

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

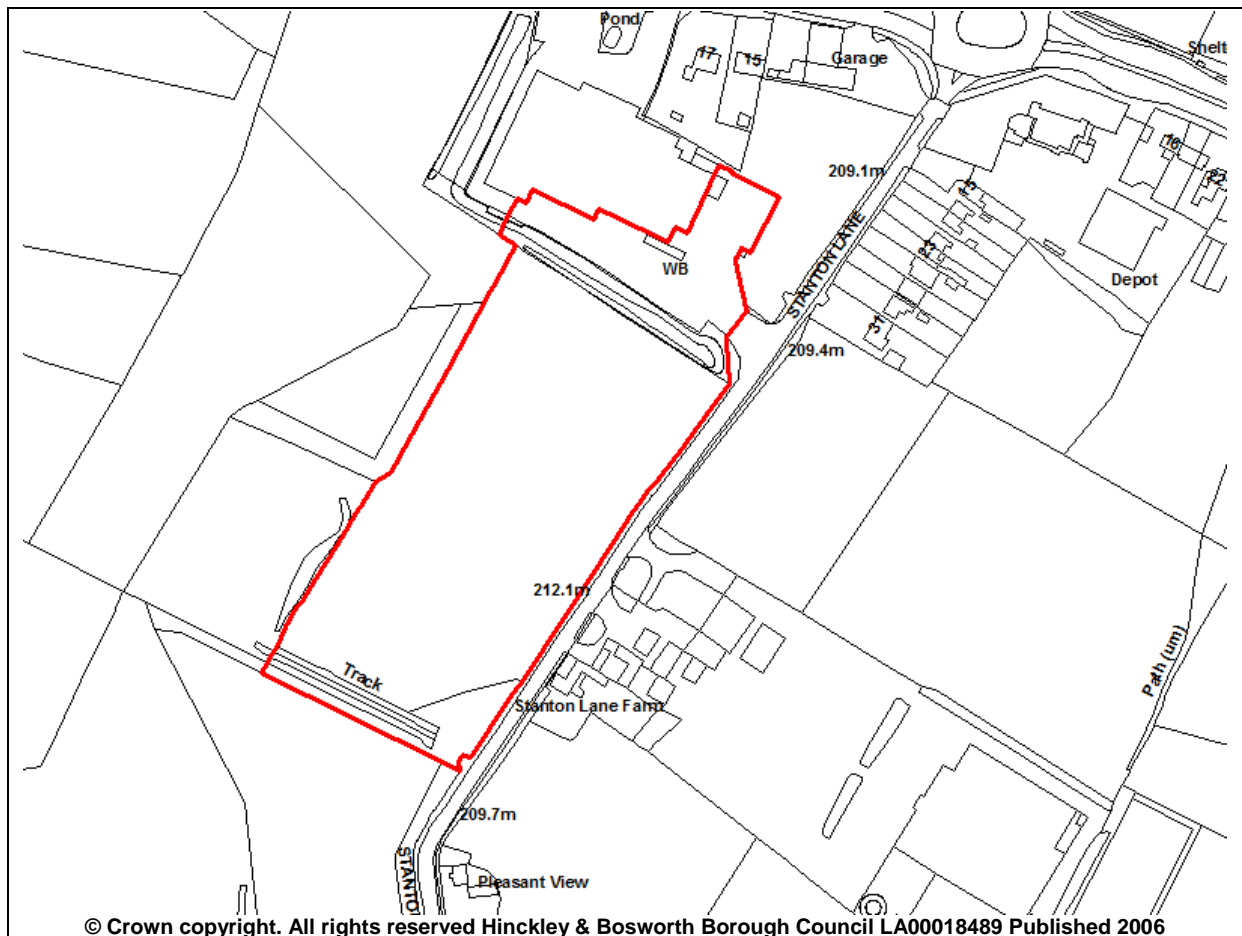


Hinckley & Bosworth  
Borough Council

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 1<sup>st</sup> 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 7<sup>th</sup> and 8<sup>th</sup> 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 12<sup>th</sup> November 2018.

Landscape Strategy Dwg. No. 18.1352.002 Rev A received on 12<sup>th</sup> November 2018.

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

Access Design 22614\_08\_020\_01 Rev E received on 12<sup>th</sup> November 2018

Access Design 22614\_08\_020\_03 Rev A received on 12<sup>th</sup> November 2018

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

Proposed Sections 7627-03-010 Rev A received on 28<sup>th</sup> June 2018

Proposed Elevations 7627-03-006 Rev E received on 28<sup>th</sup> June 2018

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

Existing Plans and Elevations 7626-03-003 received on 28<sup>th</sup> June 2018

Existing Site Plan 7627-03-002 received on 28<sup>th</sup> 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 12<sup>th</sup> 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 28<sup>th</sup> June 2018 and the Arboricultural Impact Assessment received on the 28<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 14<sup>th</sup> 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 12<sup>th</sup> 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 28<sup>th</sup> 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](mailto: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.