

**Planning Committee 28 July 2020
Report of the Planning Manager**

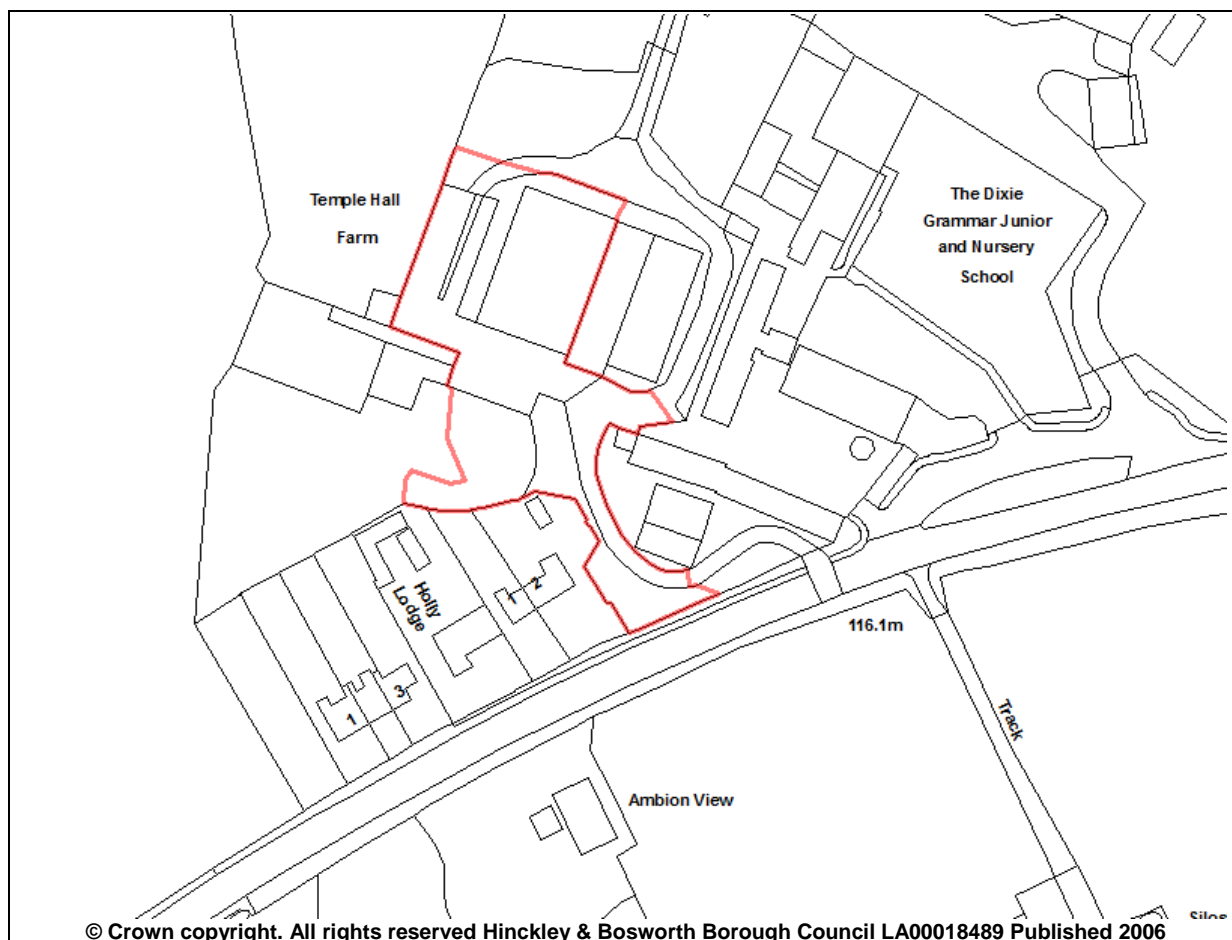
Planning Ref: 20/00354/FUL
Applicant: M Milner
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Temple Hall Farm Bosworth Road Wellsborough

Proposal: Change of Use of agricultural building to commercial use (B8) and relocation of access (part retrospective)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. The application seeks a retrospective permission for the change of use of 2 agricultural buildings totalling approximately 670 square metres to commercial use (B8) and relocation of the existing access. It is understood the agricultural buildings internally form one large open space and are already being used as B8 however the proposed relocated access has yet to be constructed.
- 2.2. The plans have been amended during the course of the application. The amendments include removing trees from the proposed landscaping and relocating

the turning area to the north-east of the site away from the classrooms located to the south-east, associated with Dixie Grammar Junior School.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located in the countryside in an undesignated rural hamlet known as Wellsborough approximately 4 kilometres west of Market Bosworth. The original farmhouse is to the south east of the site and is now occupied, along with the traditional buildings, as an independent school. The modern buildings have until recently been used for the housing of cattle and part of a dairy farm.
- 3.2. The site is currently accessed off Bosworth Road, which is a C class road subject to a 50mph speed limit. The adjacent school, which lies immediately to the east, includes a converted Grade II listed former Farmhouse (Temple Hall Farm) and courtyard ranges of brick and tile outbuildings. There are open agricultural fields to the west and north of the site and a row of residential properties to the south fronting onto Bosworth Road.
- 3.3. The application site measures approximately 0.2 hectares and comprises 2 vacant steel framed former agricultural buildings. Outside of the red line but sharing the access there are 2 other buildings and an open sided barn. These buildings are to retain their agricultural uses as is the former slurry pit. The brick built building and open sided barn are to the east of the two buildings forming this change of use application. The third agricultural building is smaller and detached from the others and located towards the front of the site.
- 3.4. There is a circulation area for servicing around the main buildings with an unmade vehicular access via a field gate off Bosworth Road immediately adjacent to the school buildings and a layby off Bosworth Road. A large linear bund lies along the west boundary of the site with a post and rail fence denoting the boundary between the site and the adjacent row of dwellings.
- 3.5. The existing agricultural buildings are constructed of a mix of materials; the two which form part of the application are steel framed with part concrete blockwork and part vertical timber boarding and roof.

4. Relevant Planning History

None

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.
- 5.2. There has been six third party representations with the following concerns raised:
 - 1) There are no toilet facilities
 - 2) Amendments do not address the problem of traffic generated by the farm use which surrounds the site
 - 3) Access is used by tractors and lorries causing damage to the road and pavement
 - 4) Hedge is an improvement to the landscaping but trees would cause issues with light and subsidence
 - 5) Relocating the access will cause the houses to shake
 - 6) Lorries create lots of noise at unsociable hours
 - 7) Farm vehicles will continue to use the site and there should be a 7.5 tonne restriction on vehicles using the site
 - 8) Hours of use should be restricted
 - 9) Impact on the school function
 - 10) Impact on listed buildings

6. Consultation

6.1. The following consultees have no objection subject to conditions:

LCC Highways
HBBC Environmental Services (Pollution)
HBBC Conservation Officer
HBBC Environmental Services (Drainage)

6.2. Sheepy Parish Council object to the proposal as although it appears in line with the Neighbourhood Plan policies, due to concerns raised by residents regarding the number of vehicle movements to and from the site, the potential storing of waste materials stored on site and the close proximity to the school and no welfare facilities for staff or visitors to the site.

7. Policy

7.1. Sheepy Parish Neighbourhood Plan 2018-2036

- Policy S1 - Countryside
- Policy S8 - Design
- Policy S17 – Rural Economy

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 DM10: Development and Design
- Policy DM15: Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Employment and Premises Land Review (2020)

8. Appraisal

8.1. Key Issues

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

Assessment against strategic planning policies

8.2. The Town and Country Planning Act (1990) and paragraph 11 of the National Planning Policy Framework (NPPF)(2012) require that applications for planning permission be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF confirms that the development plan is the starting point for decision making and that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

- 8.3. The development plan in this instance consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). As the site also lies within the Sheepy Neighbourhood Plan area, the relevant policies from the Sheepy Parish Neighbourhood Plan (SPNP) are also applicable.
- 8.4. Policy DM4 of the adopted SADMP and Policy S1 of the Sheepy Parish Neighbourhood Plan (SPNP) both state that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable in the countryside subject to meeting a number of other criteria, the most relevant of which are criteria b) the proposal involves the change of use, re-use or extension of existing buildings which lead to enhancement of the immediate setting.
- 8.5. Policy DM 15 allows for development outside of the settlement boundaries for the reuse and/or adaption of redundant or disused rural buildings subject to a range of criteria. Criterion (a) requires the applicant to demonstrate that the building(s) is no longer viable in its current use and; b) requires the applicant to adequately demonstrate that the building is in structurally sound condition and is capable of conversion without significant rebuild or alteration and; c) extensions and alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage and ; d) the proposed development accords with other relevant policies. All proposals for the re-use of redundant rural buildings should result in an enhancement of the immediate setting.
- 8.6. Policy S17 of the SPNP relates to the rural economy supporting small scale business and enterprise development through the conversion of existing buildings where these meet the requirements of other relevant policies within the SADMP as well as other policies within the SPNP.
- 8.7. The agent has indicated that the applicants have undertaken significant investment in new buildings at their central base in Newton Burgoland, which has resulted in the building subject at Temple Hall Farm becoming surplus to requirements.
- 8.8. The central base for the farming enterprise is at Little Oaks Farm, in Newton Burgoland. Within this complex the applicant states there is a newly constructed purpose-built grain store of around 7,300 sq. ft. with the capacity to hold around 2,500 tonnes of combinable crops. The current output of the farm is around 2,000 tonnes. This is a modern building fully compliant with the farm assurance standards with the buildings at Temple Hall being non-compliant with modern standards. In addition to the grain buildings there is storage for machinery and hay and straw extending to around 19,000 sq. ft. plus a concrete yard area at Little Oaks Farm giving ample storage facilities. With the more efficient farming system operated by the applicant and the considerable investment in buildings at Little Oaks Farm, there is no longer a requirement for utilising all of the buildings at Temple Hall and as such the building subject to this application is no longer required to support the existing farming practice.
- 8.9. The application is accompanied by an agricultural appraisal which demonstrates that the building subject to this application is no longer required for the purposes of agriculture. The application is also supported by a report on the structural condition which confirms that no additional works are required.
- 8.10. It is considered that sufficient justification has been provided for a change of use to the buildings being accepted in principle, subject to the proposal leading to the enhancement of the immediate setting and not having an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside,

which would be assessed further in the report, to accord with Policies DM1, DM4 and DM15 of the SADMP and Policies S1 and S17 of the SPNP.

Design and impact upon the character of the area and the setting of the Listed Building

- 8.11. Policy DM4 of the adopted SADMP seek to ensure that development in the countryside does not have any significant adverse effects on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the separation between settlements and does not create or exacerbate ribbon development. Policy DM10 of the adopted SADMP and Policy S8 of the SPNP seek to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, design and materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally. Proposals should also incorporate a high standard of landscaping where this would add to the quality of the design and siting. Policies DM11 and DM12 of the SADMP and Policy S7 of the SPNP seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the setting of Listed Buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.12. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses.
- 8.13. The agricultural buildings are located further to the west of the complex of traditional farm buildings (which are now mainly in use as part of the school, known as Dixie Grammar Junior School). The buildings have a purely functional form and an appearance typical of modern agricultural buildings. As there are no external alterations proposed for the buildings it is not considered that the change of use would have any impact on the character or openness of the countryside in this location.
- 8.14. The agricultural buildings as existing are considered to make a neutral contribution to the significance of the listed farmhouse and associated complex of buildings. As there are no external alterations to the buildings it is considered that they will continue to have a neutral impact on these heritage assets. The application includes a turning area and this has been relocated to the north-west area of the site adjacent to the former slurry pit and is a considerable distance away from the southern range of listed buildings. In this regard the impact on both the heritage assets and their function as a school would not be compromised by the proposed change of use.
- 8.15. The current access arrangement adjacent to the listed building to the south-east is to be stopped up with a new access proposed from Bosworth Road further to the south-west. Although the service route would continue to pass the southern range of traditional former farm buildings, the relocation of the access is considered acceptable in terms of its impact on the heritage assets adjacent. In this regard the proposal complies with DM11 and DM12 of the SADMP and S7 of the SPNP.
- 8.16. In terms of visual amenity and the impact on the countryside location, the external appearance of the buildings is not expected to change (aside from minor repairs), thus the proposal would not result in any additional harm to the character and appearance of the site within its countryside location. There is no external artificial lighting proposed and as this may have an impact on the dark landscape and an

impact on wildlife including bats it is considered prudent to attach a condition requiring an further application in order to consider these potential impacts should external lighting be required. Additionally to keep the site tidy and to retain visual amenity it is considered that should permission be granted, it would be prudent to restrict any open storage for the proposed B8 use.

- 8.17. Aside from the existing bund, the application is accompanied by a landscaping plan which consists of the planting of a hedgerow alongside the western perimeter boundary adjacent to no's 1 and 2 Temple Hall Cottages which would also act as a visual buffer between the residential and the proposed commercial use. Several trees are proposed also within the site between the bund and the former slurry pit. The addition of soft landscaping is considered to enhance the site within its countryside location in accordance with Policy DM4 of the SADMP.
- 8.18. The proposal therefore complies with Policies DM4, DM10, DM11 and DM12 of the SADMP, S7 and S8 of the SPNP, Section 16 of the NPPF and the statutory duty of Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.19. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. Policy DM7 relates to the prevention of pollution and flooding including noise nuisance.
- 8.20. Following on from the relocation of the turning area away from the school, the objections from the school have been formally removed.
- 8.21. The Environmental Health officer originally expressed concerns in relation to potential noise nuisance and a Noise Assessment was subsequently provided. The Assessment details the proposed use of the building for the storage of racking equipment with only the use of a forklift and an impact wrench for approximately 3 hours per working day. An impact wrench is a hand held tool (similar to a drill) which tightens or loosens bolts and would be typically used as part of the activities of moving timber and metal racking from one area of the warehouse to another. A fork lift truck is the only other plant used on a regular basis. Noise maps included within the Noise Assessment show that the main source of noise is to the north of the site where the vehicles typically would unload. These noise levels are considered to be moderate but proposed mitigation measures which include ensuring that the main loading door is closed during operational times and that any gaps or holes within the main framework of the building are repaired to prevent noise escape would bring noise levels down to a predicted slight to moderate.
- 8.22. The planning officer, after making a site visit, is satisfied that the operations carried out on site are B8 and no other B Class use. As the scale of the operations are small in scale using only 2 of the 5 buildings it is considered that potential noise and disturbance can be mitigated against by the addition of conditions including a condition which removes any permitted development right to move between B class or any other uses in order to safeguard amenity. The EHO has asked for hours of operation to be restricted which has been agreed.
- 8.23. The proposal includes the strengthening of landscaping between the site and the row of cottages to the west. There is a bund already in existence along the western boundary to the rear of the row of dwellings and this has a grassed appearance. Originally it was proposed to plant trees on top of the bund but these have been removed after objections regarding potential loss of light to the cottages along with concerns over possible subsidence. Some individual trees are proposed within the site adjacent to the former slurry pit. The majority of the landscaping proposed is in

the form of a hedgerow alongside the western boundary adjacent to no 1 Temple Hall Cottages and along the north (rear) boundaries of no's 1 and 2 Temple Hall Cottages is welcomed by both the LPA and supported by the occupier of this property.

- 8.24. As aforementioned, external lighting may also impact on residential amenity causing nuisance and a condition requiring a further application for external lighting is to be imposed to prevent such nuisance occurring.
- 8.25. Overall it is considered that the proposed change of use of the 2 agricultural buildings due to the small scale of the operations and with the restriction on the hours of operation and the use for B8 purposes only; is acceptable in regard to its impact on amenity of both adjacent residents and other users in accordance with Policy DM7 and DM10 of the SADMP and Policy S1, S8 and S17 of the SPNP.

Impact upon highway safety

- 8.26. Policy DM17 of the adopted 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 adopted SADMP seeks an appropriate level of parking provision within sites to serve the development.
- 8.27. The current access has an awkward alignment with the adopted highway. The applicant considers that this access does not conform to current guidance and is therefore proposing a more design compliant access to the site. The proposed access would measure 6.0 metres wide, along with a 0.5 metre margin on either side, dropped kerbs are proposed as opposed to a kerbed radii. The Applicant has detailed visibility splays of 2.4 x 215 metres to the southwest of the access and 2.4 x 280 metres to the northeast of the access.
- 8.28. Leicestershire County Council as Highways Authority (LHA) have considered the application and have no objection and would welcome the improved access, given that site access road runs parallel with the highway and results in sharp turning manoeuvres for vehicles turning left in or right out of the access, which would be removed by this proposal. The Highway Authority consider that the proposed dimensions would be acceptable subject to condition, such as the access would need to be hard bound for a minimum of 10 metres behind the highway boundary, along with a minimum gate setback distance of 10 metres, to ensure vehicles can stand safe of the highway, which are considered reasonable and necessary.
- 8.29. Reference has been made to a speed survey undertaken approximately 120 metres southwest of the proposed site access (originally submitted as part of application 17/01050/OUT for Hoo Hills Farm) which details 85%ile speeds of 50.7 mph for westbound vehicles and 49.3mph for eastbound vehicles. Overall, given that visibility splays of 2.4 x 215 metres can be achieved from the proposed access in both directions, which are suitable for vehicle speeds of between 54-62mph, the proposed access would comply with Leicestershire's Highways Design Guide, and therefore provides adequate visibility.
- 8.30. In terms of vehicle movements, regard needs to be had to the permitted use of the farmstead as a dairy farm. The Applicant has advised that the dairy farm equated to the following vehicle movements:
- 3-4 feed lorries per week resulting in 6-8 two way trips a week
 - 3 staff resulting in 6 two way trips
 - Artificial insemination once per day creating 2 two way trips
 - Muck carting and straw deliveries on a periodic basis in addition to the above

- 8.31. The Applicant advises on average there would have been around 11-12 trips per day. It is intended that the change of use would see the buildings occupied by a single user who intends to store racking, which would generate approximately 14(two-way) vehicle movements per day.
- 8.32. The Applicant has also undertaken TRICS assessment of the level of trips the site could generate. TRICS is a computer database that validates assumptions about the transport impacts of new developments. It is the industry standard system for calculating trip generation in the UK and is used as an integral and essential part of the Transport Assessment process. The database allows users to establish potential levels of trip generation for a wide range of development and location scenarios and contains over 6,600 transport surveys. Based on a self storage use, this data indicates that the land use could generate approximately four two way trips (2 arrivals and 2 departures) in the AM peak and three two way trips (1 arrival and 2 departures) in the PM peak with a daily flow of approximately 32 two way trips.
- 8.33. Comments received from local residents query the applicant's use of vehicular movements from when the site was used as a dairy farm as this use ceased around 2000. It is also noted that only 2 of the 5 buildings within the site are subject to this application. Despite the cessation of the use as a dairy farm, the site has continued in use for agricultural purposes and the remainder of the site would retain this use. The site would still be accessed by farm vehicles as well as vehicles for the proposed change of use. Although hours of operation can be restricted for the building to be used for B8 purposes, these restrictions would not include vehicles that would use the site for agricultural purposes.
- 8.34. However, given the overall floorspace proposed by this application for B8 storage it is unlikely to generate such volume of traffic that would be over and above the number of agricultural vehicles that access the site currently and the LHA consider the proposals would not generate a significant increase in traffic using the site access in comparison to the current permitted agricultural use.
- 8.35. In regard to internal parking and turning layouts, there are seven car parking spaces and two HGV spaces proposed. While the HGV spaces block access to the car parking area, this is considered an internal operational issue and is unlikely to generate parking within the public highway. Sufficient turning space is also provided within the site to allow for vehicles to enter and exit in a forward gear. Based on the Leicestershire Highway Design Guide, the proposals provide the requisite number of spaces and in this regard the proposal is acceptable.
- 8.36. Overall the proposals would generate a minimal increase in vehicles using the site and a safer access point. The application has been considered by LCC (Highways) who do not consider the proposals could be demonstrated as 'severe' in line with the NPPF 2019 and in this regard the proposal is acceptable under Policies DM17 and DM18 of the SADMP.

Flood Risk/Drainage

- 8.37. Policy DM7 of the adopted SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.38. According to the EA flood map for planning, the site lies wholly within Flood Zone 1 out of the maximum extent of flooding from both the 1 in 100 year and 1 in 1,000 year return period events.
- 8.39. The site is also identified on the Flood Risk from Surface Water map as at very low risk from surface water flooding and identified on the Flood Risk from Reservoirs Map as outside the maximum extent of flooding from any nearby reservoirs.

- 8.40. There have been no reported incidents of flooding to the LLFA within 1km of the site.
- 8.41. It is not considered that the proposed use would create or exacerbate potential flooding and in this regard the proposal is acceptable under Policy DM7 of the SADMP.

Other Matters

- 8.42. Concern has been raised in regard to the lack of toilet facilities at the site. The applicant has responded that a Portaloo is to be provided to the rear of the site but as workmen are only on site for short periods this on site facility should alleviate any future issues.

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.

- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The application site is located outside of the settlement boundary and is therefore in the countryside. However, the proposal for a change of use of an agricultural building is included in Policy DM4 of the SADMP where development of this type may be considered sustainable. Policy DM15 of the SADMP also relates to the re-use of redundant rural buildings. Therefore, the principle of the proposed change of use is accepted.

- 10.2. The change of use of the buildings would not harm the rural character of the site within this countryside setting nor cause harm to the adjacent listed building. The proposals would not cause adverse impact on neighbouring amenity, nor would the proposed use have a severe impact on the highway network. There is adequate parking and turning areas for the users of the site and the relocated access is considered acceptable and would not cause highway hazard to other road users. On this basis, the proposal is considered a sustainable development in accordance

with Policies DM1, DM4, DM7, DM10 and DM15 of the SADMP, Policies S1, S7, S8 and S15 of the Sheepy Neighbourhood Plan and the wider objectives of the NPPF.

11. Recommendation

11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons

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

Existing and Proposed floor Plan

Received by the Local Planning Authority on 24 April 2020

Site Layout Plan, Drg no 01 Rev B

Received by the Local Planning Authority on 4 June 2020

Initial Access and Site Entrance Plan, Drg no 11873/001

Received by the Local Planning Authority on 9 July 2020

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).

2. Within 3 months from the date of this permission. the new access shall have been provided in accordance with the details as shown on the Initial Access Detail, Drg no 11873/001 received by the Local Planning Authority on 9 July 2020.

Reason: In the interests of highway and pedestrian safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019) and 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.

3. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless the existing vehicular access to the north-east of the site that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details as shown on the Initial Access Detail, Drg no 11873/001 received by the Local Planning Authority on 9 July 2020.

Reason: In the interests of highway and pedestrian safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

4. The new access shall not be used until such time as vehicular visibility splays of 2.4 metres by 215 metres and pedestrian splays of 2 metres x 2 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 adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

5. Within 3 months of the date of this decision the car parking provision (including HGV turning facilities) shall be provided, hard surfaced and demarcated in accordance with Site Layout 01 Rev B received by the Local Planning Authority on 4 June 2020. Thereafter the onsite parking provision shall be so maintained 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 adopted Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

6. The new access drive shall not be used to serve the development until such time as the access drive has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 10 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 adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 10 metres of the highway boundary nor shall any be erected within a distance of 10 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 Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

8. The approved soft landscaping scheme shall be carried out in accordance with the site layout plan, Drg no 01 Rev B received by the Local planning Authority on 4 June 2020, in the first planting season following the grant of planning permission. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. The premises shall not be used other than for purposes falling within Class B8 of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure the proposed development is compatible with existing development in the locality in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. The use shall not take place other than between the hours:-

08:00-18:00 Monday - Friday

09:00 -13:00 Saturdays

At no time on Sundays or Public 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).

11. The main loading door to the building shall remain closed at all times except for when loading or unloading.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. There shall be no storage of materials associated with the approved B8 use on the open area of the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3. Notes to Applicant

1. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
2. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>