

Planning Committee 9th April 2024
Report of the Head of Planning

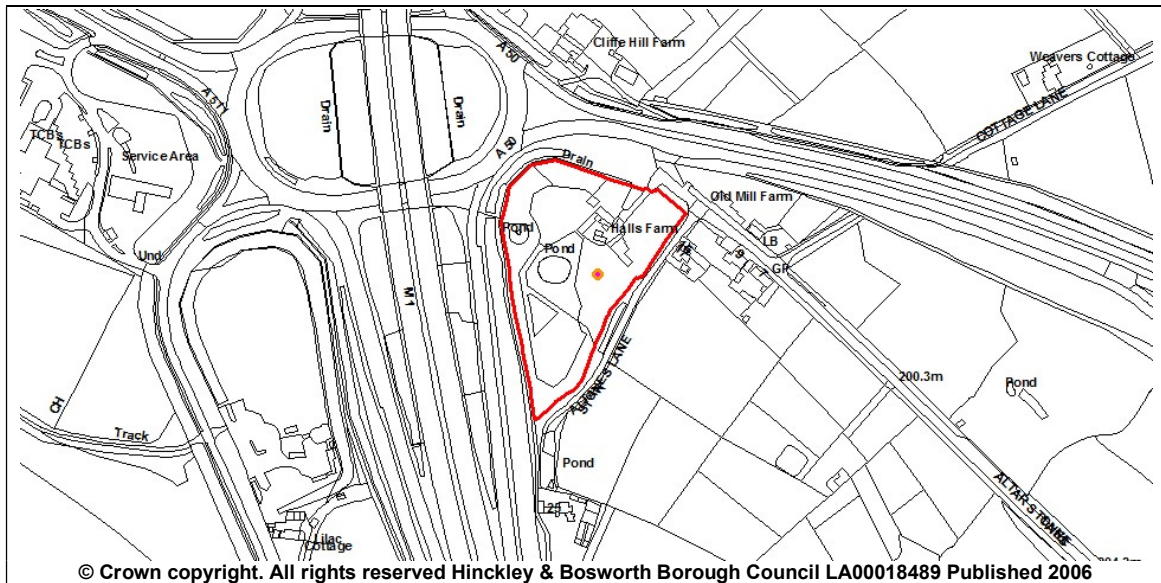


Hinckley & Bosworth
Borough Council

Planning Ref: 23/01000/FUL
Applicant: Mr Ravi Dhir
Ward: Markfield Stanton & Fieldhead

Site: Hall Farm, 16 Altar Stones Lane, Markfield

Proposal: Demolition of existing buildings and erection of 2no. buildings and associated parking areas, landscaping, access, solar panels, EV charging stations and other works for the purposes of car sales



1. Recommendations

Grant planning permission subject to

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - A contribution to National Forest planting to secure the 20% forest planting gains required by Planning Policy- £9,800
 - A contribution to the Coalville Transport Strategy has been requested by LCC highways, officers are still in discussion with LCC highways and the applicants regarding this request. Further information will be reported on the Supplementary Information
 - Planning conditions outlined at the end of this report

1.2. It is requested that the Head of Planning be given powers to determine the final detail of planning conditions and 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. The planning application proposes the development of a site for luxury car sales. The applicant specialises in the sale of luxury cars, in particular prestige electric vehicles. The development will comprise two buildings. Building A will be used for

the storage and display of prestige cars for sale with ancillary office space. Building B will be used for visual inspections, wash down, valeting, and soft preparations (eg interior trim repairs, pit correction etc.) Externally there will be parking for cars awaiting preparation or collection and staff car parking.

- 2.2. The proposed buildings are inspired by agrarian built form, will be barn-inspired and will make use of natural materials. Both buildings will have simple rectangular footprints, gable ends and central ridges and will be a maximum of 1.5 storeys in height. Building A will be the principle building and will be arranged in a horseshoe shape with a lower profile linking structure forming a central courtyard. Building A will include a mezzanine level and a glazed gable feature with glazed openings around the courtyard. Some of the external surfaces will be treated with feature cladding and recessed feature panels to add texture and relief to the elevations. The architectural aim is to create a modern-rural aesthetic. Building B will have a simple rectangular form and will appear secondary and subservient to Building A.

3. Description of the site and surrounding area

- 3.1. The application site is located within the countryside and lies 500 metres away from the settlement boundary of Markfield. Markfield is a “Key Rural Centre Relating to Leicester” which are settlements located on the edge of the Leicester Principal Urban Area and due to their proximity relate primarily to Leicester. The focus on these settlements are to maintain existing services, the separate village identities and improving linkages between these settlements and Leicester.
- 3.2. The application site comprises some 1.42 hectares of land that is bordered by the M1 J22 slip road and Altar Stones Lane. The site is separated from the surrounding roads by a woodland that is Broadleaved National Forest Inventory and Priority Habitat Inventory - Deciduous Woodland and is enclosed by a mixture of trees and hedges, with small sections of stone walls located in the north eastern corner of the site. The site is wedge shaped and falls approximately 5 metres from the main access towards the south. The ground rises along the perimeter boundary towards Altar Stones Lane.
- 3.3. The site has historically been used for residential and agricultural purposes and was most recently used as a small holding although this has remained vacant for some time. The site is predominantly covered by extensive and dense vegetation. It is populated by a mixture of native trees, dense vegetation and pockets of open grassland.
- 3.4. The buildings on site comprise a two storey detached dwelling house and a series of agricultural sheds and stables. The site has two existing access points taken from Altar Stones Lane. The main access is located on the northern boundary with a secondary access located on the eastern boundary.

4. Relevant planning history

22/00281/P3CQ

- Change of use of agricultural building to a single residential dwellinghouse
- Non-determined – Class Q Deemed Consent
- 22.07.2022

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.

6. Consultation

Neighbour Responses

6.1. **4 objections** have been received from interested parties as a result of the publication of the application. The concerns raised are summarised below:

- Lack of compliance with neighbourhood plan
- Flood risk
- Risk posed to health from fans extracting from “paint shop”
- Loss of trees
- Concern regarding use of EV charging points
- Impact on ecological corridor
- Increased traffic on lane / turning at the end of the lane

6.2. **5 representations of support** have been received from interested parties as a result of the publication of the application. The points raised are summarised below:

- New landscaping
- Well designed building
- Electric vehicles good for the environment
- High quality rural business
- Development would deter antisocial behaviour
- Jobs for local people
- Benefits to the community
- Visitors from outside of the area will also use local shops, restaurants and coffee shops

Parish Council

6.3. The parish council **objects** to the development proposals on the following grounds:

- Development would be detrimental to *“the quiet countryside character of this historic and predominantly residential locale.”*
- Impact on the locality’s tranquil sense of place
- Contrary to points 5 and 6 of policy MR22 in Markfield’s Neighbourhood Plan.
- Concerns regarding *“the environmental protections for this biodiverse stronghold, the capacity for water discharge and treatment, the safe disposal of harmful chemicals and flood prevention on a site with known drainage issues.”*
- Notes alternative brownfield site that would better meet the needs of the business.

Consultees

6.4. The following provides a summary of the consultation responses that have been received. Where appropriate the responses have incorporated into the report below.

- National Forest Company – Insufficient space on site to accommodate National Forest planting requests financial contribution
- Friends of Charnwood Forest –
- HBBC Trees – comments incorporated into the body of the report

- LCC Trees – no comment/outside of County remit
- LCC Highways – no objection subject to conditions and legal agreement
- LLFA – no objection subject to conditions
- Environment Agency – no objection
- LCC Contributions – no contributions required
- HBBC Drainage – no objection subject to condition(s)
- Waste – no objection subject to informative relating to waste disposal
- Ecology – no objection subject to condition(s)
- Archaeology – no objection subject to pre-commencement condition(s)

7. Policy

7.1. Markfield Neighbourhood Plan 2020-2039

- Policy M1: Countryside
- Policy M2: Landscape Character
- Policy M3: Green Infrastructure
- Policy M4: Ecology and Biodiversity
- Policy M5: Trees
- Policy M10: Design
- Policy M24: Business Expansion

7.2. Core Strategy (2009)

- Policy 8: Key Rural Centres Relating to Leicester
- Policy 21: National Forest
- Policy 22: Charnwood Forest

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

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

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

Appraisal

- 8.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Flooding and Drainage
 - Trees & Ecology
 - Pollution Assessment

Assessment against strategic planning policies

- 7.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (Dec 2023) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications.
- 7.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009), the Site Allocations and Development Management Policies DPD (2016) and the Markfield Neighbourhood Plan (2021).
- 7.4 Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 7.5 The application site is located in the Countryside where the NPPF provides that planning policies and decisions should enable (inter alia) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings (paragraph 88)
- 7.6 Paragraph 89 of the NPPF continues by explaining that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 7.7 As the site is located outside of the settlement boundary of Markfield, it is necessary to consider the development's compliance with SADMP policy DM4. The purpose of the policy is to safeguard the countryside from unsustainable development to

protect its intrinsic value, beauty and open character and landscape character. The policy sets the circumstances where development in the countryside will be considered sustainable (a to e) and sets a criteria that development in the countryside should meet (i to v).

- 7.8 The development proposals could be seen as complying with “c” as making a significant contribution to economic growth, job creation and/or diversification of a rural business. It is accepted that the development will contribute to economic growth and job creation through the expansion of an existing local business. The applicant’s business has outgrown their current premises in Markfield and now require new purpose-built facilities to meet their business needs. The business currently employs 10 individuals and the expansion - afforded by the development proposals - will create the need to fill an additional 15 positions, taking the company’s workforce to 25 employees. This increase in jobs is considered to represent a significant uplift compared to the current employment requirements of the business. In addition to the local employment benefits it is highly likely that clients visiting the car sales premises will offer patronage to other local businesses.
- 7.9 If it is accepted that the development proposals comply with “c” of DM4 it is also necessary to consider compliance with criteria i to v. The relevant considerations are that the development should not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; not undermine the physical and perceived separation and open character between settlements; not create or exacerbate ribbon development and contribute to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 7.10 Due to the presence of existing built form on the site it is clear that the development would not undermine the physical and perceived separation and open character between settlements. The development would also not create or exacerbate ribbon development. The development’s impact on the intrinsic value, beauty, open character and landscape character of the countryside, as well as its role in the delivery of the National Forest Strategy will be considered elsewhere in this report.
- 7.11 As a matter of principle it is also necessary to consider the policies contained in the Markfield Neighbourhood Plan. Policy M1 relates to countryside and supports development that is otherwise in accordance with: national policies; or strategic planning policies or allocations; or with the other policies of the Neighbourhood Plan. Other policies are considered in full above and elsewhere in his report.
- 7.12 Neighbourhood Plan policy M24 relates to business expansion and supports the expansion of existing businesses where, to take the relevant sections, it would deliver local employment opportunities or support and diversify the rural economy; comprise well-designed new buildings of a size and quality to cater for the identified needs of the existing business; and help meet modern business requirements.
- 7.13 As noted above the development proposals will deliver local employment and support and diversify the rural economy and will meet modern business requirements in the form of a modern, purpose-built premises. The design of the building is considered elsewhere in this report.
- 7.14 Whilst it is acknowledged that the Parish Council consider there to be a conflict with Neighbourhood Plan Policy M23 the policy relates to the conversion of rural buildings. The development proposals do not amount to a conversion and so this policy is not relevant. Nonetheless, the Parish identify conflict with points 5 and 6 of the policy which relates to transport impacts and impacts on the rural character of the area. These matters are considered in the relevant sections below.

Trees & Ecology

- 7.15 Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. Paragraph 180 bullet “d” of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by minimising impacts upon and providing net gains for biodiversity.
- 7.16 As the site is located within the National Forest, a consideration is required of Core Strategy Policy 21 which supports the implementation of the National Forest to the north east of the borough. Within the National Forest new developments will be required to reflect the Forest context in their accompanying landscape proposals and will generally involve woodland planting. In exceptional circumstances, where planting and landscaping cannot be accommodated on or nearby the development site due to lack of land, a commuted sum will be negotiated. This will contribute to the cost of purchasing land for planting, creating a new woodland, providing public access to it and maintaining the site for at least 5 years.
- 7.17 Consideration is also required to Core Strategy policy 22, as the site is also located within the Charnwood Forest. Here, to take the relevant considerations, development will be supported where it retains local character and complements the local landscape and enhances woodland and habitat provision.
- 7.18 As the site is indicated as forming part of the local green infrastructure network, as shown on Neighbourhood Plan map 4, policy M3 is applicable. Policy M3 explains that to be supported, development proposals must demonstrate how they avoid significant harm to key features of the Green Infrastructure network. Where harm is demonstrated to be unavoidable proposals must mitigate and compensate for that harm.
- 7.19 Neighbourhood Plan policy M5 notes that to be supported development proposals that will result in the unavoidable loss of trees or hedgerows must include replacement planting of native species in locations where they would have the opportunity to grow to maturity, increase canopy cover and contribute to the local ecosystem and the appearance of the area.
- 7.20 The submitted Ecological Appraisal shows the site to be of moderate level of ecological interest. Ecological features of interest include woodland, grassland, orchard, and pond habitats. The site has potential to support roosting bats, nesting birds, reptiles, and amphibians.
- 7.21 A package of measures are proposed to be implemented that will include management of retained habitats, reinstatement of aquatic habitat, and habitat creation, provision of roosting opportunities for bats, nesting opportunities for birds and a bug hotel to increase provision on-site for invertebrates. The proposed measures to protect existing biodiversity and to provide the proposed net gains will be confirmed through a Construction Environmental Management Plan and a Landscape and Ecology Management Plan which will be secured by conditions should the Committee be minded to grant planning permission. These conditions will also ensure that there will be no harm to the Green Infrastructure Network and that the requirements relating to the Charnwood Forest are adhered to. It should be noted that the woodland that hugs the site and is an identified component of the Green infrastructure Network will not be impacted by the development proposals.
- 7.22 The Council’s Ecologist has reviewed the submitted Ecological Appraisal and has confirmed agreement with the evaluations contained within it and that Biodiversity net gain has been demonstrated.

- 7.23 In addition to the ecological considerations above, in accordance with Policy 21 of Core Strategy and the National Forest development planting guidelines, 20% of the site area (0.28ha) should be provided as dedicated National Forest planting. There is insufficient space on the site to accommodate forest planting. Accordingly a financial contribution in lieu of on-site provision will be sought. This is calculated at £35,000 per hectare which for this application amounts to £9,800 (0.28ha x £35,000). If the Committee is minded to grant planning permission, a S106 Agreement will be progressed and completed to secure this contribution.
- 7.24 It is also necessary to consider the development's impact on existing on-site trees, and any tree losses must be appropriately mitigated. Whilst the woodland around the site's periphery is to be retained, 39 trees (or tree groups) are proposed to be removed to facilitate the development. This includes C and U Category trees with the exception of the removal of 1 no x B Category Horse Chestnut and the selective thinning within a B Category tree group.
- 7.25 Whilst the scheme would result in a largescale loss of trees, the applicant has provided a compensatory planting scheme comprising 49 native replacement trees and 29 shrubs. A condition will ensure that the species and size of the specimens are appropriate and adequate from a compensatory point of view. It is also recognised that whilst the site is currently wooded in parts, it is poorly managed to the detriment of the health of the trees and the development scheme presents an opportunity to enhance the existing woodland around the site's periphery. This is in addition to the National Forest Planting which will be provided off-site. On balance, with appropriate conditions, the scheme presents betterment in many respects when considering on and off-site planting. This is in addition to the ecological net-gains proposed.
- 7.26 Existing retained trees must be suitably protected during construction and a condition will ensure that this protection is secured.
- 7.27 With the use of the recommended conditions, the scheme is considered to accord with Core Strategy policies 21 and 22, SADMP policy DM4 (insofar as it relates to the National Forest; Neighbourhood Plan policies M3, M5 and M10; and the advice contained in the NPPF.

Design and impact upon the character of the area

- 7.28 The NPPF requires the creation of high quality, beautiful and sustainable buildings.
- 7.29 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 7.30 Neighbourhood Plan policy M2 relates to landscape character. The policy requires development to conserve and, where possible, enhance the character and qualities of the local landscape through appropriate design of development proposals; retain and where possible enhance woodland, hedgerows, mature trees, and stone walls as features of landscape importance unless it is demonstrated this is not viable or practicable; be well integrated within the landscape with planting to soften urban edges; be located and designed so as not to significantly harm the important long views from the publicly accessible locations at Bill Barra Hill, Hill Hole, and Altar Stones identified on the Map of Views; and provide appropriate landscape mitigation and/or suitable off-site enhancements.
- 7.31 Neighbourhood Plan policy M10 requires development to be in keeping with the scale, form and character of its surroundings. The policy also requires the protection of important features including traditional walls, hedgerows and trees.

- 7.32 The design response offered by the scheme, which draws upon the site's agrarian past is considered to be appropriate in its context.
- 7.33 The application has been accompanied by a Landscape Visual Impact Assessment. The LVIA clarifies that the existing woodland, hedgerow and mature trees will be retained as far as possible although clearance and thinning will be necessary within the vicinity of the proposed built form.
- 7.34 The LVIA concludes that overall the landscape effects would be neutral with the character and qualities of the wider landscape preserved.
- 7.35 Due to the surrounding topography the development proposals will not impact upon long views from Hill Hole or Altar Stones nature reserve or other views identified in the Neighbourhood Plan Map of Views. Views from other nearby receptors, such as local residents and road users would be limited due to the retention of the perimeter vegetation and building design. No effect above minor and neutral have been identified.
- 7.36 Whilst the LVIA photomontages have been produced during the summer, when the surrounding vegetation is denser and provides the greatest level of screening, Officers accept the overall conclusions set out in the LVIA and recognise that the development will not be impactful from an LVIA point of view.
- 7.37 A degree of harm will arise from the development when considering the change in character of the site from agricultural/residential to a commercial character. This will in part be mitigated by factors including the site's proximity and relationship to the road network, the agricultural design cues and scale employed in the building design, and the retained woodland and compensatory planting although there will clearly be a residual level of harm - harm to the intrinsic character, beauty and open nature of the countryside - and this harm should be weighed into the overall planning balance. This is considered to represent a moderate policy conflict with SADMP Policy DM4 and is weighed in the planning balance at the end of this report.
- 7.38 A condition will secure full details of proposed boundary treatments which will include full details and a method statement concerned with the retention or replacement of the remnants of the dry stone wall located on the site's boundary.

Impact upon neighbouring residential amenity

- 7.39 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties and a good standard of amenity for all existing and future occupants of land and buildings including matters of privacy and amenity. Similarly paragraph 135 of the NPPF (inter alia) requires development proposals to create places which promoted health and well-being, with a high standard of amenity for existing and future users
- 7.40 Neighbourhood Plan policy M10 provides that the amenities of residents in the area should not be significantly adversely affected, including by loss of daylight/sunlight or privacy.
- 7.41 The minimum distance between the proposed new buildings and the nearest neighbouring dwelling house is 38 metres. This level of separation will ensure that no harmful impacts will arise when considering privacy, overbearing impacts, overshadowing or increased sense of enclosure. Due to the site's proximity to the road network, it is already a high noise environment and so it is unlikely that any harmful level of noise or disturbance would arise from the development proposals. The amenities of neighbouring occupiers will not be harmed in this respect and the development proposals subsequently comply with SADMP policy DM10, Markfield Neighbourhood Plan Policy M10 and the advice contained in the NPPF.

Highway Matters

- 7.42 Policy DM17 of the SADMP supports development proposals where they demonstrate that there would be no adverse impacts on highway safety and that development is located where the use of sustainable transport modes can be maximised. Policy DM18 of the SADMP seeks an appropriate level of parking provision within sites to serve the development. Policy 115 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 7.43 Neighbourhood Plan policy M10 requires development to be served by safe and suitable access and provide adequate external storage space for bins and recycling as well as vehicles and cycles.

Access Arrangements

- 7.44 There are two existing vehicular accesses to the site. Both accesses are taken from Altar Stones Lane, an unclassified road which is subject to the national speed limit. One access is situated to the north of the site, whilst the other is situated to the southeast. The northern access is situated at the end of Altar Stones Lane, which is a no through route.
- 7.45 The applicant proposes improvements to the northern access. This includes the widening of the access to a formal bellmouth arrangement with 6m wide access road, 10m radius bellmouth to the east, and 3m radius to the west. Part of the existing frontage wall in private land would be set back to facilitate the changes. A drainage channel would be provided within the site to prevent surface water from flowing into the highway. A set of inward opening gates are also proposed on the private access road, set back 6m from the adopted highway, and 15.5m from the access bellmouth give way line.
- 7.46 A vehicular visibility splay of 2.4 x 25m has been shown to the south of the access only. The Applicant has stated the splay would be suitable for vehicle speeds in a 20mph environment. Normally a visibility splay of 2.4 x 215m is required, in both directions, for a road that is subject to the national speed limit, or a speed survey demonstrating that appropriate visibility can be achieved in line with the recorded speeds of passing traffic. However, under the site specific circumstances the Highways Authority accepts it is highly unlikely vehicles would be travelling in excess of 20mph on approach to the site access, given it is situated at the end of the road. As such, it would not be necessary to demonstrate visibility by means of a speed survey. The scheme will provide a dedicated area of the proposed access/turning head as highway, otherwise a section of the turning head would fall within private land.
- 7.47 Swept path analysis of a car and a refuse collection vehicle have been provided showing both vehicles turning left into and right out of the site. The Highway Authority previously cautioned that the occupier or site requirements could change over time which could result in the site being serviced by larger vehicles such as multi-vehicle transporters. The Applicant has reiterated that the site is not large enough to be a main dealership, which would typically use large multi-vehicle car transporters and that all vehicles transported to/ from the site will be transported by either single car transporters or driven individually.
- 7.48 The southeastern access is located on a separate arm of Altar Stones Lane. This is also subject to the national speed limit and a no through route, however is a single

track road. 2.0 x 12m vehicle visibility splays have been shown on the drawing, which would be suitable for a road with vehicle speeds of 10mph.

7.49 It was previously suggested by the Highway Authority that the existing south-eastern access could be permanently closed on the basis that the Applicant had stated this would not be used by visitors or staff. Alternatively, situations in which the access would be used were requested. The Applicant has stated it is still the intention to retain the access, yet due to its nature it cannot be used in any intensive form and would be used infrequently. Overgrown vegetation would be cut back and drainage installed to prevent surface water flowing in to the highway.

7.50 Whilst the Highway Authority accept that the south eastern access is unlikely to be used on a frequent basis, given the design of the site and location of the northern access, there is concern that larger vehicles would not be able to turn within the site. If this were to occur, the Applicant could load and unload from the highway in front of the main northern access, with vehicles being driven to/ from the site through the south eastern access and the single track arm of Altar Stones Lane (leading to Altar Stones Lane Cattery) used for turning. To avoid this happening the Highway Authority recommend the imposition of a Delivery Service Management Plan with view to controlling the types of vehicles travelling to and from the site and precluding the loading/unloading of vehicles on the highway. This would be secured by condition if planning permission is granted.

Highway Safety

7.51 The Applicant has provided data regarding Personal Injury Collisions (PIC) in respect Altar Stones Lane, a section of the A50, a section of Whitwick Road and the slip roads leading to the A50. The Highway Authority agrees with the Applicant that there appears to be no pattern or trend and that the proposals are unlikely to exacerbate an existing highway safety concern.

Trip Generation

7.52 The Applicant has undertaken an assessment of the level of traffic the proposals could generate. The Applicant states that one to two new car deliveries per weekday would be forecast. These would be driven to the site by staff and not arrive on a transporter. In addition, one to two deliveries per weekday are anticipated, including post and package deliveries, along with 'preparation operation' deliveries on a monthly basis. In terms of customer visits, it is stated these would be strictly on an appointment only basis, with up to two appointments occurring at any one time.

7.53 The Highway Authority has confirmed that the trip generation would not amount to a severe cumulative impact on the highway network and so the NPPF threshold of acceptability is not breached.

Junction Capacity & Off Site Implications

7.54 The Highway Authority has raised concerns that the Field Head roundabout is operating over capacity during the peak hours and have requested a contribution towards the Coalville Transport Strategy which would deliver improvements to the junction. Officers await full details of the requested contribution. It is anticipated that this matter will be resolved in advance of the Committee Meeting and an update will be provided to Members.

Site Layout

7.55 Details of the site's internal layout have been provided. The parking area adjacent to Building A would facilitate parking for 40 cars to be stored / displayed, being parked by site staff.

- 7.56 The parking area adjacent to Building B would be for staff comprising of 22 tandem spaces, whilst the four parking bays on the entrance drive would be for visitors. While it would be preferable for staff parking not to be fully in a tandem arrangement, it is accepted that staff familiarity and working patterns would mean that parking arrangements could be managed internally. As such and given the scale of the proposals, as such it is unlikely staff vehicles would be parked within the highway. The Highway Authority has advised that the number of parking spaces is acceptable.

Highway Trees

- 7.57 There are a group of highway trees fronting the site which originally appeared to be identified for removal. This matter has been clarified with the applicant who states that it is not the intention to remove the highway trees and the drawings have been updated accordingly to reflect this.

Highways Conclusion

- 7.58 The response from the Highway Authority confirms that the adequate parking, access and turning is provided on site and that the development proposals would not lead to a threat to highway safety or result in a severe cumulative impact of the highway network. With the use of the relevant conditions and the potential contribution to the Coalville Transport Strategy (to be discussed further), the development proposals are considered to accord with SADMP Policy DM10 DM17 and DM18; Neighbourhood Plan policy M10 and the advice contained in the NPPF.

Flooding & Drainage

- 7.59 Paragraph 173 of the NPPF requires that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.

- 7.60 The application site is located in Flood Zone 1 and is at low to medium risk of surface water flooding. The drainage strategy is underpinned by the discharge of surface water via pervious paving. Having confirmed that the Applicant controls the land in the vicinity of the surface water discharge point, the LLFA is satisfied with the drainage strategy in principle and raises no objection to the development proposals. The detailed design and maintenance of the drainage system can be dealt with by an appropriately worded condition. With the use of the conditions noted at the end of this report, the development proposals accord with SADMP policy DM7 and the advice contained in the NPPF.

Pollution

- 7.61 Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties and a good standard of amenity for all existing and future occupants of land and buildings including matters of lighting, air quality, noise and vibration.
- 7.62 Similarly, Neighbourhood Plan policy M10 provides that the amenities of residents in the area should not be significantly adversely affected by poor air quality, noise and light pollution.
- 7.63 Due to the site being proposed for a more intensive use, compared to the existing or approved arrangement, it is necessary to consider potential impacts relating to noise and disturbance. The noise and disturbance will be limited to car deliveries and the vehicle preparation activities. One to two cars are expected to be delivered

per day but would be driven by staff rather than arriving on a transporter. The vehicle preparations will be limited to valeting and soft repairs.

- 7.64 It should be recorded that whilst the Environmental Health Officer raised no objection to the development proposals they suggested the relocation of access doors serving building B to an elevation facing away from the existing neighbouring residential land uses. Given the existing noise environment from the surrounding road network; the nature of the car operations proposed within building B which are proposed to comprise visual appraisal, wash down, soft preparation, interior trim repairs and valeting; and the separation distance of approximately 43m to the nearest neighbour, this amendment is not considered to be necessary or reasonable in this instance.
- 7.65 Due to the absence of objection from the Environmental Health Team, the separation distances from neighbouring residential land uses, plus the existing high noise environment arising from the site's proximity to the M1; noise and disturbance arising from the proposed use is not considered sufficient to warrant the refusal of this planning application. A reason for refusal on this basis cannot reasonably be substantiated.
- 7.66 A condition is recommended to be applied to any decision notice to control any external lighting that will be required to support the scheme. With the use of such a condition, no nuisance should arise from any external lighting scheme.
- 7.67 With the use of the recommended conditions, the development proposals are considered to comply with SADMP policy DM10, Markfield Neighbourhood Plan Policy M10 and the advice contained in the NPPF.

Other Matters

- 7.68 Whilst it is noted that an objector raised concern about the potential for air pollution arising from solvent use, this is not considered to be a valid planning objection. Planning cannot control the use of solvents that have been lawfully purchased for a lawful purpose. If a nuisance should arise, it would be controlled by Environmental Health legislation.
- 7.69 It is noted that concern has been raised about the use of the EV Charging points. If permission is granted, these will only be used by clients and employees of the car showroom only, they will not be available for use by the general public.

8. Equality implications

- 8.1 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.

- 8.2 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.
- 8.3 There are no known equality implications arising directly from this development.

9. Conclusion

- 9.1 Planning decisions should be determined in accordance with the development plan unless material considerations indicate otherwise. This report has shown that the development proposals are broadly acceptable in principle although it is clear that some harm arises when considering the change in character of the site from rural agricultural/residential to a commercial use such that there is some conflict with SADMP policy DM4 and Neighbourhood Plan policy M10 which both seeks to protect the countryside and the prevailing character of the area.
- 9.2 This harm is in part mitigated by the discreet and well screened nature of the site; the site's proximity and relationship to the road network; the agricultural design cues and scale employed in the building design; and the retained woodland and compensatory planting. It is recommended that this harm is apportioned moderate weight when considering the overall planning balance and should be considered in the light of the NPPF guidance that supports the sustainable growth and expansion of all types of businesses in rural areas and recognises that sites to meet local business needs in rural areas may have to be found beyond existing settlements. The NPPF advice in support of the rural economy is a material consideration that weighs heavily in favour of granting planning permission.
- 9.3 It should be recorded that this report has shown compliance with a number of development management policies in respect of matters relating to the design of the proposals, the scheme's impact on neighbouring occupiers, highways matters, pollution, trees, and flooding and drainage. These matters are not benefits as such and should be held in neutral weight in the overall planning balance.
- 9.4 The provision of ecological net gains together with the benefits of the existing retained woodland being the subject of a management plan should be held in moderate positive weight in the planning balance.
- 9.5 There are a number of social and economic benefits arising from the scheme including the provision of new jobs and further securing the existing jobs provided by Hillmoren. There are also economic benefits arising from the potential for linked trips by clients to other nearby businesses. Economic benefits will arise during the construction phase of the development when considering employment in construction albeit temporary and short-term. Together the social and economic benefits are held in significant positive weight.
- 9.6 The significant social and economic benefits arising from the scheme are not considered to be outweighed by the harm arising from the policy conflict with SADMP policy DM4 and Neighbourhood Plan policy M10 and the advice of the NPPF provides guidance that weighs heavily in favour of granting permission. The development proposals are considered to constitute sustainable development and planning permission should be granted.

10. Recommendation

- 11.1 **Grant planning permission** subject to the following conditions and reasons:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

- 2237_0001_P01_Site Location Plan_20230927
- 2237_0010_P05_Existing Site Plan_20230927
- 2237_0050_P09_Proposed Site Plan_20230927 20.3.24
- 2237_0055_P05_Building A - Proposed Plans_20230927
- 2237_0056_P04_Building A - Proposed Elevations & Sections_20230927
- 2237_0060_P05_Building B - Proposed Plans_20230927
- 2237_0061_P03_Building B - Proposed Elevations & Sections_20230927
- 2237_0080_P01_Architectural Visualisation_20230927
- 2237_0081_P01_Architectural Visualisation_20230927

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development shall take place above damp proof course level on the buildings hereby approved until full details of the materials to be used on the external elevations of the proposed buildings have first been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Deliveries shall not take place, the uses hereby approved shall not operate and the premises shall not be open to the public outside the following times:-
08:00 - 18:00 Monday - Friday

08:00 - 1500 Saturday

Deliveries shall not take place, the uses hereby approved shall not operate and the premises shall not be open to the public at anytime on any Sunday, Public and Bank Holidays

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Construction work arising from the development hereby permitted shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays. Construction shall not take place at any time on Sundays and Public Holidays unless otherwise agreed in writing.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Prior to the commencement of development, including any demolition or vegetation clearance, there shall first be submitted to and approved in writing a Construction & Environmental Management Plan: Biodiversity (CEMP). The CEMP shall include the following details:
- A) Identification of potentially damaging construction activities
 - B) identification of biodiversity protection zones
 - C) practical measures and sensitive working practices to avoid or reduce impacts during construction
 - D) timing of works to avoid harm to protected species
 - E) responsible persons for overseeing sensitive works
 - F) use of protective fencing where required

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In order to protect habitats and wildlife from construction activities in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the advice contained in the NPPF.

7. No development shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the LPA. The LEMP shall include the following details:
- A) description and evaluation of the features to be created/managed
 - B) aims and objectives of management
 - C) appropriate management options for achieving aims and objectives
 - D) prescriptions for management actions
 - E) work schedule
 - F) species/seed mixes to be planted/sown
 - G) ongoing monitoring and remedial measures

The approved plan will be implemented in accordance with the approved details.

Reason: To secure biodiversity net gains in accordance with Section 41 of the NERC Act re UK Biodiversity Action Plan Priority Species (Species of Principal Importance; Policy DM6 of the Site Allocations and Development Management Policies DPD 2016; and the advice contained in the NPPF.

8. 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 in writing 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 first use of the premises.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to and

approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and the surface water drainage scheme completed prior to first occupation.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with the advice contained in the NPPF.

10. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

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.

11. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

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 surface water drainage system (including sustainable drainage systems) within the proposed development.

12. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.

13. No development shall take place above damp proof course level on the buildings hereby approved until there has first been submitted to and approved in writing by the Local Planning Authority a scheme of soft and hard landscaping. The scheme of soft landscaping shall be in broad accordance with the details shown on the Tree Planting Plan prepared by Outline Trees dated September 2024 and shall include a planting plan, specification (including cultivation and other operations associated with plant, tree and grass establishment), schedule of plants noting their species, planting sizes and proposed number/density and implementation schedule.

The details of the scheme of hard landscaping shall include full details of the proposed finished floor levels and contours, means of enclosure, hard surfacing materials and any minor artefacts or structures (eg bollards, refuse storage).

The details of the means of enclosure will include full details and a method statement concerned with the retention and/or replacement of the remnant dry stone wall located on the site's boundary.

All hard and soft landscaping works shall be carried out in accordance with the approved details prior to the first use of the development hereby approved or in accordance with a timetable approved in writing by the Local Planning Authority and retained in accordance with the approved details thereafter. Any tree, shrub or plant shown as proposed or retained on the approved scheme of soft landscaping that is removed or dies or becomes seriously diseased/damaged, within 5 years of planting, shall be replaced in the next planting season in accordance with the approved species, size and quantity.

Reason: In the interests of good design and visual amenity and to protect the rural character of the area in accordance with SADMP policy DM4 and DM9; Neighbourhood Plan policy M10 and the advice contained in the NPPF.

14. No development shall commence on the site until such time as a Construction Traffic Management Plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2023).

15. No part of the development hereby permitted shall be first used until a Delivery Service Management Plan to prevent loading and unloading in the highway has been submitted to and agreed in writing by the Local Planning Authority. This shall include, number of deliveries, details of the types of delivery vehicles and accesses to be used to serve the development and also state larger vehicles such as HGV's and multi vehicle transporters would not be used, unless it can be demonstrated such a vehicle can ingress and egress the site in a forward gear. The approved document shall be adhered to at all times for the operational duration of the development.

Reason: To reduce the possibility of the proposed development leading to large vehicles loading, unloading and turning in the highway, in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (December 2023).

16. No part of the development hereby permitted shall be first used until such time as the access arrangements shown on Vectio Consulting drawing number 001 Rev A 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 (December 2023).

17. No part of the development hereby permitted shall be first used until such time as vehicular visibility splays of 2.4 meters by 25 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (December 2023).

18. The development hereby permitted shall not be first used until such time as the parking and turning facilities have been implemented in accordance with Thinking Buildings drawing number 0050 Rev P09. Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 and DM18 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (December 2023).

19. The development hereby permitted shall not be used until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (December 2023).

20. No external lighting of the site shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the amenities of neighbouring residential occupiers in accordance with SADMP policy DM10, Markfield Neighbourhood Plan Policy M10 and the advice contained in the NPPF.

21. The development shall be carried out in accordance with the recommendations and measures contained within the Arboricultural Impact Assessment & Method Statement (including Tree Protection Plan) prepared by Outline Trees dated September 2023.

Reason: To protect trees that are important to the character of the area in accordance with SADMP policies DM4 and DM10, Neighbourhood Plan policy M10 and the advice contained in the NPPF.

22. The Electric Vehicle Charging points hereby approved shall only be used of clients and employees of the car dealership and not by the general or passing public at any time.

Reason: In order to protect the rural character of the area and the amenities of neighbouring residential occupiers and to manage highway impacts in accordance with SADMP policies DM4, DM7 and DM10; Neighbourhood Plan policy M10 and the advice contained in the NPPF.

11.2. Informatives

- 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>
- Any works to highway trees will require separate consent from Leicestershire County Council as Local Highway Authority (telephone 0116 305 0001). Where trees are proposed to be removed, appropriate replacements will be sought at the cost of the applicant.
- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- Please note that all businesses have a duty of care to ensure that any waste produced is handled safely and within the law.
- All waste produced by a business including (but not limited to) paper, cardboard, cans, retail packaging, and food wrappers/waste, is commercial waste. For this reason, it legally has to be discarded in a certain way via a trade waste service or transfer station and cannot be disposed of through the residential service. Please ensure there is adequate space on the property to store the waste containers for the business.
- Businesses should arrange their own business/trade waste collection service. If you give your waste to someone else you must be sure that they are authorised to take it and can transport, recycle or dispose of it safely
- This decision notice should be read with the legal agreement referenced [**To be Completed**]

