noise levels from this machinery were measured, the extension is also to include a lorry wash therefore noise levels for the proposed jet wash have been derived from other monitored jet wash facilities. Noise generated from vehicle movement within the site has also been considered using accepted noise figures for HGV's. Vehicles at the site are fitted with reversing alarms and therefore manufactures details of the noise generated from these have also been included for assessment. However, it is noted that the applicant is

currently replacing alarms with white noise alarms to all of their fleet, to reduce this noise source. Noise generated by the site should not exceed the ambient background noise for day and night time levels over a minor level (1-2.9 dB) or that can not be mitigated so as to not cause a noticeable and/or intrusive perception of noise.

- 8.123. The report states that any fixed external plant (that are currently unknown) can be designed as to not exceed existing ambient noise levels when measured 3.5m from the façade of the proposed building, it is not considered that this should be conditioned as any external plant not already indicated on the plans would require a fresh planning application. Further to this environmental Health have statutory powers to deal with noise nuisance should it occur at a later date.
- 8.124. The Noise assessment finds that operations would have no adverse impacts upon dwellings at the receptor points and there would be no change to the ambient noise climate during the day or night. This includes dwellings on the opposite side of Stanton Road, dwellings adjacent to the equestrian centre, All other receptors are further from the proposed development, and/or fully screened from the on-site operational activities. As a consequence, operations would have no adverse impacts upon nearby dwellings and there would be no change to the ambient noise climate at any time of the day or night. It also concludes that noise from site access and departures would fall below the current ambient levels at the nearest receptors.
- 8.125. The noise level changes due to traffic generated by development do not exceed the 2.9 dB increase (the assessment states it's a 2.3dB increase), which amounts to a minor impact in the short term and a negligible impact in the long term. Therefore the traffic noise change would be classified as noticeable and not intrusive, with the result that no specific mitigation measures are required in accordance with Planning Practice Guidance.
- 8.126. The proposals include an acoustic fence the full length of the east elevation and follows returning round to part of the northern boundary. This is as the above conclusions are made when the doors to the facility are closed. However, on the site visit it was noted that the doors to the existing buildings were all open. Therefore, when assessment of the proposed extension is made with the doors open, the increase in noise above ambient levels is 7dB, therefore this requires mitigation. A 2.5m high fence in the location as shown on the proposed layout drawing would see a noise attenuation of 8dB at ground level and 2dB at first floor. This is adequate mitigation to protect the residential amenity of the nearest residential properties.
- 8.127. There are no hours restrictions proposed to the site, this is as the noise report does not justify that these are applied as no adverse noise impacts day or night are identified. It appears that the original premises had no hours restrictions on it and so the business can operate unrestricted, however, an extension to the building in 1995 was granted permission with an hours restriction. However, the applicant has stated that they do operate from the site 24/7, and given that the use can operate from other parts of the same building the restriction would be difficult to enforce. That in conjunction with the result of the noise report do not justify adding hours restrictions to this application.

Land Contamination

- 8.128. Owing to part of the site being agricultural in nature and the existing use of the remainder of the site, is considered appropriate that Contamination Reports are submitted with the application, prior to any permissions being granted. Phase 1 and 2 contamination reports have therefore been submitted with the application.

- 8.129. The Phase 1 report consists of a desk study and site observations which leads to a set of recommendations and conclusions. The potential sources of contamination identified in the report consist of potential ground water flooding, historical quarrying activity adjacent to the site and historical landfill of this quarry. However, no specific contaminants were identified other than general and risk from ground and gas contamination is considered to be low or very low. The report does recommend prior to development a ground investigation be required by way of a phase 2 ground investigation.
- 8.130. The Phase 1 report concludes the site is suitable for development should the recommendations of the report be followed.
- 8.131. The Phase 2 report includes a ground investigation, and fulfils the recommendation in the Phase 1 report. The ground investigation has given way to a number of suggested remedial measures to mitigate potential contamination.
- 8.132. The ground investigation fieldwork was conducted on 7th and 8th August 2018 with groundwater/gas monitoring visits continuing after that period. A total of 15 exploratory holes (eight trial pits and five windowless sample boreholes) were progressed, to a maximum depth of 5.0m below existing ground level. However the south east of the site was not accessible.
- 8.133. The report summarises the findings of the above field work and subsequent laboratory analysis and states that the risk to end users from soil contamination is considered to be negligible. However gas precautions are required to mitigate impacts of ground gas.
- 8.134. Therefore the recommendations of the report are that completion of the investigation in the south east corner is required and if any contamination is found HBBC (Pollution) should be contacted to discuss potential remediation. Therefore it is necessary for land contamination conditions to be applied to the application. Further to this, a condition will be required to allow for the submission of ground protection measures in accordance with the findings of the report, including a gas verification plan.
- 8.135. Albeit a large amount of soil would have to be removed from the site to level the ground the above reports set out that the topsoil will be classified as Non-Hazardous Waste and would be suitable for re-use on or off site.
- 8.136. Overall the site is assessed as being low risk for contamination hazards and is in accordance with policy DM7.

Light

- 8.137. The proposal includes 13no. 10m high lighting columns, 6no.6.5m columns and 7no.10m lower luminance level lights. There are also some wall mounted lights proposed to the buildings themselves. All of the proposed lighting columns are sited to the eastern elevation of the proposed buildings, in the parking and manoeuvring areas. The proposed lighting along the western boundary with Stanton Lane, face in to the site, however, the lights on the opposite side closest to the proposed buildings do face towards Stanton Lane. A submitted Horizontal Illuminance (lux) Plan has been submitted which shows light spill up to 1 Lux across the site, this shows how light will spill from within the site to the west on to Stanton Lane to the access with the Equestrian Centre, and Stanton Lane Farm. There is also light spill at a level of 1 Lux to the south of the site beyond the landscaping. However, this is not thought to cause adverse impacts to the use of neighbouring properties. The use of back shields and baffles to the light columns on the east and south boundaries is proposed to reduce light spill.

- 8.138. The Submitted External Lighting Impact Assessment states how the external lighting is focused in the appropriate areas and that upward light is minimised reducing unnecessary light pollution. The report concludes that the site would have a minor adverse impact on the environment. However, the lighting plan submitted shows the details of the design that have incorporated the mitigation measures set out in the report, by way of luminance levels, light type and the fitting of back shields and baffles. Lighting levels have been designed to meet minimum illuminance levels within appropriate guidance for working conditions.

Archaeology

- 8.139. Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.140. An archaeological desk-based assessment was submitted with the application and has established that there are no designated or recorded heritage assets in the study site and that the proposed development will have no adverse impact upon any designated heritage assets.
- 8.141. The available archaeological records, combined with the results of the analysis of historical mapping, suggest that there is low potential for the site to contain archaeological remains of a prehistoric, Roman or medieval date. The site is likely to have remained in agricultural use through at least the later medieval and post-medieval periods. Any remains dating to these periods would likely relate to agricultural activity, such as ploughing and be of negligible significance.
- 8.142. A geophysical survey of the site identified a group of anomalies that have been interpreted as an enclosure. However, there is no evidence to suggest it has the potential to be of sufficient importance to constrain development.
- 8.143. LCC (Archaeology) has not responded to consultation on the application, however, the report submitted with the application raises no concern for this. The submitted assessment has not made any recommendations that would require a condition on the application regarding archaeology.

Planning Obligations

- 8.144. Policy DM3 of the adopted SADMP requires development to contribute toward the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.145. The request for any planning obligations (infrastructure contributions) must be considered against the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require that where developer contributions are required they need to be necessary to make the whole development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

Highways and Transport

- 8.146. LCC (Highways) request a number of contributions to satisfactorily mitigate the impact of the proposed development on the local highway network and to promote and encourage sustainable travel.
- A maximum contribution of £64,582.80 (to be indexed) toward improvement of the local highway network specifically along the A511 corridor including the A511/B591 and the A511/B585 junctions.
 - Improvements to the two nearest bus stops to allow level access with a total of £3500 per bus stop

- Contributions towards Real Time Information Boards at the two nearest bus stops with a total of £5500 per stop.
- A monitoring fee of £6000 towards assisting in the monitoring of the Travel Plan.

8.147. The requirement to pay contributions towards the local highway network is triggered by the implementation of development. The requirement to pay contributions towards the level access bus stops will be triggered by the occupation of phase 1 and the Real Time Information boards by the occupation of phase 2.

8.148. The above infrastructure contribution is considered to be necessary to make the development acceptable in planning terms and is fairly and reasonably related in scale and kind to the proposal and is therefore CIL compliant. The contribution could be secured through a s.106 legal agreement, which is under negotiation.

Other Matters

8.149. HBBC (Waste) services have not requested any conditions or details of waste strategy and the business will continue to handle its waste as it does now.

8.150. LCC (Minerals) do not consider that the proposal would lead to any sterilisation of mineral reserves and therefore do not object to the application.

8.151. There are no Public Rights of Way affected by the proposal

8.152. The site is not within an area recorded to require a Coal Authority mining report, therefore, the risk from coal mining is considered to be negligible.

8.153. Objections have been raised regarding poor air quality in the area. However, air quality issues in the Borough are to the other side of the A50, the proposal is not thought to materially alter the situation.

9. Equality Implications

9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

9.3. There are no known equality implications arising directly from this development.

10. Planning Balance and Conclusions

10.1. The proposals do not make a significant contribution to economic growth and job creation within the Borough and do not lead to the enhancement of the immediate area. Therefore, the proposal is not considered to be sustainable development in the countryside in conflict with Policy DM4 of the SADMP DPD. In these circumstances, set in the countryside and outside of any settlement boundary development conflicts with the strategic approach to the provision of employment development which weighs against the application. Notwithstanding this, the proposals are to support the continued growth of an existing business in the rural

area and in accordance with paragraph 80 and 84 of the NPPF significant weight is attributed to enabling economic growth taking into account existing local business needs and performance. Both elements of the proposal are to meet the operational needs of Upton Steel and so with adequate conditions the requirements of Policy DM20 to locate new employment in the most sustainable locations in a sequential manner do not apply to this application. As policy DM1 of the SADMP sets out, proposals that conflict with the Local Plan should be refused unless material considerations indicate otherwise. As paragraph 2 of the NPPF states, the framework is a material consideration in decision making. Therefore, the economic benefits of supporting the existing business of Upton Steel are given significant weight and have been found to outweigh the harm to the countryside caused by the conflict with strategic policy DM4.

- 10.2. Subject to adequate mitigation against adverse impacts upon the National and Charnwood Forest, the open countryside and noise pollution and the application of necessary conditions and obligations relating to Highways, Drainage, Ecology, Pollution and design all other material considerations have been found to be satisfactory and do not weigh against the development proposal.
- 10.3. Therefore, the proposal is in accordance with Policies 21 and 22 of the Core Strategy (2009), Policies DM1, DM3, DM6, DM7, DM9, DM10, DM13, DM17 and DM18 of the Site Allocations and Development Management Policies DPD as well as the overarching principles of the NPPF, specifically paragraphs 80, 84, 111, 142, 163 and 170.

11. Recommendation

11.1. Grant planning permission subject to

- The prior completion of a S106 agreement to secure the following obligations:
 - £64,582.80 towards improvements along the A511, specifically the A511/B591 junction (flying horse) and the A511/B585 junction.
 - £3500 per stop to the two nearest stops for bus stop improvements (to allow level access)
 - £5500 per stop to the two nearest stops for Real Time Information systems
 - £6000 monitoring fee for LCC to support the Travel Plan Coordinator
- Planning conditions outlined at the end of this report.

11.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

11.3. That the Interim Head of Planning be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

11.4. Conditions and Reasons

1. The Development shall be carried out in accordance with the submitted plans and details in the following schedule:

Site Location Plan Dwg. No. 7627-03-001 Rev C received on 12th November 2018.

Landscape Strategy Dwg. No. 18.1352.002 Rev A received on 12th November 2018.

Proposed Site Plan and Sections Dwg. No.7627-03-004 Rev E received on 12th November 2018.

Access Design 22614_08_020_01 Rev E received on 12th November 2018

Access Design 22614_08_020_03 Rev A received on 12th November 2018

Flood Lighting Scheme LL1034/001 Rev A received 07th November 2018.
Tree Protection Plan Dwg. No. 18.1352.003 submitted received on 28th June 2018

Proposed Sections 7627-03-010 Rev A received on 28th June 2018

Proposed Elevations 7627-03-006 Rev E received on 28th June 2018

Proposed Ground Floor Plan 7627-03-005 Rev E received on 28th June 2018

Existing Plans and Elevations 7626-03-003 received on 28th June 2018

Existing Site Plan 7627-03-002 received on 28th June 2018

2. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 103 metres to the north and 70 metres to the south have been provided at the site access serving that phase. 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 (2018) and Policy DM17 of the SADMP.

3. Development implemented within each phase shall not be occupied until such time as the parking, turning and layout arrangements shown on Proposed Site Plan / Sections Dwg. No. 7627-03-004 Rev E received on 12th November 2018 for that phase have been implemented in full. Thereafter the onsite parking and turning provision serving each phase shall be so maintained in perpetuity.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner; that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally; to enable vehicles to enter and leave the site in a forward direction; in the interests of general highway safety and in accordance with the National Planning Policy Framework (2018) and Policy DM17 of the SADMP.

4. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 15 metres of the highway boundary, nor shall any be erected within a distance of 15 metres of the highway boundary unless hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2018) and Policies DM17 of the SADMP.

5. No development within any phase shall take place until such time as a surface water drainage scheme for that phase of development has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the SADMP.

6. No development within any phase shall take place until such time as details in relation to the management of surface water on site during construction of that

phase of development has been submitted to, and approved in writing by, the Local Planning Authority

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy DM7 of the SADMP.

7. No development within any phase shall take place until such time as details in relation to the long-term maintenance of the substantial surface water drainage system for that phase of development have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: to establish a suitable maintenance regime, that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development in accordance with Policy DM7 of the SADMP.

8. No development approved by this planning permission shall take place until such times as infiltration testing has been carried out to condition (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with Policy DM7 of the SADMP.

9. Before any development commences on any part of the site, including site works of any description, tree and hedgerow protection measures shall be carried out in accordance with the Tree Protection Plan Dwg. No. 18.1352.003 received on 28th June 2018 and the Arboricultural Impact Assessment received on the 28th June 2018. The development shall then be implemented in accordance with the approved Tree Protection Plan relevant to the phase of development.

Reason: To ensure that the trees and hedgerows to be retained on site are adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

10. Within 12 months of the first use of the development hereby approved, the Woodland Management Plan received on 12th October 2018 should be implemented in accordance with section 6 of the Plan. Prior to its implementation written confirmation should be sent to the Local Planning Authority.

Reason: To ensure the proposal contributes to the delivery of the National Forest Strategy in accordance with Policies 21 and 22 of the Core Strategy and Policy DM4 of the SADMP.

11. Within 5 years of the implementation of the Woodland Management Plan a review shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include a review of:
 - The objectives set out in section 3 of the Woodland Management Plan and;
 - Set new objectives for the long term management of the woodland.

Reason: To ensure the proposal contributes to the delivery of the National Forest Strategy in accordance with Policies 21 and 22 of the Core Strategy and Policy DM4 of the SADMP.

12. Prior to occupation of the building given consent in phase 1, details of the noise barrier shown on Dwg. No. 7627-03-004 Rev E received on 12th November 2018 shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
- Barrier specification and location
 - Confirmation of the mitigation provided by the structure and the resultant noise levels at the nearest residential premises.

The noise barrier shall then be installed prior to first use of the development, and maintained thereafter unless agreed otherwise by the local planning authority.

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy DM10 and DM7 of the Site Allocations and Development Policies Document.

13. Prior to the first use of any building, a programme for the installation of white noise reversing alarms to be fitted to Upton Steel operational vehicles, should be submitted to and agreed in writing by the Local Planning Authority, all vehicles used in the operation of the business shall be fitted with the agreed alarm in accordance with the agreed programme and maintained thereafter.

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy DM10 and DM7 of the Site Allocations and Development Policies Document.

14. No development within any phase shall commence until a scheme for the investigation of any potential land contamination of land in that phase has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to each phase being occupied.

Reason: To ensure the development does not have an adverse impact from pollution to accord with Policy DM7 of the Site Allocations and Development Policies Document.

15. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure the development does not have an adverse impact from pollution to accord with Policy DM7 of the Site Allocations and Development Policies Document.

16. Prior to commencement of development within any phase, a Construction Environmental Management Plan for that phase of development shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing residential premises and the environment

shall be prevented or mitigated from dust, odour noise, smoke, light and land contamination. The plan shall detail how such control will be monitored and a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of that phase of the development.

Reason: To ensure the development does not have an adverse impact from pollution to accord with Policy DM7 of the Site Allocations and Development Policies Document.

17. Site preparation and construction shall be limited to the following hours; Monday to Friday 07:30 to 18:00, Saturday 08:00 to 13:00 and no working on Sundays and Public Holidays.

Reason: To ensure the development does not have an adverse impact from pollution to accord with Policy DM7 of the Site Allocations and Development Policies Document.

18. The development shall be carried out in complete accordance with the Ecological Appraisal (fprc, dated August 2018), received on 14th August 2018. All works shall be in accordance with the Reasonable Avoidance Measures contained within that appraisal.

Reason: To ensure the development contributes to enhancement and management of biodiversity of the area to accord with Policy DM6 of the adopted Hinckley and Bosworth Site Allocations and Development Plan Document.

19. Prior to development commencing details of the species mix for the soft landscaping areas including biodiverse grass sward as shown on Landscape Strategy Dwg. No. 18.1352.002 Rev A received on 12th November 2018 shall be submitted to and agreed in writing by the Local Planning Authority. The landscape strategy shall be implemented in accordance with the agreed species mix and maintained as such thereafter.

Reason: To ensure the development contributes to enhancement and management of biodiversity of the area to accord with Policy DM6 of the adopted Hinckley and Bosworth Site Allocations and Development Plan Document.

20. All planting, seeding or turfing shown on the approved landscaping details under condition 19 shall be carried out during the first available planting and seeding seasons (October - March inclusive) following the approval of the landscaping scheme. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of visual amenity, and to ensure that the work is carried out within a reasonable period and thereafter maintained, to accord with, Policies DM4, DM10, of the SADMP.

21. No part of the development hereby permitted shall be brought in to use other than in accordance with the agreed Travel Plan submitted on 28th June 2018 and shall be occupied in accordance with the approved details thereafter.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policy DM17 of the SADMP and Chapter 9 of the National Planning Policy Framework (2018).

Outline Planning Permission - Conditions

22. An application for the approval of reserved matters shall be made within five years from the date that the building given consent in phase one is first brought in to use and not before. The development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended) and Policy DM1 of the SADMP.

23. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:
- a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development
 - b) The appearance of the development including the aspects of a building or place that determine the visual impression it makes

The development shall be implemented in accordance with the approved details.

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD

24. No part of phase 2 shall be occupied until such time as the pedestrian crossing works shown on M-EC drawing number 22614_08_020_03 Rev A has been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of pedestrian and highway safety and in accordance with the National Planning Policy Framework (2018) and Policy DM17 of the SADMP.

25. Any reserved matters applications for the consideration of appearance that include fixed external plant and/or machinery should include details of a scheme for protecting nearby dwellings from noise from the proposed development. Such mitigation works shall be carried out in accordance with the approved details before the permitted development comes in to use.

Reason: To ensure the development does not have an adverse impact from pollution to accord with Policy DM7 of the Site Allocations and Development Policies Document.

26. Updated ecology surveys are to be completed in support of reserved matters applications, where original ecological surveys are more than two years old. Each reserved matter shall be accompanied by an ecology survey no more than two years old.

Reason: To ensure the development contributes to enhancement and management of biodiversity of the area to accord with Policy DM6 of the adopted Hinckley and Bosworth Site Allocations and Development Plan Document

27. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the SADMP.

28. The development subject of this application shall only be used for storage and distributions purposes to meet the operational needs of Upton Steel and shall not be used by any other persons or for any other purposes falling within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure that the use remains compatible with the surrounding area to accord with Policies DM1 of the SADMP and Paragraph 80 and 84 of the National Planning Policy Framework (2018).

Full Planning Permission – Conditions

29. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

30. No part of Phase 1 of the development hereby permitted under the Full aspect of the application shall be bought in to use until such time as the access arrangements shown on M-EC drawing number 22614_08_020_01 Rev E 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 Policy DM17 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2018).

31. Prior to any works above slab level, representative samples of the types and colours of materials to be used on the exterior of the building shall be deposited with and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved materials.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

32. Prior to the first use of the development, full details of the vehicle wash be submitted to and approved in writing by the Local Planning Authority. The details shall include the predicted noise levels associated with the use of the station.

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy DM10 and DM7 of the Site Allocations and Development Policies Document.

33. No mechanical vehicle wash shall be used other than between the hours of 07:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturdays and no use on Sundays and Public Holidays. Mechanical vehicle washing will be contained to the wash down area as shown on Dwg. No.7627-03-004 Rev E.

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy DM10 and DM7 of the Site Allocations and Development Policies Document.

34. Prior to the first use of the development, full details of the fuel station shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the predicted noise levels associated with the use of the station.

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy DM10 and DM7 of the Site Allocations and Development Policies Document.

11.5. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.

2. **Drainage**

The scheme shall include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations and the responsibility for the future maintenance of drainage features.

Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return periods.

Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the spate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.

The results should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.

If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found at the following: <http://www.leicestershire.gov.uk/Flood-risk-management>

3. **Highways**

Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make

contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. 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>

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring

4. **Contamination**

In relation to condition 14 and 15 advice from Health and Environment Services can be viewed via the following web address; <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

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Planning Committee 18 December 2018
Report of the Interim Head of Planning

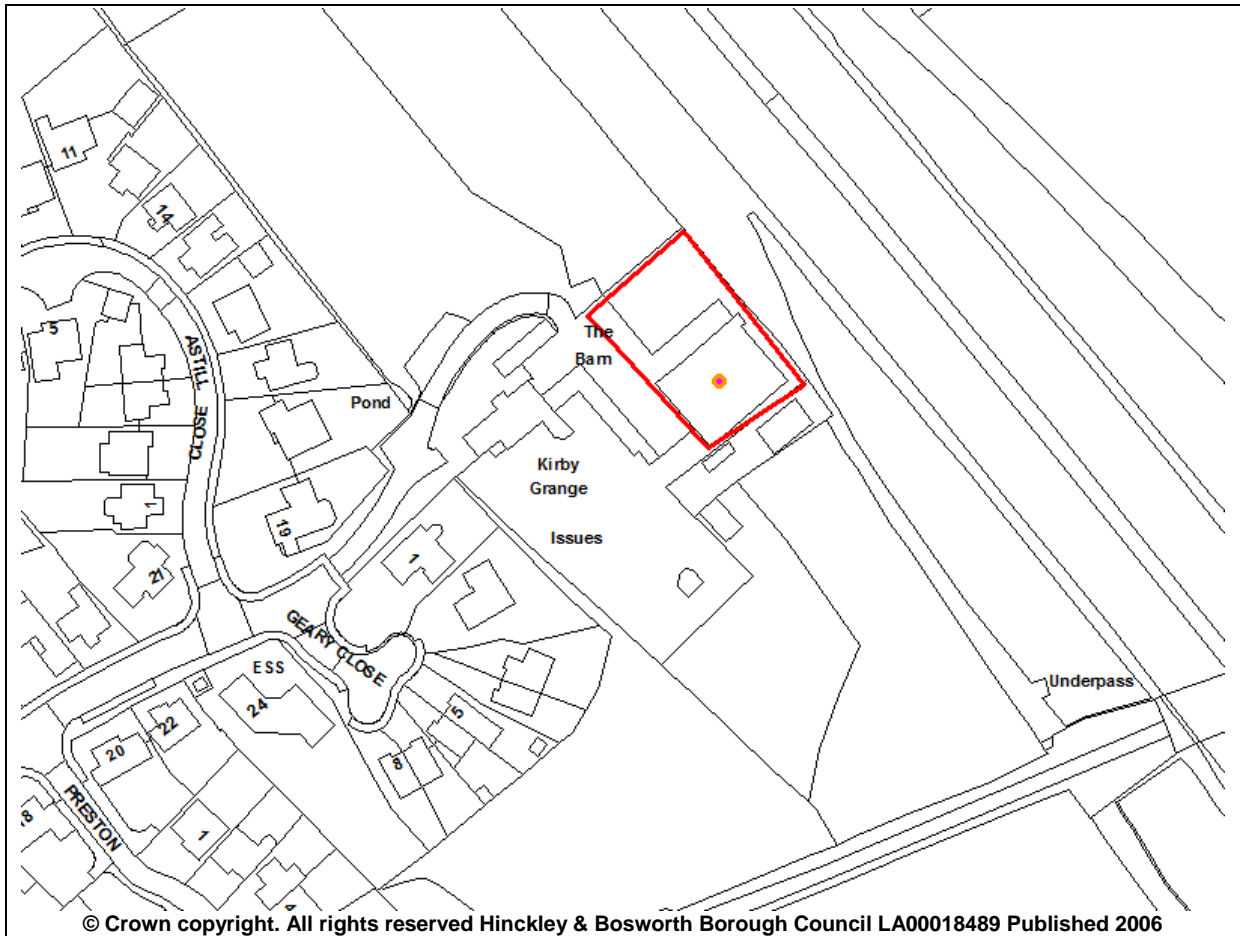
Planning Ref: 18/01034/FUL
Applicant: Lloyd
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: Kirby Grange Farm Taverner Drive Ratby

Proposal: Change of use to vehicle repair garage (Use Class B2)



1. Recommendations

1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. Planning permission was granted under ref: 09/00042/FUL in 2009 for the construction of a replacement building and its use as a B8 storage unit which was tied to the existing office use building on the site. The proposal seeks the change of use of this existing storage building for the servicing, MOT and repair of motor vehicles under Class B2 (General Industrial). The only alterations proposed to the building would be internal alterations to house the lifts and MOT testing and servicing equipment.

- 2.2. The proposal would involve 5 members of staff working within the building along with 3 members of staff working in the existing office building to the south west of the site. The working hours proposed would be the same as those contained within condition 6 of planning permission ref: 09/00042/FUL being between the hours of 0730 and 1730 Monday to Friday with no working on Saturdays, Sundays or Statutory Bank Holidays. Additional information has been submitted by the applicant's agent that confirms that the applicant would occupy the whole of the Kirby Grange Farm site. They are prepared to accept a condition which restricts the use of the building to a car repair garage as the applicant is the owner of a garage called Farriers Automotive Ltd who specialise in the maintenance and repair of Jaguar and Land Rover vehicles.
- 2.3. The proposal also relates to the creation of additional car parking within the site boundary approved under ref: 09/00042/FUL. These additional spaces would involve the cutting back of existing foliage to create an additional 12 car parking spaces so that a total of 20 car parking spaces would be provided. An amended site layout plan has been submitted showing additional tree planting along the northern boundary with the field.
- 2.4. Access to and from the site would be from Taverner Drive. The layout of the access and the site would remain largely unaltered and the existing drop off and delivery space would be retained. The application is accompanied by a Transport Statement and a Design and Access Statement.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located between the eastern edge of Ratby and the M1 motorway. The site lies outside of the settlement boundary of Ratby which is located some 40 metres to the west and lies within a semi-rural area. The existing storage building has a gross internal floor space of some 370 square metres and comprises a block work building with vertical timber cladding above the eaves and a sedum green roof. A metal roller shutter door provides the main access and security for the building.
- 3.2. An earth bund separates the site from the adjoining motorway along with a considerable amount of mature landscaping around the site particularly to the north west and south east boundaries along the motorway which provides screening to the site.
- 3.3. The overall site includes a dwelling which is intended to be occupied by the applicant, together with an "L" shaped single storey office building, various storage sheds and agricultural and equestrian land with loose boxes.

4. Relevant Planning History

95/00612/TEMP	Siting of mobile home/caravan for temporary period of 12 months	Withdrawn	02.11.1995
95/00822/COU	Rebuilding and change of use of disused barn to form offices construction of access drive and car parking spaces	Refused	10.01.1996
95/00823/COU	Change of use of site to landscape contractors base	Refused	10.01.1996

	including parking areas access road and the conversion of outbuildings to offices and storage		
96/00970/FUL	Rebuilding of existing barn for use in association with adjacent residential property	Granted Permission	26.02.1997
97/00186/FUL	Extension to dwelling to form dining room and guest wing	Granted Permission	22.04.1997
97/00630/COU	Change of use of residential wing of existing farmhouse into offices and formation of access	Refused	20.08.1997
08/00957/CLU	Certificate of lawful existing use of buildings and land for class B1 (offices) and class B8 (storage) along with access and parking	Certificate of Lawfulness Granted	26.11.2008
09/00042/FUL	Erection of replacement storage building	Granted Permission	25.03.2009
76/01887/4	Use of farm buildings as builders store and carpenter and joiners workshop	Refused	22.02.1977
88/00194/4	To site a mobile home for residential use	Refused	26.04.1988
92/00827/4	Alterations and change of use of outbuildings to offices	Granted Permission	28.10.1992

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. 5 letters of objection from different residential addresses have been received from local residents raising the following issues:-
- 1) Access to this site would involve a residential road with small cul de sacs off housing families with young children;
 - 2) There are already a lot of parked cars along Taverners Drive and near to the access of the site;
 - 3) This proposal would lead to more parking within the public highway;

- 4) Would this proposal lead to additional development of the surrounding “green, undeveloped” areas around the site in the future?
- 5) This use would involve other vehicles such as spare parts distributors and breakdown vehicles;
- 6) Not enough residents were consulted on this application;
- 7) The traffic generation for this change of use would increase by 300%;
- 8) The garage has the potential to generate noise pollution in this quiet residential area;
- 9) This use will effect the residents of the bungalow occupied by disabled persons;
- 10) This proposal will affect the value of the properties in the area.

5.3. 2 letters of comment have been received from local residents raising the following questions:-

- 1) What will the applicant’s existing garage premises be used for?
- 2) The vegetation on the site should be retained as this acts as a buffer between the developed area and the motorway.

6. Consultation

6.1. No objections have been received from:

HBBC Environmental Health (Pollution)

6.2. LCC as Local Highway Authority has referred the LPA to current standing advice and in particular: access width, surfacing, pedestrian visibility, vehicular visibility, parking and gates.

6.3. No comments have been received from:

Leicestershire Fire and Rescue Service
 Severn Trent Water Limited
 Ratby Parish Council

7. Policy

7.1. Core Strategy (2009)

- Policy 8: Key Rural Centres Relating to Leicester

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2018)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. The site is situated outside of the defined settlement boundary of Ratby which lies some 40 metres to the west. Policy DM4 of the SADMP is therefore applicable and states that the countryside will first and foremost be safeguarded from unsustainable development. However, development in the countryside will be considered sustainable where:-
- It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- and:
- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - It does not undermine the physical and perceived separation and open character between settlements; and
 - It does not create or exacerbate ribbon development;
- 8.5. The development does fall under one of the categories of sustainable development as identified in Policy DM4 in that a change of use is accepted in this countryside location subject to the proposal leading to the enhancement of the immediate setting and not having a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside. The impact on the character of the area will be assessed below.

Design and impact upon the character of the area

- 8.6. Policy DM4 of the SADMP requires that change of use proposals should lead to the enhancement of the immediate setting. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.7. The existing storage building is sited within a semi-rural area to the rear of a large detached residential property known as Kirby Grange Farm and its associated

outbuildings which includes an “L” shaped office building. The storage building is not prominent in the landscape being screened from the residential properties by the existing buildings and landscaping on site to the west and being of a similar height to the earth bund and fence alongside the motorway. Having a sedum green roof with timber cladding above the eaves ensures that the building is not visually dominant in the landscape.

- 8.8. No external alterations are proposed to the existing building. However, the proposal does involve the cutting back of the existing foliage to create additional car parking spaces. The mature trees along the motorway and along the northern boundary with the adjoining field would remain. As such, the landscaping on site would continue to act as a screen between the open land to the north of the site and the application site.
- 8.9. There are no restrictions on the use of the land around the existing building which is included in the planning permission for a B8 use. The proposal to create car parking spaces where the storage of goods presently takes place would remove this storage use in the countryside. This would lead to the enhancement of the immediate setting.
- 8.10. The proposal relates to the removal of vegetation on the site to facilitate additional car parking. An amended site layout plan has been submitted showing additional landscaping along the north-western boundary of the site to screen the site from views from the open countryside. The retention and additional landscaping of the site can form part of an appropriately worded condition.
- 8.11. Based on the above assessment the change of use would not unacceptably harm the character or appearance of the area and would accord with Policies DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.13. The property of Kirby Grange Farm and its residential curtilage does lie in close proximity to the existing storage building. This property has been included within the land which the applicant intends to own. Environmental Health (Pollution) has confirmed that they have no objections to the proposal for a car repairs use. The working hours proposed would be the same as those contained within condition 6 of planning permission ref: 09/00042/FUL being between the hours of 0730 and 1730 Monday to Friday with no working on Saturdays, Sundays or Statutory Bank Holidays. As such it is not considered that the proposal would cause undue noise and disturbance to the occupiers of this dwelling who would be in control of the operation of the use.
- 8.14. The dwellings on Geary Close are some 50 metres away to the south west and separated by private gardens and the existing single storey office buildings. Concerns have been raised about the potential for the proposed use to cause noise and disturbance to the occupiers of this residential area. However, the application site lies within an area where the noise levels are already very high from the traffic using the adjoining motorway. Environmental Health (Pollution) has confirmed that they have no objections to the proposal. In view of the distances involved, the intervening land uses and the high levels of background traffic noise, the proposal would not adversely affect the amenity of the occupiers of the residential properties with regards to noise and disturbance from the operation of the garage.
- 8.15. Concerns have also been raised regarding the noise generated by large commercial vehicles using Taverner Drive to access the site. The lawful use of the

building is as a storage building under Use Class B8 and this use has been in existence for some 9 years. The Traffic Statement contains information on the traffic generation for a use within a B8 Class which has the potential to generate 22 car movements per day and 8 HGV movements per day. This compares to the traffic generation for the proposed B2 use which has the potential to generate 66 car movements per day and 2 HGV movements per day. The working hours proposed would be daytime hours from Monday to Friday with no working on Saturdays, Sundays or Statutory Bank Holidays.

- 8.16. It is agreed that the proposed change of use has the potential to generate additional car movements per day during the hours of working at an average of 6.6 movements per hour. However, a B2 use would generate on average 6 fewer HGV movements per day when compared to the existing B8 lawful use. This reduction in HGV movements along this residential road would benefit the area and so any potential for noise and disturbance from these large vehicles would be significantly reduced by the proposal.
- 8.17. In light of the above it is considered that the proposal would be in accordance with Policy DM10 of the SADMP in terms of residential amenity.

Impact upon highway safety

- 8.18. Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.19. Taverner Drive provides access to the application site and runs from the mini roundabout with Station Road to the site. The road is subject to a 30mph speed limit and the carriageway width varies between 6.5m to 7m. Lit footways are provided along both sides of the carriageway. The Transport Statement accompanying the application assesses the current traffic generation for a building of 370m² within Use Class B8 (Warehousing and Storage). As stated above, the proposed change of use has the potential to involve up to 66 car movements per day which is higher than the lawful use. However, only 2 HGV movements per day are likely to visit the site compared to up to 8 HGV movements per day from the existing B8 use.
- 8.20. The impact of the proposal on the junction with Station Road would be significantly less than 30 two-way vehicle movements per hour or 100 two-way vehicle movements per day, which in accordance with the NPPF is not considered to be significant and would not have a 'severe' impact on the local highway network. The Highway Authority confirms that they have no objections to the proposal. However, in their response they do make reference to current standing advice and the need to ensure that the following issues are addressed:-
- Sufficient access width for the largest vehicle visiting the site and that passing places are provided so that two vehicles can pass;
 - Hard surfacing along the access track;
 - Pedestrian visibility provided onto Taverner Drive;
 - Vehicular visibility provided onto Taverner Drive as this road does have a speed limit of 30mph;
 - Sufficient parking provision for the proposal; and
 - No gates to be hung close to the highway boundary.
- 8.21. The existing hard surfaced private access drive into the site has a minimum width of between 4.4m – 4.6m wide with soft landscaping on both sides. The drive also has a 15 metre passing place as well as a passing place opposite the access to Kirby Grange Farm where the total access width is between 10m and 12m. There is

space for two vehicles to pass at either end of the access road onto Taverner Drive without having to reverse back onto the public highway.

- 8.22. Being located at the end of Taverner Drive, the speed limit within the vicinity of the access is likely to be low. Vehicle tracking for the largest vehicle visiting the site has been provided in the revised Transport Statement. As such, it is considered that the existing access is in general accordance with the Highway Authority's standing advice.
- 8.23. The parking standards in the Leicestershire Highway Design Guide (2018) are for 11 car parking spaces to be provided for the proposed change of use and the existing office use. The site layout plan includes 20 car parking spaces which exceeds these parking standards. In view of this additional parking provision and the distance of the building to the public highway, it is unlikely that vehicles would park along Taverner Drive to use the car repairs business.
- 8.24. Overall, the proposed access width, geometry and visibility is considered to be acceptable and the parking provision, dimensions and on-site turning would be acceptable. Indeed, the site is located in a sustainable location on the edge of Ratby which is identified in the Core Strategy as a key rural centre relating to Leicester. The site is located within 350 metres of public transport services.
- 8.25. The condition restricting the use to a car repairs use would also ensure that the building could not be used for another use within Class B2 without the need for planning permission. This would ensure that the movements and types of vehicle accessing the site could be controlled. As such the proposed development would not result in severe highway impacts and would be in accordance with Policies DM17 and DM18 of the SADMP.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
 - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The application site is located outside of the settlement boundary of Ratby. However, Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where inter alia the proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting. Therefore, the principle of the proposed change of use is acceptable.
- 10.2. The proposal would not unacceptably harm the character or appearance of the area. In addition, the proposal would not have any significant adverse impacts upon

residential amenity, or on vehicular or pedestrian safety. It is considered that the proposed development would be in accordance with Policies DM1, DM4, DM10, DM17 and DM18 of the SADMP.

- 10.3. Having regard to Policy DM1 of the SADMP and the presumption in favour of sustainable development along with taking into account the relevant Development Plan policies and material planning considerations, it is considered, on balance, that the proposed development constitutes sustainable development. Therefore, the proposal is recommended for approval subject to conditions.

11. Recommendation

11.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the submitted details: Drws No: L.18.01.P001 and P002 received by the local planning authority on 12 October 2018 and Drw No: L.18.01.P003 Rev A received by the local planning authority on 28 November 2018.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The application site shall only be used as a car repair garage with ancillary parking and shall not be used for any other purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure that the use remains compatible with the surrounding area to accord with Policies DM10 and DM17 of the SADMP.

4. The building subject of this application shall only be used between the hours of 07.30 to 17.30 Monday to Friday and at no time on Saturdays, Sundays or Public Holidays.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with Policy DM10 of the SADMP.

5. No part of the development hereby approved shall be occupied until the access, parking, turning area and layout arrangements as shown on approved drawing no: L.18.01.P003 Rev A received by the local planning authority on 28 November 2018 have been implemented in full. Thereafter, the onsite parking provision shall be maintained for such use at all times.

Reason: In the interests of highway safety.

6. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of five metres of the highway boundary, nor shall any be erected within a distance of five metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway.

7. All planting, seeding or turfing comprised in the approved details of landscaping as shown on Drw No: L.18.01.P003 Rev A received by the local planning authority on 28 November 2018 shall be carried out in the first planting and seeding seasons following the occupation of the building and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of preserving the character and appearance of the area.

11.3 Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.

Planning Committee 18 December 2018
Report of the Interim Head of Planning

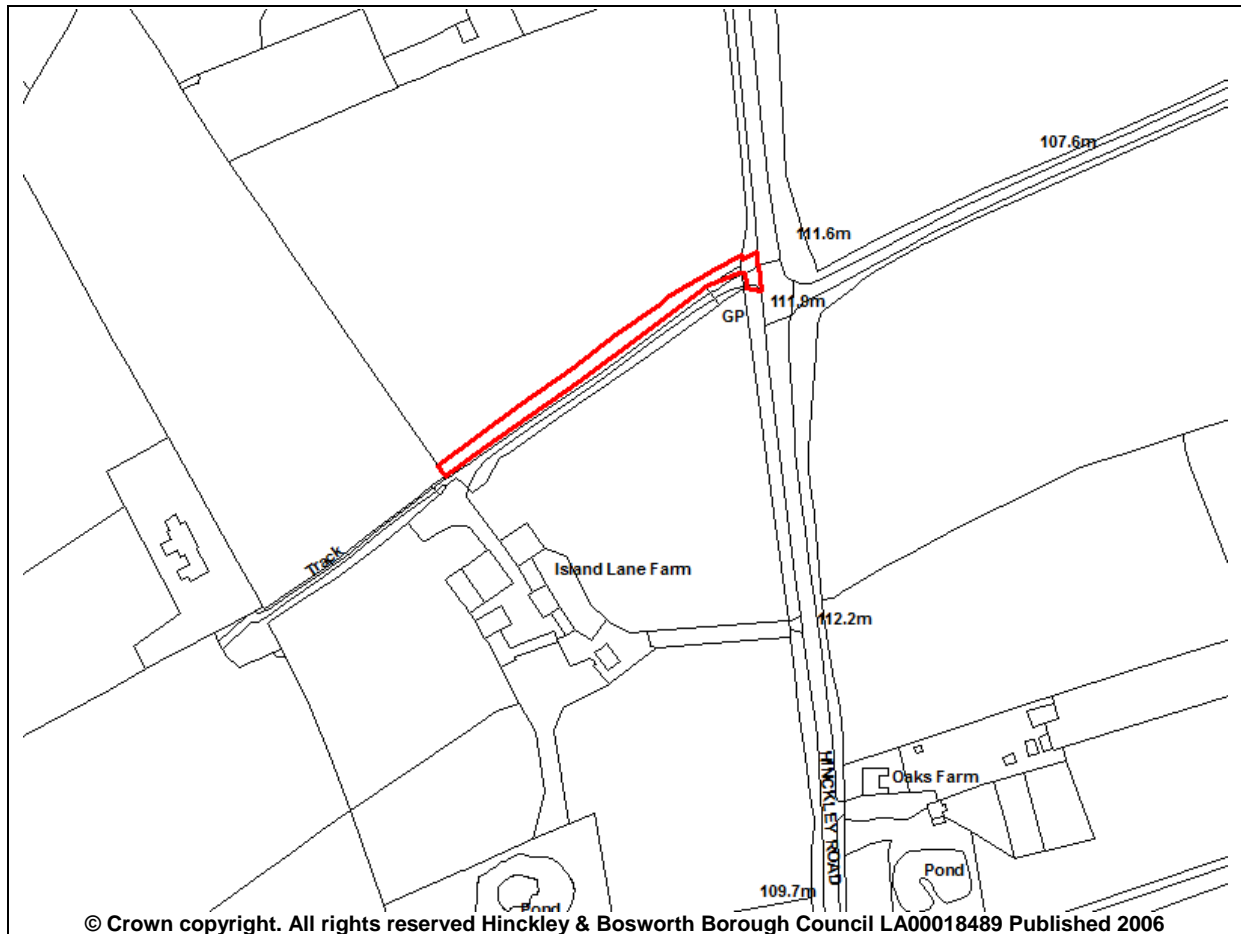


Hinckley & Bosworth
Borough Council

Planning Ref: 18/01061/FUL
Applicant: Mr James Whitby
Ward: Newbold Verdon with Desford & Peckleton

Site: Beechwood Farm Ashby Road Stapleton

Proposal: Widened vehicular access and new driveway (resubmission of 17/00271/FUL)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. This application seeks full planning permission for the widening of the existing vehicular access and a new driveway from the A447 to Beechwood Farm.

2.2. The application site includes the existing access with the A447 which currently serves both Island Lane Farm and Beechwood Farm. The development would

widen the existing access point and create a new driveway to serve Beechwood Farm.

- 2.3. The new driveway would be approximately 255 metres in length and would extend from the dwelling across what is currently agricultural land parallel to the existing private access road. The proposed driveway would be approximately 4.25 metres wide for a distance of 20 metres back from the highway boundary and then would narrow to approximately 2.75 metres with passing places.
- 2.4. The driveway would be separated by hedgerow from the existing track and a new hedgerow is proposed along the north of side of the new driveway to separate it from the remainder of the field.
- 2.5. This application is a resubmission of a previously approved planning application (reference 17/00271/FUL permitted 30th June 2017) for the same development. The only difference being that the position of the widened access point with the A447 has been adjusted 0.5 metres northwards. The site boundary has therefore slightly been increased to the north. The proposed driveway has not been adjusted from previously permitted.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located within Beechwood Farm which is located to the west of the A447. Beechwood Farm is a detached residential property surrounded by open agricultural land. Island Lane Farm, with which it currently shares an access road, is located approximately 145m to the south east.
- 3.2. Greenacres Garden Centre is approximately 300m to the north east and Woodlands Garden Centre is approximately 380m to the south east. The T-junction of the A447 and Bosworth Road is on the opposite (east) side of the A447.
- 3.3. There is a bridleway on the existing access road running between the A447 and Island Lane Farm. A public footpath then runs to the west and the proposed new driveway would cross this footpath.

4. Relevant Planning History

13/00567/FUL	Erection of new dwelling, demolition of existing outbuildings and conversion of existing dwelling into garage and workshop ancillary to new dwelling	Permission	03.09.2013
14/01126/FUL	Demolition of existing buildings on site and erection of a dwelling	Permission	07.01.2015
16/00904/COU	Change of use to residential and increase in width of vehicular access onto A447	Refused	28.11.2016
17/00271/FUL	Widened vehicular access and new driveway	Permission	30.06.2017

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Letters of support from 24 separate addresses have been received stating that the development would not impact upon the character of the area, improve the existing highway situation making it easier for users to access the relevant properties and is very minor in relation to the previously approved scheme.
- 5.3. Letters of objection from 7 separate addresses have been received raising the following concerns:-
- 1) Unsuitable and unsafe access, impacting upon highway safety
 - 2) Inaccuracies of the plans
 - 3) Development unable to be fully constructed
 - 4) Development will see encroachment onto neighbouring land

6. Consultation

- 6.1. No objection subject to conditions from:-
- 1) LCC Highways
 - 2) LCC Public Rights of Way Officer
- 6.2. No objection from:-
- 1) LCC Ecology
 - 2) HBBC Drainage

7. Policy

- 7.1. Core Strategy (2009)
- None relevant
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2018)
 - Planning Practice Guidance (PPG)

8. Appraisal

- 8.1. Key Issues
- Assessment against strategic planning policies and Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Other issues

Assessment against strategic planning policies and Design and impact upon the character of the area

- 8.2. There is a presumption in favour of sustainable development provided in the NPPF and Policy DM1 of the SADMP. Whilst there is a presumption in favour of

sustainable development under Policy DM1, development in the countryside must be in accordance with Policy DM4 in order to be considered to be sustainable.

- 8.3. The site lies outside of the settlement boundary of Stapleton, as defined on the Policies map of the adopted SADMP and is therefore within open countryside. In this instance, Policy DM4 sets out the criteria for what is considered sustainable development in the countryside.
- 8.4. Policy DM4 of the SADMP states that development in the countryside will first and foremost be safeguarded from unsustainable development to protect its intrinsic value, beauty, open character and landscape character. Policy DM4 directs the type of development which is considered acceptable within the countryside;
- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.
and:
 - i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - ii) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii) It does not create or exacerbate ribbon development;
 - iv) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21
- 8.5. Policy DM10 requires that new development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.6. Planning permission has already been granted on the site for the widening of the access and a new driveway and therefore the overall principle of development has already been established through this extant planning permission. The only difference in this application is the slight movement of the access point of the driveway approximately 0.5 metres northwards. All other aspects of the proposal remain the same as previously approved.
- 8.7. Whilst this proposal; as was the case with the previously approved application; does not specifically fall within any of the categories (a –e) of development deemed acceptable within Policy DM4, it is considered that the proposed new access road; which would sit parallel with the existing access road; would effectively have the appearance of a single widened access road. The road would be screened by both the existing hedgerow and additional hedgerow therefore it is considered it would not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.8. The proposal does not undermine the physical and perceived separation and open character between settlements - specifically criteria i) and ii). On this basis and on

balance, it is considered the proposed access; in its amended location is acceptable and accords with Policy DM4 of the SADMP.

- 8.9. The proposed access road would be constructed of type 1 rolled stone and gravel and this would give it a similar appearance to the existing access road. It is considered that the adjustment of 0.5 metres northwards of the widened access point would not significantly impact upon the character of the countryside or surrounding area
- 8.10. It is considered therefore that the proposal is in accordance with Policy DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.11. Policy DM10 of the SADMP requires that new development should not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. The proposed development is considered to be in accordance with this part of Policy DM10 as it would divert vehicular traffic for Beechwood Farm away from Island Lane Farm; the sole neighbouring property and there would be no loss of privacy or amenity for the occupants of Island Lane Farm.

Impact upon highway safety

- 8.12. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.13. This application seeks the widening of the existing vehicular access and construction of a new, separated driveway leading to Beechwood Farm. The access and driveway have been assessed and approved previously. The only adjustment is the slight movement of the access approximately 0.5 metres northwards.
- 8.14. Visibility splays would be achieved northwards and would be an improvement on the southern visibility splay that is provided by the existing track. The provision of two access roads adjacent to each other is also deemed to lessen the risk associated with two vehicles having to pass along the existing single track access road. The access geometry from the highway boundary up to the Beechwood Farm, which will be 4.25m for 20m back from the highway boundary and then narrowing to 2.75m is also in conformity with the Highways Design Guidance.
- 8.15. LCC Highway Officers are satisfied there would be no intensification of use of the access as a result of the development, as the existing users of the access will not change. Moreover, the Highways Authority has not found any evidence of a history of road traffic accidents relating to this access based on a review of the last 5 years of personal collision data.
- 8.16. It is considered that the proposed widening of the access and new driveway would not have an adverse impact on highway safety. The Local Highway Authority advice is that, in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the conditions as outlined at the end of this report. It is therefore considered that the proposed development is in accordance with Policy DM17 of the SADMP.

Other issues

- 8.17. The site and new driveway is crossed by a public footpath. A condition is therefore recommended which ensures that this public footpath is adequately accessible by members of the public and is suitably signposted.

- 8.18. The following objection has not been considered as part of this application:
- 1) Development will see encroachment on neighbouring land and as a result the plans are inaccurate.
- 8.19. Notwithstanding that the above concern is a civil matter and not a material planning consideration, LCC Highways have stated in their response the following:
- “For the avoidance of doubt, the LHA would advise the LPA that it has conducted a site visit and taken measurements that show that the necessary and previously approved access road width of 4.25 metres, together with sufficient width to allow two headwalls, one at either side, to allow safe construction of a drainage culvert for the ditch, can be accommodated within the site and highway land, without encroaching on the fenced area / neighbouring properties boundary. The exact details of the construction of the access and culvert will have to be submitted and approved as part of the Section 278 process with the LHA.”*
- 8.20. Any concerns regarding the construction of the widened access would be dealt with at a later stage by Leicestershire County Council.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The proposed development would respect the character of the wider area and would not adversely affect the amenities of the occupiers of neighbouring properties or have an adverse impact on highway safety. The application is considered to be in accordance with Policies DM1, DM4, DM10 and DM17 of the SADMP and is therefore recommended for approval subject to conditions.

11. Recommendation

- 11.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report.
- 11.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.
- 11.3. **Conditions and Reasons**
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Location Plan drg. no. 18/52 03A

Proposed Access – Site drg. no. 18/52 04A

Proposed Access drg. no. 18/52 02D

received by the Local Planning Authority on 18 October 2018

Retained Access Arrangement drg. no. F16054/08 Rev A

received by the Local Planning Authority on 23 October 2018.

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1, DM10 and DM17 of the Site Allocations and Development Management Policies Development Plan Document.

3. The Public Right of Way footpath, T67, should be provided with a gate and waymark post compliant with the LCC standard drawings FP11_REV_A_Marlow Gate and FP6_REV_A_Waymark Post at the point where it leaves the new driveway.

Reason: To provide access to the public footpath and mark the new crossing point clearly.

4. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 15 metres behind the highway boundary and shall be hung so as not to open outwards over the public highway.

Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the interest of highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

5. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

6. No development shall commence until a comprehensive landscaping scheme for the hedging (indicated on drawing number F16054/08 Rev. A received by the Local Planning Authority on 23 October 2018) has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented no later than the first planting season following first use of the development. If within a period of 5 years from the date of planting, any hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another hedgerow of the same species and size originally planted shall be planted at the same place.

Reason: To ensure the proper development of the site and in the interest of visual amenity in accordance with Policy DM10 of the SADMP.

11.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' - <http://resources.leicestershire.gov.uk/environment-and-planning/planning/the-6cs-design-guide>.
3. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
4. If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
5. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the County Council's Safe and Sustainable Travel Team (0116) 305 0001.
6. If the developer requires a Right of Way to be temporarily diverted or closed, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 8 weeks before the temporary diversion / closure is required.
7. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
8. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

Planning Committee 18 December 2018
Report of the Interim Head of Planning

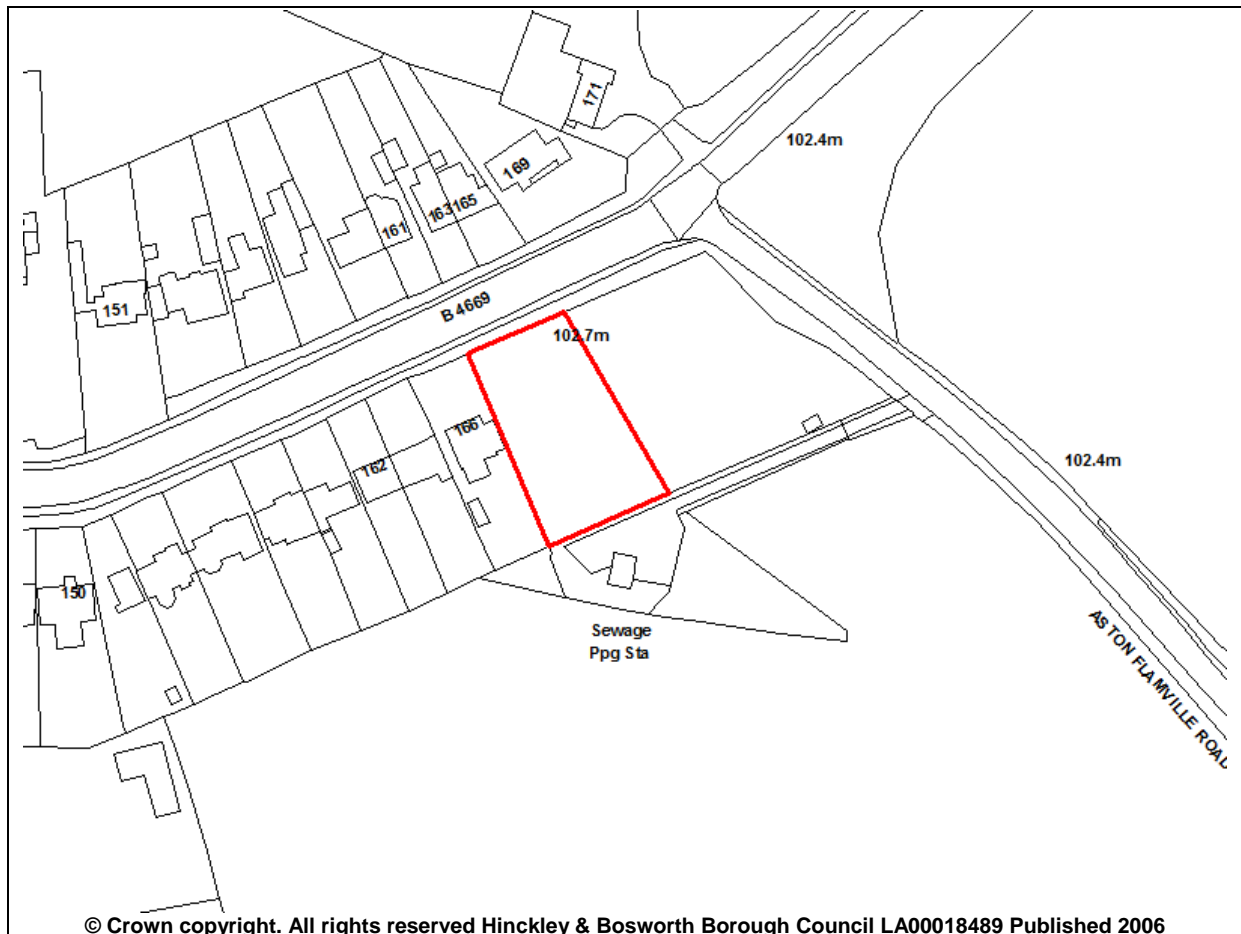
Planning Ref: 18/00903/FUL
Applicant: Mr & Mrs Mottram
Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: Land Adjacent 166 Sapcote Road Burbage

Proposal: Erection of a two storey 4 bedroom dwelling.



1. This application was reported to the previous Planning Committee on the 20 November 2018. Notwithstanding the officer's recommendation that permission be granted, members were minded to refuse the application.
2. Concerns were raised regarding the impact of allowing the development on the character and appearance and intrinsic value of the countryside and its compliance with Policy DM4 of the SADMP.
3. The proposal has not been altered. The recommendations to Planning Committee do not alter from those identified in the previous report to committee and the proposal is considered acceptable in planning terms and recommended for approval subject to the conditions contained in the previous report attached at appendix A.

APPENDIX A

Planning Committee 20 November 2018
Report of the Interim Head of Planning

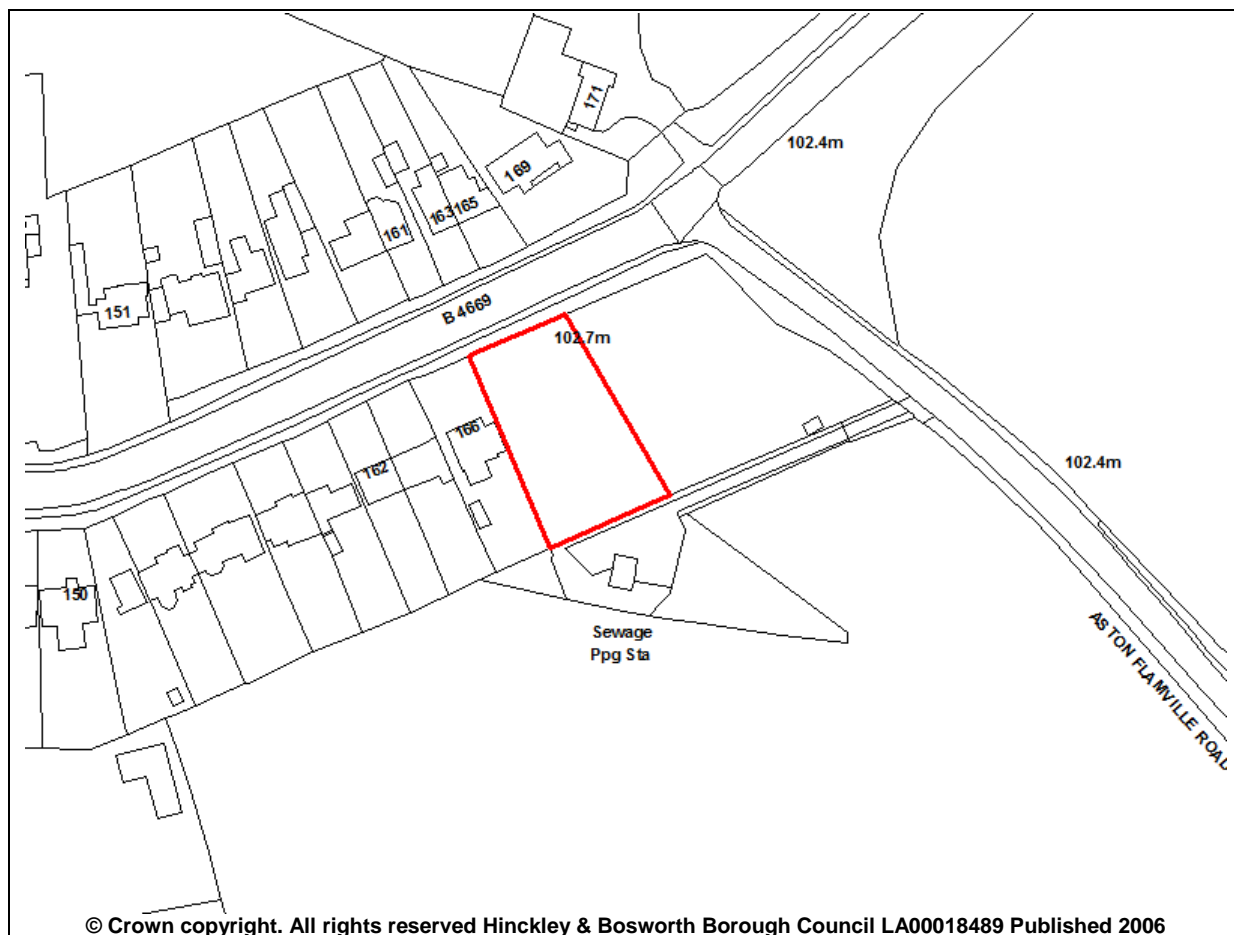
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Applicant: Mr & Mrs Mottram
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Hinckley & Bosworth
Borough Council

Site: Land Adjacent 166 Sapcote Road Burbage

Proposal: Erection of a two storey 4 bedroom dwelling



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This application seeks full planning permission for the erection of a two storey detached dwelling with single storey double garage attached. The dwelling would be sited in line with the existing properties along Sapcote Road. Amended plans have been submitted showing a reduction in the application site area to land immediately alongside no. 166 Sapcote Road and the re-siting of the dwelling within this area.

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2.2. The site would be accessed via a driveway from Sapcote Road. An ash tree would need to be removed alongside the road to facilitate the construction of this access along with the cutting back of foliage.

3. Description of the Site and Surrounding Area

3.1. The application site lies to the east of a line of residential properties along Sapcote Road. On the opposite side of the carriageway and to the north of the site are residential properties. The applicant owns the site to the east which is shown to be planted as a landscape buffer. To the rear of the site lies a sewage pumping station which is bound by a high palisade fence.

3.2. The site fronts onto Sapcote Road. The area within which the application site is situated is characterised by ribbon development with frontages of housing facing towards Sapcote Road. There are a mix of dwelling types in the area which occupy large plots set back from the road.

3.3. The defined settlement boundary of Burbage forms the western boundary of the site and the application site and proposed access are located outside of the settlement boundary.

4. Relevant Planning History

18/00281/FUL	Erection of detached dwelling with attached double garage	Withdrawn	21.05.2018
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5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site. During the consultation process 13 letters from separate addresses were received in support. Following the receipt of amended plans 6 additional letters from separate addresses were received in support and 11 letters from separate addresses were received objecting to the proposal.

5.2. The letters of support relate to:

- 1) Self-build projects should be supported
- 2) The proposal would not cause any harm to the countryside
- 3) This land is wasteland and the proposal would improve its appearance
- 4) This is a nice looking house and will complement the street scene
- 5) The design and scale of the property would be in keeping with the character and appearance of the area
- 6) This land should have been included in the settlement boundary as its part of the village
- 7) The property would not cause any overshadowing, overlooking or loss of amenity

5.3. The letters of objection relate to:

- 1) The site lies outside the settlement boundary
- 2) Brownfield sites should be developed first and the countryside should be preserved
- 3) Building on this site could lead to the loss of more countryside to the south of the site
- 4) The wildlife using the site should be conserved
- 5) The small one bedroomed single storey bungalow to the west of the proposal would be completely swamped between two large buildings

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- 6) No other bungalows along Sapcote Road are completely dominated by buildings either side in this way
- 7) The proposed property would block out natural light to the neighbouring bungalow's kitchen/diner and views from side windows
- 8) All windows and doors facing the adjoining bungalow and rear garden should be obscurely glazed
- 9) This site is close to the freight/rail depot which will have an impact on traffic generation
- 10) This site prevents Burbage joining with Aston Flamville
- 11) A residential scheme was refused at Sherbourne Road in 2016/17 as it was outside the settlement boundary
- 12) Building on land within the countryside would set a precedent for similar residential proposals

6. Consultation

6.1. A letter of objection has been received from Burbage Parish Council relating to the following issues:

- 1) The site lies outside of the parish settlement boundary
- 2) If the site had been located within the settlement boundary then the Parish Council would have raised no objections

6.2. No objections, some subject to conditions, have been received from:

HBBC Environmental Health (Pollution)
HBBC Waste Services
HBBC Environmental Health (Drainage)
Leicestershire County Council (Highways)

6.3. No response has been received from:

Severn Trent Water
Arboricultural Officer

7. Policy

7.1. Core Strategy (2009)

- Policy 4: Development in Burbage
- Policy 19: Green Space and Play Provision

7.2. Site Allocations and Development Management Policies DPD (2016) (SADMP):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. Emerging Burbage Neighbourhood Plan (BNP)

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2018)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Housing and Economic Development Needs Assessment (2017)
- Landscape Character Assessment (2017)

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8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Impact on Ecology

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The emerging Burbage Neighbourhood Plan (BNP) is still in development. The BNP has yet to be submitted to the LPA for comment prior to Examination by an Inspector and subsequent referendum. Therefore, very limited weight can be afforded to it at this time.
- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.5. As of the 20 July 2018, following the publication of the Inspector's appeal decision on 'Land east of The Common, Barwell' (Appeal reference APP/K2420/W/17/3188948) the Council is able to demonstrate a 5 year housing land supply. However, the development plan policies relating to the supply of housing are now considered to be out-of-date and therefore the presumption in favour of sustainable development within paragraph 11 of the NPPF (2018) is triggered.
- 8.6. The site is situated outside the defined settlement boundary of Burbage which forms the western boundary of the application site and includes the land opposite the site to the north. Policy DM4 of the SADMP is therefore applicable and states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or

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- It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- and:
- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - It does not undermine the physical and perceived separation and open character between settlements; and
 - It does not create or exacerbate ribbon development;
- 8.7. The site does not fall under any of the categories identified in DM4 as sustainable development and there is a clear conflict therefore between the proposed development and the policy. This issue will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.

Design and impact upon the character of the area

- 8.8. Policy 4 (Development in Burbage) in the Core Strategy states that to ensure development contributes to Burbage's character and sense of place the Council will protect and preserve the open landscape to the east which provides an important setting for the village and seek to enhance the landscape structure which separates the village from the M69 corridor as supported by the Hinckley & Bosworth Landscape Character Assessment.
- 8.9. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.10. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It should be noted that as the development is not considered to be sustainable development in the countryside in accordance with the first part of Policy DM4, any harm to the intrinsic value, beauty, open character and landscape character of the countryside would therefore be unjustified.
- 8.11. Objections to the application have been received on the grounds that the proposal would be detrimental to the character of the countryside.
- 8.12. The application site lies within the Burbage Common Rolling Farmland in the Hinckley and Bosworth Borough Landscape Character Assessment (2017) (LCA) where smaller scale pasture fields are common around the settlement edges. Land uses are characterised as being very mixed with uses often related to the adjacent urban areas. Part of the application site comprises of an undeveloped paddock which is in an untidy state. Although located within the countryside, to the east and south of the application site are existing residential dwellings. These residential dwellings are located within the settlement boundary for Burbage. Open agricultural fields do lie to the east and south of the site. However, Aston Flamville Road forms a physical barrier to the east of the site along with the location of the sewage treatment plant and its vehicular access which forms a physical barrier to the south of the site.
- 8.13. The site is situated within a prominent position along Sapcote Road and lies within the area to the east of Burbage which is characterised in the LCA as providing a rural setting to this historic settlement. The existing boundary treatment which

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comprises of mature trees and hedgerows along the two road boundaries do shield views of the site from the street scene. The proposal would retain the landscaping along Sapcote Road and Aston Flamville Road with the exception of the removal of an ash tree and the cutting back of vegetation to form the vehicular access into the site. The presence of the sewage treatment plant and its boundary treatment shield views of the site from the countryside to the south of the site. Although located outside the application site, a landscaped buffer is shown on land within the ownership of the applicant. A planning condition could be imposed to ensure that additional planting is undertaken in this area in accordance with the requirements of Policy 4 in the Core Strategy which seeks to enhance the landscape structure which separates the village from the M69 corridor. As such, the development of this plot of land would have limited impact on the open character of the countryside in this location.

- 8.14. The siting of the property would extend the existing pattern of linear development along Sapcote Road. The building of dwellings, along a road, especially which leads out of a town or village, is deemed as ribbon development, and Policy DM4 of the SADMP seeks to resist such development. Although the development would exacerbate ribbon development along Sapcote Road and is situated outside the settlement boundary and so within countryside, the development of this land would not result in significant adverse harm given the surrounding built form, and its close relationship with the immediately adjoining neighbouring settlement boundary. The positioning of the built features around the boundary of the site in this instance ensures that the perceived separation between the settlement and the wider countryside is observed and maintained.
- 8.15. The existing residential dwellings along Sapcote Road comprise of a mix of large detached dwellings and semi-detached dwellings sited in generous plots with mature front and rear gardens. Vegetation forms the frontage of the majority of the plots along Sapcote Road which gives the area its mature and open character. The neighbouring property is a small bungalow. Although the proposal relates to the construction of a large detached property, there are properties of a similar scale to the proposal along this road. The single storey garage has been located near to the boundary with the adjoining bungalow to allow the graduation of heights as the garage has a lower ridgeline height compared with the bungalow. The distance between the two storey element of the proposed property and the boundary with the bungalow is some 8.8 metres. In addition to this distance, the height of the proposed dwelling would be lower than the properties at nos. 162 and 164. As such, it is considered that the separation distances and heights proposed would not dominate the adjoining residential property.
- 8.16. The design of the proposal being constructed from brick and tiles would be in keeping with the character and appearance of the adjoining properties. Therefore, the proposal would not have a significant adverse impact on the character and landscape character of this area of countryside, having regard to the wider pattern of development. As such although the proposal would exacerbate ribbon development, it is not considered to be harmful in this instance for the reasons set out above and therefore the proposal is in accordance with Policy 4 of the Core Strategy and Policy DM4 of the SADMP. The design and scale of the property proposed, whilst being higher than the adjoining bungalow, would be sited away from the boundary with an intervening single storey garage of a lower height. As such it is considered that the proposal would not unacceptably harm the character or appearance of the area and would accord with Policy DM10 of the SADMP.

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Impact upon neighbouring residential amenity

- 8.17. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.18. The nearest neighbouring property is no. 166 Sapcote Road which is situated to the west of the application site. No. 166 is a single storey detached dwelling which faces towards Sapcote Road behind a front garden. An existing post and rail fence forms the boundary with the application site. There are no windows proposed on the side elevation facing no. 166. The closest window on the first floor rear elevation of the proposed property is a bedroom window and this window is located some 10 metres from the boundary with no. 166. As such, in view of the distances involved and the position of this window it is considered that the proposal would not result in any significant loss of privacy to this neighbour.
- 8.19. The principal windows of no. 166 are located to the front and rear of the property. The side elevation does face onto open land. As such the proposal has the potential to cause overbearing impacts and overshadowing to this adjoining property. However, the property has been sited so that the single storey element of the building is located near to this bungalow. The property is in line with no. 166. Therefore, given the distances involved and the reduction in height near to no. 166 it is considered that this proposal would not have a significant overbearing or overshadowing impact on the adjoining residents.
- 8.20. Therefore, the proposal would be in accordance with Policy DM10 of the SADMP in terms of residential amenity.

Impact upon highway safety

- 8.21. Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.22. A new vehicular access would be constructed onto Sapcote Road near to the existing vehicular access into no. 166. There is a public footpath along the frontage of the site which links the site to the settlement of Burbage and the public transport links. Leicestershire County Council (Highways) has confirmed that they have no objections to the proposal and that visibility splays of 65 metres are achievable at the access. They confirm that the site contains sufficient turning and parking to serve the development proposed. As such they recommend that planning conditions are imposed on any consent granted relating to the implementation of the proposed access in full, the provision of visibility splays, hard surfacing and site drainage and the removal of permitted development rights to construct any gates or barriers within 5 metres of the highway boundary.
- 8.23. It is considered that the residual cumulative impacts of development can be mitigated and would not be considered severe in accordance with Paragraph 32 of the NPPF and the proposal is in accordance with Policies DM17 and DM18 of the SADMP.

Drainage

- 8.24. Policy DM7 of the SADMP seeks to ensure that development does not exacerbate or create flooding.
- 8.25. The Environment Agency flood maps identify the site as being located within Flood Zone 1 and do not highlight any concerns relating to surface water flooding. No evidence has been provided to demonstrate that the proposed dwellings would adversely impact on flood risk. However, it is considered reasonable to require drainage details to be provided through a condition to ensure surface water is being

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discharged incorporating sustainable urban drainage. It is considered that the development would be in accordance with Policy DM7 of the SADMP.

Impact upon Ecology

- 8.26. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation. The application site comprises of grassland and scrub land which has been overgrazed. As such it is unlikely to provide a rich habitat for species. The proposal includes the retention of the trees and hedgerow around the site along with additional planting in a landscaped buffer. Accordingly the proposed development would comply with Policy DM6 of the SADMP.

Other matters

- 8.27. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. To support the provision of mixed, sustainable communities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.28. However, Paragraph: 031 Reference ID: 23b-031-20160519 of the Planning Practice Guidance, which is a material consideration, notes that tariff style planning obligations should not be sought for developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000 square metres. As the proposal comprises of a single dwelling with a gross floor space of less than 1000 square metres then a contribution is not required.

Whether on balance the development would be sustainable

- 8.29. The NPPF is a material consideration in determining applications. Paragraph 11 of the NPPF (2018) identifies that plans and decisions should apply a presumption in favour of sustainable development, and for decision taking this means approving development proposals that accord with an up to date development plan. As previously identified following the publication of the Inspector's Report on 'Land East of the The Common Barwell' (Ref: APP/K2420/W/17/3188948) on the 20 July 2018, whilst the Council is able to demonstrate a housing land supply of more than 5 years, it was found that the policies relating to the supply of housing are now considered out of date and therefore the presumption in favour of sustainable development within paragraph 11 of the NPPF (2018) is triggered.
- 8.30. Paragraph 8 of the NPPF states that sustainable development has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The assessment of the three dimensions relative to this proposal are as follows:
- 8.31. Economic – The scheme would provide limited benefits to the local economy through the creation of jobs and demand for services and materials for the construction of the development itself and from the future occupation of the development supporting businesses in the wider rural area.
- 8.32. Social – The scheme would provide a small contribution to the overall housing supply within the Borough through the provision of a new dwelling. The proposal would however provide a dwelling in an area where there is no additional housing allocation outside the defined settlement boundary of Burbage.
- 8.33. Environmental - Although the proposal is situated outside the settlement boundary, it is immediately adjacent to it, and not in an isolated position, with development positioned to the north and west of the site. The development would be within a

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safe walking distance of the local services of Burbage and its public transport links. Given the positioning of the site in relation to the wider area the proposal would not result in a significant adverse impact upon the countryside.

- 8.34. Therefore, it is concluded that the proposed development would not result in any adverse impacts which would significantly and demonstrably outweigh the benefits, when assessed against the NPPF.

9. Equality Implications

- 9.1. **Where No Known Implications** Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The proposal seeks development of the existing land for the erection of a detached dwelling. The site is currently a grassed paddock area, and situated outside but immediately adjacent to the defined settlement boundary of Burbage.

- 10.2. However, although the application site is located outside of the settlement boundary, given the surrounding development and the character of the area, the land is not interpreted as countryside, nor is it an area of physical and perceived separation. Therefore, having regard to the NPPF and the fact that policies relating to the supply of housing are now out of date, paragraph 11 of the NPPF and the presumption in favour of sustainable development is triggered. In this instance the provision of a house on this site would not have a significant and demonstrable adverse impact when assessed against the policies in the NPPF taken as a whole.

- 10.3. In addition, the proposal would not have any significant adverse impacts upon residential amenity, or on vehicular or pedestrian safety and Ecology, and subject to conditions would not result in any adverse impact on drainage. It is considered that the proposed development would be in accordance with Policies DM7, DM10, DM17 and DM18 of the SADMP and paragraph 11 of the NPPF.

- 10.4. Having regard to Policy DM1 of the SADMP and the presumption in favour of sustainable development along with taking into account the relevant Development Plan policies and material planning considerations, it is considered, on balance, that the proposed development constitutes sustainable development. Therefore, the proposal is recommended for approval subject to conditions.

11. Recommendation

- 11.1. **Grant planning permission** subject to

- Planning conditions outlined at the end of this report.

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11.2. Conditions and Reasons

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with the submitted details: 101 01A, 02A, 03A, 04A and the Site Location Plan received by the local planning authority on 30 October 2018.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development above foundation level of the dwelling hereby approved shall take place until samples of the materials to be used in the construction of the external facing materials have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved sample details.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No part of the development hereby approved shall be occupied until the access, parking, turning area and layout arrangements as shown on approved drawing no: 101 01 A shall be implemented in full. Thereafter, the onsite parking provision shall be maintained for such use at all times.

Reason: In the interests of highway safety to accord with Policy DM17 in the SADMP.

5. No part of the development hereby approved shall be occupied until such time as vehicular visibility splays of 2.4 metres by 65 metres have been provided at the site access. These shall thereafter be permanently maintained and no structures, shrubs, trees or other vegetation within those shall be higher than 0.6 metres above the level of the adjacent highway.

Reason: In the interests of highway safety to accord with Policy DM17 in the SADMP.

6. No part of the development hereby approved shall be occupied until such time as the access drive and turning space has been surfaced with tarmacadam or similar hard bound material (not loose aggregate) for a distance of at least five metres behind the highway boundary and, once provided, shall be maintained as such in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway and in the interests of highway safety to accord with Policy DM17 in SADMP.

7. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of five metres of the highway boundary, nor shall any be erected within a distance of five metres of the highway boundary.

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Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway.

8. No development shall commence until surface water drainage details, incorporating sustainable drainage principles (SuDs) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem in accordance with Policy DM7 of the Site Allocations and Development.

9. No site clearance, preparatory work or construction of the foundations of the dwellinghouse hereby approved shall take place until a scheme for the protection of the retained trees and hedgerows has been submitted and approved in writing by the local planning authority. The approved scheme shall be carried out as approved.

Reason: In the interests of preserving the character and appearance of the area.

10. Prior to the construction above foundation level of the dwelling house hereby approved, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the protection of the existing trees and hedgerows, planting plans for the landscaped buffer shown on Drawing No: 101 01A, hard surfacing materials, boundary treatments, fencing specifications, planting plans noting species, plant sizes and proposed numbers and densities.

Reason: In the interests of preserving the character and appearance of the area.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling house and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of preserving the character and appearance of the area.

11.3. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. The site drainage scheme shall be constructed so that no surface water drains onto the public highway. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability.
3. Planning permission does not give approval to work on the public highway. Therefore, prior to carrying out works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

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4. Where soakaway drainage is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results submitted to the LPA and approved by the Building Control Surveyor before development is commenced. If the ground strata prove unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA before this condition can be discharged.
5. The collection point for domestic recycling, garden waste and refuse will be from the adopted highway boundary and so provision needs to be made on site for the storage of containers.

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Planning Committee 18 December 2018
Report of the Interim Head of Planning

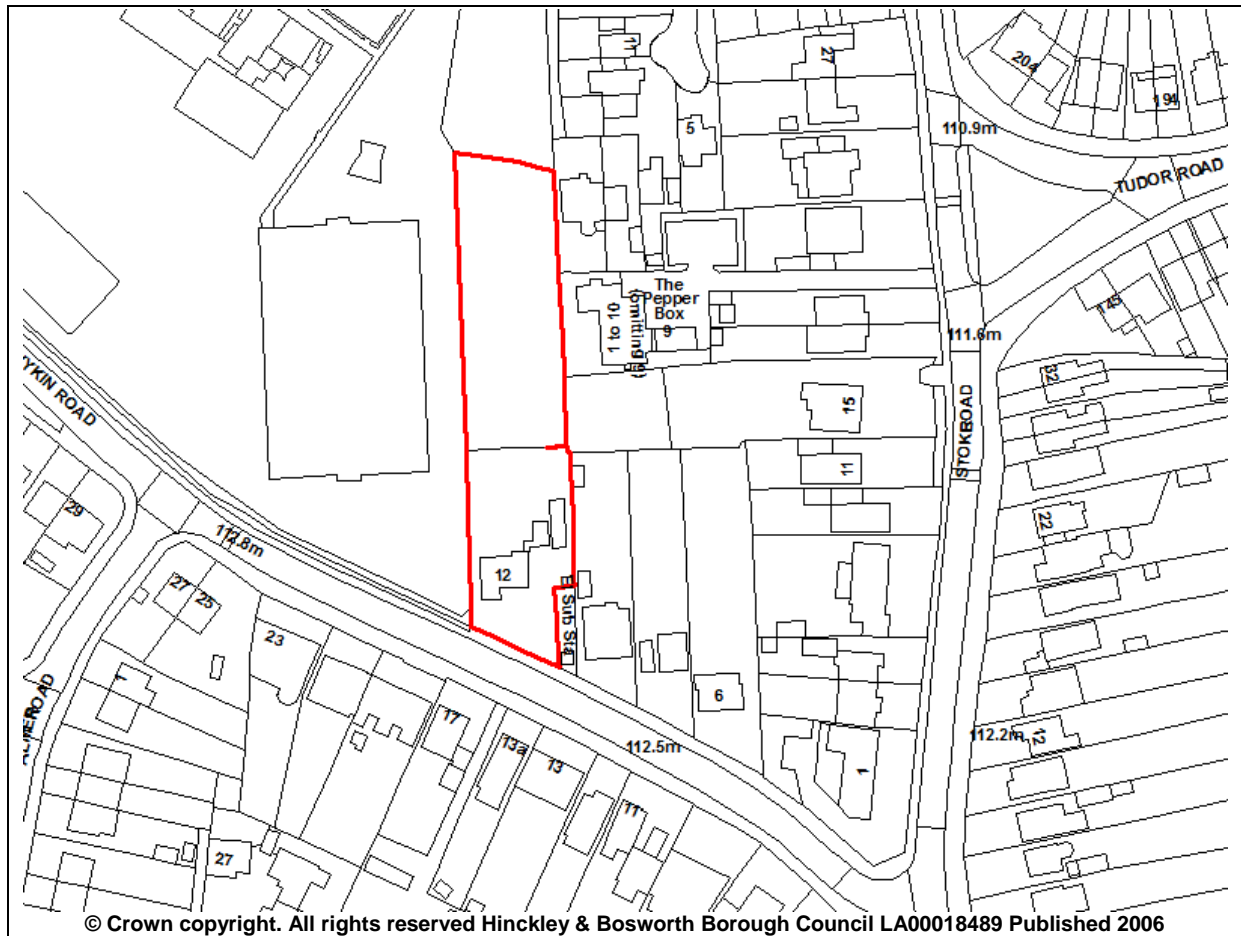


Hinckley & Bosworth
Borough Council

Planning Ref: 18/00827/FUL
Applicant: Mr & Mrs P & T Grant-Reason
Ward: Hinckley Trinity

Site: Newhaven 12 Wykin Road Hinckley

Proposal: Erection of 7 dwellings with associated access (resubmission of 16/00270/FUL)



1. This application was taken to the previous Planning Committee on 20th November 2018. Notwithstanding the officer's recommendation that permission be granted, members were minded to refuse the application; raising concerns in relation to the width of the access road and subsequent separation distance from number 12 Wykin Road.
2. An amended site plan has been received which slightly alters the access drive and thus increases the separation distance between the access road and the side elevation of no. 12 Wykin Road. The applicant has also provided further supporting statements and a letter from a noise consultant, the contents of which are set out below.
3. It is also proposed to replace the existing windows on the front and rear elevation of no. 12 with triple glazing, thus further mitigating the noise implications from the

development. This is to be secured by condition. The rear facing window would also be widened to ensure that internal illumination levels are not diminished.

4. Brick walls are proposed to the front and rear of no. 12 Wykin Road, 1.2 metres high to the front and 1.8 metres high to the rear. The front brick wall also prevents light from the headlights of vehicles shining into the front window of no. 12. This was originally proposed through the application and is not something new, however it should be noted that the brick walls further reduces the noise implications upon the occupiers of no.12, especially the front and rear gardens.
5. The noise consultant letter submitted by the applicant states that the noise impacts on the front elevation of no. 12 from vehicles moving along the proposed access route would be no greater than the existing noise impact of vehicles driving along Wykin Road.
6. Additional comments have been received from HBBC Environmental Health which states that the number of vehicle movements would be classed as insignificant. As such the Environmental Health Officer would not recommend refusal as any impact upon the occupiers of no. 12 would be insignificant.
7. Given the inclusion of no. 12 within the application site, the applicant and any future owners/occupiers would be fully aware of the situation.
8. The reduction in the width of the access drive adjacent to no. 12 is not considered to have any adverse impact upon highway safety. The alteration to the access drive would still allow vehicles to pull clear of the highway and pass by each other without obstructing the highway.
9. Overall it is considered that the bricking up of the windows, provision of brick walls to the front and rear of the site and replacement triple glazing windows would ensure that the occupiers of no. 12 would not be significantly adversely affected by noise and disturbance in accordance with Policy DM10 of the SADMP.
10. Following the submission of amended plans to address issues identified at the previous Planning Committee meeting, the recommendations to Planning Committee do not alter from those identified in the previous report to committee and the proposal is considered acceptable in planning terms and recommended for approval subject to conditions, amended from the previous report to refer to the amended plans submitted.

11. Recommendation

11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

11.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

11.3. Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows:

Site Plan drg. no. AVD-368-WRH-PL02 Rev. E

Existing and Proposed Ground Floor Plan of no. 12 drg. no. AVD-368-WRH-PL08 Rev. A

Received by the Local Planning Authority on 29 November 2018

Site Location Plan drg. no. 2017/12-04/001A

Plots 1 & 2 Floor Plans and Elevations drg. no. AVD-368-WRH-PL03 Rev. A

Plot 3 Floor Plans and Elevations drg. no. AVD-368-WRH-PL04 Rev. A

Plots 4 – 6 Floor Plans and Elevations drg. no. AVD-368-WRH-PL05 Rev. A

Plot 7 Floor Plans and Elevations drg. no. AVD-368-WRH-PL06 Rev. A

Received by the Local Planning Authority on 24 August 2018

Detached Single Garage Floor Plan and Elevations drg. no. AVD-368-WRH-PL07

Received by the Local Planning Authority on 17 August 2018

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

3. No development above foundation level of the dwellings hereby approved shall take place until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings have been deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

4. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

5. The existing vehicular access that becomes partly redundant as a result of this proposal shall be reduced in size and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the LPA in consultation with the Highway Authority within one month of the new access being brought into use.

Reason: To protect footway users in the interests of pedestrian safety to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

6. Notwithstanding the submitted information, prior to the commencement of development, a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. These details shall include:-

- Hard surfacing materials
- Boundary treatments
- Fencing specifications
- Planting plans
- Written specifications
- Schedule of plants, noting species, plant sizes and proposed numbers/densities
- Implementation programme

Reason: To enhance the appearance of the development and to protect the amenity of neighbouring properties, to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

7. The hard and soft landscaping scheme shall be carried out in accordance with the details approved under condition 6. All hard landscaping, planting, seeding or turfing shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: In the interests of visual amenity, and to ensure that the work is carried out within a reasonable period and thereafter maintained, to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

8. Notwithstanding the submitted information, before any development commences on the site, including site works of any description, an Arboricultural Method Statement and Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure the existing trees to be retained are adequately protected during construction and in the interests of visual amenity of the area and biodiversity to accord with Policies DM6 and DM10 of the Site Allocations and Development Management Policies Development Policies DPD.

9. No development shall commence until surface water drainage details, incorporating sustainable drainage principles (SuDS) have been submitted to and approved in writing by the local planning authority and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the development is provided with satisfactory surface water drainage in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD

10. The development hereby permitted shall not commence until drainage plans for disposal of surface water and foul sewerage have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the details before the development is first brought into use.

Reason: To ensure that the development is provided with satisfactory means of drainage and to minimise the risk of pollution accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

11. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site have been submitted to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme, in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

12. Prior to first occupation of the dwellings hereby approved the proposed parking and turning facilities shall be constructed and completed in accordance with the approved Site Plan drg. no. AVD-368-WRH-PL02 Rev. E received by the Local Planning Authority on 29 November 2018 and shall thereafter be permanently remained to serve the dwellings hereby approved.

Reason: To ensure that adequate off-street parking provision is made and to ensure vehicles are able to enter and leave the site in a forward direction to accord with Policy DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

13. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order) no gates, barriers, bollards, chains, or other such obstructions shall be erected to the vehicular access within a distance of 5 metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

14. Notwithstanding the submitted information, prior to first use of development hereby permitted, the proposed access shall have a width of a minimum of 4.8 metres and shall be surfaced in a hard bound material for a distance of at least 5 metres behind the highway boundary. The access once provided shall be so maintained at all times.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.), in the interests of general highway safety to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

15. Prior to first use of development hereby permitted, vehicular visibility splays of 2.4 metres by 43 metres and pedestrian visibility splays of 2.0 metres by 2.0 metres shall be provided at the site access. 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 to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

16. Prior to first occupation of the dwellings hereby approved, as shown on approved plans, Site Plan drg. no. AVD-368-WRH-PL02 Rev. E and Existing and Proposed Ground Floor Plan of no. 12 drg. no. AVD-368-WRH-PL08 Rev. A received by the Local Planning Authority on 29 November 2018 the two ground floor windows on the side elevation of no. 12 Wykin Road shall be bricked up and permanently retained in this form. The brick used shall match that of the existing dwelling.

Reason: To ensure the development does not have a detrimental impact upon residential amenity to accord with Policy DM10 of the adopted Site

Allocations and Development Management Policies Development Plan Document.

17. Prior to first occupation of the dwellings hereby approved, as shown on approved plans, Site Plan drg. no. AVD-368-WRH-PL02 Rev. E and Existing and Proposed Ground Floor Plan of no. 12 drg. no. AVD-368-WRH-PL08 Rev. A received by the Local Planning Authority on 29 November 2018 the two ground floor windows on the front and rear elevation of no. 12 Wykin Road (indicated as serving lounge and kitchen/dining) shall be provided with triple glazing and permanently retained in this form.

Reason: To ensure the development does not have a detrimental impact upon residential amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

11.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. To reduce the impact of the construction works on local residents and the highway the LPA may advise the Applicant to submit a Construction Environment Management Plan. The CEMP could include details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision. The construction of the development could then be carried out in accordance with the approved details and timetable.
4. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.

PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 07.12.18

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	Appeal Valid	DATES
	AC	18/00915/FUL (PINS Ref 3216750)	WR	c/o Agent 15 Ratby Road Groby	15 Ratby Road Groby (Change of use from retail shop (A1) to referral veterinary clinic (D1))	Appeal Valid Awaiting Start Date	22.11.18
	RW	18/00642/FUL	WR	Mr Graham Penney The Oaks Lodges Stapleton Lane Kirkby Mallory	The Oaks Lodges Stapleton Lane Kirkby Mallory (Change of use of bed and breakfast accommodation (Use Class C1) with extensions and alterations to form a residential dwelling (Use Class C3))	Appeal Valid Awaiting Start Date	31.10.18
18/00048/F TPP	SP	18/00717/HOU (PINS Ref 3213956)	WR	Miss Rebekah Goldson 21 Brookside Barlestone	21 Brookside Barlestone (Two storey side extension)	Start Date Awaiting Decision	30.11.18
	AC	18/00624/OUT (PINS Ref 3213307)	WR	Mr W Richardson 295 Main Street Barlestone	295 Main Street Stanton Under Bardon Coalville (Erection of one dwelling (outline - access only))	Appeal Valid Awaiting Start Date	08.10.18
18/00047/PP	AC	18/00156/FUL (PINS REF 3213146)	WR	Mr Peter Hunt Apex Homes 16A Cadle Close Stoney Stanton	Land To The Rear Of 19 De La Bere Crescent Burbage Hinckley (Erection of new dwelling (resubmission of 17/01138/FUL))	Start Date Statement of Case Final Comments	09.11.18 14.12.18 28.12.18
18/00050/PP	RW	17/01268/FUL (PINS Ref 3210717)	WR	Miss Anna Vaughan Mobile Home Meadow Barn Shenton Lane Upton	Meadow Barn Shenton Lane Upton (Removal of two mobile homes and residential storage barn and erection of dwelling)	Statement of case Final Comments	07.01.2019 21.01.2019

18/00045/RPAGDO	EC	18/00343/CQGDO (PINS Ref 3210268)	WR	Mr Martyn Taylor 55 Foxs Covert Fenny Drayton	Cotton View Bosworth Road Wellsborough (Prior Approval for change of use of an existing agricultural building to a dwelling (C3) and associated building operations)	Start Date Awaiting Decision	24.09.18
18/00043/PP	AC	18/00160/OUT (PINS Ref 3208803)	WR	Mr Jon Wetton 154 Wolvey Road Burbage	154 Wolvey Road Burbage (Erection of a dwelling and creation of an access to serve No. 154 (outline - all matters reserved) (resubmission of 17/01135/OUT))	Start Date Awaiting Decision	17.09.18
		18/00165/UNBLDS (PINS Ref 3209195)	PI	Mr Nigel Salt Salt Construction Limited 304 Leicester Road Wigston	Land South Cadeby Hall Main Street Cadeby (Unauthorised erection of a dwelling)	Appeal Valid Awaiting Start Date	13.09.18
	LL	16/00277/UNUSES (PINS Ref 3206296)	WR	Mr F Tailor Oldlands Fenns Lane Dadlington	Oldlands Fenn Lanes Dadlington	Appeal Valid Awaiting Start Date	09.08.18
18/00036/PP	AC	17/00776/FUL (PINS Ref 3204517)	WR	Dr David Hickie 7 Hunters Walk Witherley Atherstone	7 Hunters Walk Witherley Atherstone Erection of timber post and wire fence adjacent to Kennel Lane (resubmission of 17/00310/FUL))	Start Date Awaiting Decision	13.08.18
18/00044/PP	HK	17/00765/FUL (PINS Ref 3203971)	WR	Orbit Group Ltd	The Big Pit Land to the rear of 44 - 78 Ashby Road Hinckley (Erection of 60 dwellings including	Start Date Awaiting Decision	18.09.18
18/00019/FTTREE	CJ	18/00234/TPO (PINS Ref 6812)	WR	William Burke 1 Goulton Crescent Desford	1 Goulton Crescent Desford (1x Scots pine, reduce overall height by 20 feet)	Start Date Awaiting Decision	30.05.18
18/00018/HEDGE	TW	18/00040/HEDGE (PINS Ref 512)	WR	AH Oliver & Son Swepstone Fields Farm Snarestone Road Newton Burgoland	Odstone Hill Farm Newton Lane Odstone	Start Date Awaiting Decision	16.05.18
18/00016/FTTREE	CJ	18/00211/TPO (PINS Ref 6767)	WR	Brian Higginson Village House Coventry Road Marton	32 Northumberland Avenue Market Bosworth Nuneaton (T1 Oak - Fell and replace; T2 Beech - Remove 2 damaged lower limbs)	Start Date Awaiting Decision	16.05.18

Decisions Received

18/00030/PP	JB	17/00552/OUT (PINS Ref 3201693)	WR	Mr & Mrs T & G Moore 42 Coventry Road Burbage	42 Coventry Road Burbage (Demolition of garage and erection of one new dwelling to rear of existing property (Outline - access, layout and scale only))	DISMISSED	29.11.18
18/00020/PP	AC	17/00695/FUL (PINS Ref 3196957)	WR	Mr D Tallis Basin Bridge Bungalow Hinckley Lane Higham on the Hill Nuneaton	Basin Bridge Bungalow Hinckley Lane Higham On The Hill Nuneaton (Demolition of existing dwelling and erection of replacement two-storey, two-bedroom dwelling)	DISMISSED	26.11.18
18/00046/FTPP	AC	18/00377/HOU (PINS Ref 3207112)	WR	Mr & Mrs D Sullivan Harcourt Mill Barton Road Carlton	Harcourt Mill Barton Road Carlton (Two storey side extension and construction of a swimming pool and associated landscaping)	ALLOWED	23.11.18
18/00033/FTPP	TW	18/00333/HOU (PINS Ref 3206141)	WR	Mr Dyer 4 Hall Lane Obstone	4 Hall Lane Obstone (Two storey side and single storey front & rear extensions)	ALLOWED	21.11.18
18/00034/PP	RH	15/00441/FUL (PINS Ref 3197865)	WR	Cartwright Homes Ltd Vicarage Street Nuneaton	Land South Of Chapel Fields Livery Stables Chapel Lane Witherley (Erection of 10 dwellings and associated access)	DISMISSED	16.11.18
18/00039/PP	JB	18/00249/OUT (PINS Ref 3202284)	WR	Mr Jeffrey Allen Medworth Desford Road Desford	Land Adjacent Medworth Desford Lane Ratby (Erection of a single Dwelling after demolition of existing redundant outbuildings)	ALLOWED	14.11.18
18/00026/PP	RW	17/00877/OUT (PINS Ref 3200713)	WR	Mr M Hurst C/O Andrew Granger & Co. Phoenix House, 52 High Street Market Harborough	Land rear of 43 Park Road, Ratby (Outline planning application for development of 5no. dwellings and associated vehicular access) (Re-submission of 16/00999/OUT)	DISMISSED	09.11.18

Appeal Decisions - 1 April - 7 December 2018

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
38	10	27	1	0	10	1	26	0	0	1	0	0	0

Enforcement Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
1	0	0	0	1