

Planning Committee 12 January 2021
Report of the Planning Manager

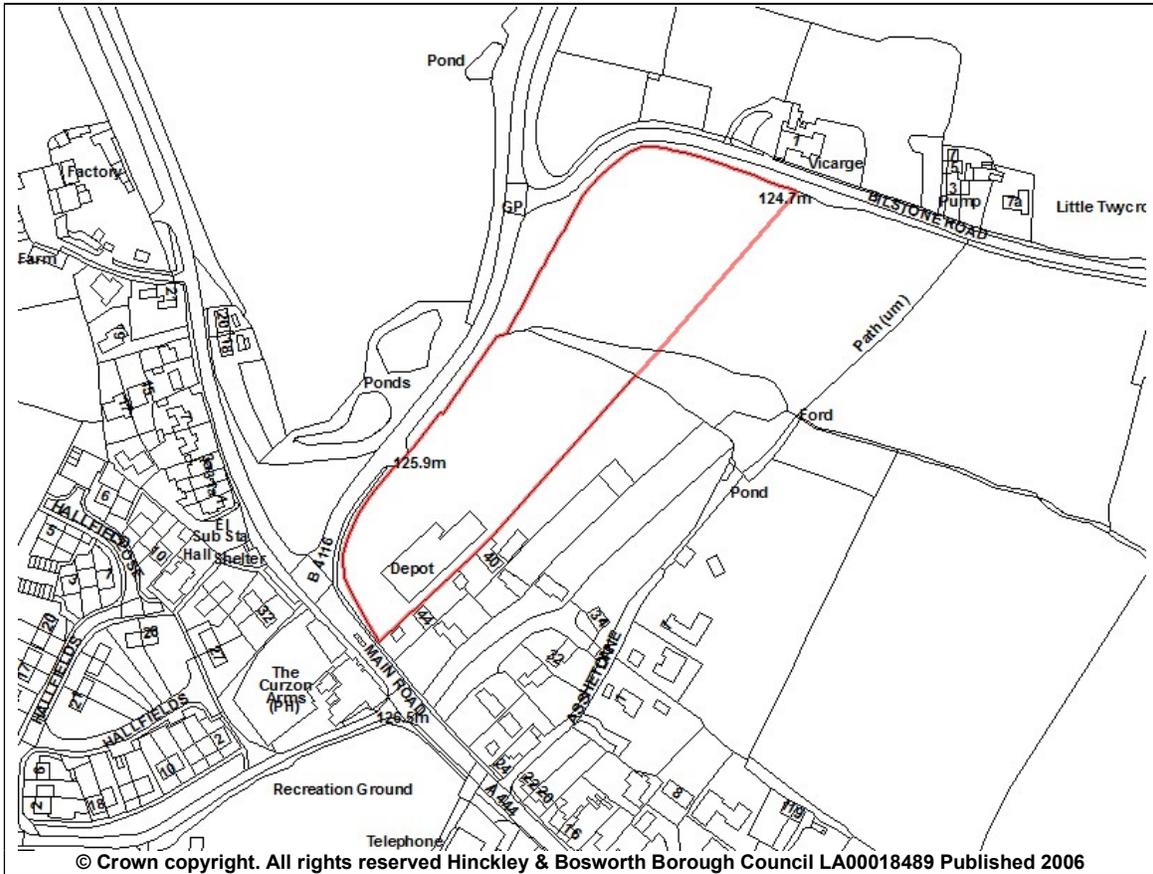
Planning Ref: 20/00400/FUL
Applicant: Mr Startin
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Land Adjacent Startin Tractors Main Road Twycross

Proposal: Erection of a new workshop and ancillary services building, new wash bay building and change of use of land to create an agricultural machinery display area



1. Recommendations

1.1. **Refuse planning permission** for the reasons at the end of this report.

2. Planning application description

2.1. The proposal seeks to construct a new workshop/sales and office building comprising of a single span portal framed building finished in a mixture of red facing brickwork, glazed wall curtain walling and composite sheet cladding. A further detached portal framed structure finished in profile sheet cladding would be used to wash and prepare vehicles. Both buildings would be sited to the north-east of the existing workshop within the area currently used as a display area.

2.2. Part of the field to the north of the site would be used as an agricultural machinery display area and storage area for the business known as "Startin Tractors Limited."

The land would be surrounded by a landscaped bund and security fence beyond. Native trees and shrubs would be planted within the site.

- 2.3. Vehicular access to the site would continue from the existing access onto Ashby Road which is subject to the national speed limit.

3. Description of the site and surrounding area

- 3.1. The application site comprises two distinct areas. Area A is an area adjoining Main Road, which is an allocated employment site, includes an existing agricultural vehicle yard, workshop and showroom occupying the corner of the A444 and the B4116 Ashby Road, this part of the site occupies a prominent location and is currently bound by a steel palisade fence along with coniferous hedging for the majority of its boundary. There is a native hedgerow with mature trees to its north eastern boundary and this defines the boundary of Area A from the open countryside beyond.
- 3.2. The remainder of the application site (Area B) lies outside of the settlement boundary of Twycross and forms the western section of a larger field which is located within a rural area surrounded by gently undulating countryside. This field is bound by native hedgerows. The land slopes gently downwards from Area B to the remainder of the field. Extensive views of the site are provided from Bilstone Road, Ashby Road, and the public footpath to the east and the settlement of Twycross to the south east.
- 3.3. There are a network of historic footpaths within the vicinity of the application site including two from Twycross that converge at Little Twycross with both crossing the field within which the application site lies. Whilst there are no designated or non-designated heritage assets within the site boundary there are a number within the vicinity of the application site.

4. Relevant planning history

78/01187/4

- Sale of Agricultural Machinery and Plant and Agricultural Products with ancillary servicing
Planning Permission
22.08.1978

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Five letters of support have been received for the following reasons:
- 1) This company is a valuable source of help and support to the local farming community. The next closest dealer is near Uttoxeter
 - 2) It is located in a rural agricultural community and would result in additional employment
 - 3) The proposal would move the present noisy activities away from the residential properties
 - 4) The proposal would improve the working conditions of the staff employed on the site
- 5.3. 30 letters of objection from 26 residential addresses have been received raising the following issues:

- 1) The Planning Supporting Statement confirms (para 3.2) that large machinery is no longer the preferred option within agriculture so why is this proposal making adjustments to the existing workshop just for short to mid-term issues
- 2) The Supporting Statement (para 4.5) refers to significant economic growth, job creation and/or diversification. However para 5.1 confirms that there is no immediate plan to increase staffing and there is no mention of diversification. The only economic benefit is to the applicant. Their company accounts show that their turnover has increased by 48% since 2014 but they have not increased their workforce
- 3) The majority of the existing workforce on site drive to work
- 4) Commercial 4x4 vehicles are sold from the site and not just agricultural machinery
- 5) The proposal will have a detrimental impact on the residential amenity of neighbouring properties through noise and disturbance, vibration, light pollution, visual intrusion and affecting local air quality. The existing use has no set working hours and is operating early mornings, late nights up to 2am and weekends. There are errors in the noise report submitted and the report fails to include noise from the proposed storage use
- 6) The application site already has the largest area in the village and the largest building in the village. It is the only industrial site so any increase in its scale further unbalances the village
- 7) Twycross is a rural village with a population of 850. It is separate from Little Twycross and this proposal would join the two
- 8) Highway safety issues with the access especially its proximity to a blind bend and speed surveys showing that many vehicles exceed the 30mph speed limit
- 9) Vehicles sold from the site are already tested on local roads. This proposal would increase this activity
- 10) This use is more appropriate on an Industrial site. The applicant owns further land around the site and so such an extension could set a precedent for further extensions
- 11) Insufficient landscaping is proposed especially as the vehicles stored could be up to 5 metres high
- 12) The Planning Supporting Statement at paras 4.9 and 4.10 claim that the proposal is exempt from Policies DM20 and DM21 which is not true as it is not a B1(a) use or a small-scale rural development (defined as being under 1000m²)
- 13) The proposed building is large and prominent and intrusive in the landscape and uses inappropriate materials which is contrary to Policy DM10. The Landscape and Visual Impact Assessment submitted is insufficient. The proposal would have a negative impact upon the Twycross Open Farmland Landscape Area and the coalescence of Twycross and Little Twycross
- 14) The proposal goes beyond the settlement boundary and employment boundary of Twycross and is contrary to Policy DM20
- 15) This proposal will increase the amount of traffic using the site. Large HGVs visiting the site already block Ashby Road
- 16) Loss of wildlife habitat and there are no Biodiversity Studies submitted with the application
- 17) There is no information on the hazardous wastes to be stored on the site or how additional waste will be stored
- 18) The site is located within important open countryside on the approach to the village where there are 2 well-used commemorative benches. The proposal would be contrary to Policy DM4. They question whether the land is green belt

- 19) The proposal would have a negative impact on users of the public footpath. There are already issues with the obstruction of this public footpath through the field owned by the applicant
- 20) The proposal will harm the setting of heritage assets in the locality including a designated Scheduled Monument and listed buildings. Historic England has concerns about the proposal and the lack of information submitted. The Archaeological Assessment contains contradictory evidence
- 21) There are already a lot of HGVs using the roads through Twycross and it is unsafe to use the narrow footpaths along these roads
- 22) Query raised as to whether this land should be safeguarded for future plans for a bypass around Twycross

6. Consultation

6.1. No objections have been received from:

- Cadent Gas
- LCC Minerals Authority
- LCC Archaeology – subject to a pre-commencement condition
- HBBC Waste Services
- HBBC Drainage – subject to a pre-commencement condition
- Severn Trent Water Ltd – subject to a pre-commencement condition
- HBBC Environmental Services (Pollution) – subject to pre-commencement conditions

6.2. Twycross Parish Council object to the proposal for the following reasons:

- 1) The site lies outside of the settlement boundary for Twycross and would cause significant harm to the character of Twycross and Little Twycross
- 2) A significant number of local residents have objected to the proposal raising concerns including design, highway issues and noise. The Parish Council supports these concerns
- 3) Twycross Parish Council wishes to support local businesses including Startin Tractors and would be willing to facilitate a public meeting when allowed with the aim of achieving a mutually acceptable solution

6.3. LCC Ecology has a holding objection on the proposal which fails to adequately survey the site for protected species surveys completed by suitability qualified people.

6.4. Historic England confirm that they have no objection to the principle of the development. However, they do have some concerns about the impact of the proposal on the setting of the designated heritage assets of the Scheduled Monument and Twycross Conservation Area.

6.5. Council's Conservation Officer has concerns about the impact of the proposal on the setting of the designated heritage assets of the Scheduled Monument and Twycross Conservation Area and the lack of information submitted with the application to fully assess this impact.

6.6. LCC as Local Lead Flood Authority raise concerns that the proposal does not adequately address surface water drainage from the proposal.

6.7. LCC as Highway Authority confirms that they are satisfied that the impact of the proposed development on the road network would not be severe when assessed against the NPPF. However, they do raise concerns about the level of car parking proposed and the usability of some of these spaces.

7. Policy

7.1. Core Strategy (2009)

- Policy 12: Rural Villages
- Policy 17: Rural Needs

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites
- Policy DM20: Provision of Employment Sites

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Hinckley and Bosworth Landscape Character Assessment (2017)
- HBBC Employment Land and Premises Review 2020

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the heritage assets in the area
- Impact upon neighbouring residential amenity
- Ecology
- Impact upon highway safety

Assessment against strategic planning policies

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) 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. 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.

8.3. Area A (land between the A444 and in line with the rear garden boundaries of the adjoining properties) lies within the settlement boundary of Twycross. This part of the site is also allocated as an employment site in the SADMP under designation TWY09.

- 8.4. The Employment Land and Premises Study (2020) categorises the employment site, Startin Tractor Sales, as a Category B site. This study recommends that the site should be retained for 100% employment use. However, it also recognises that the business is primarily a retail facility with some light industrial use. The retail facility on the site being the sale of agricultural machinery and tractors is a sui generis use as defined in The Town and Country Planning (Use Classes) Order 1987.
- 8.5. Indeed, planning permission was granted in 1977 for the change of use of this site to a use restricted to the sale and storage of animal feeds and farming requisites only (condition 6). The reason for this restriction was to ensure that the use remained compatible with the surrounding area. The site provides the only employment space in the village of Twycross and should be retained for an employment use. Policy DM19 of the SADMP applies for the proposed workshop building which would fall within a B2 Use Class and so the principle of the construction of a workshop on this part of the site would be accepted.
- 8.6. However, Area B (up to Bilstone Road) is located outside of the settlement boundary for Twycross. This part of the site is also located outside of the employment site allocation for TWY09. Whilst Policy DM20 of the SADMP (2016) includes criteria where it may be demonstrated that new employment sites for B1, B2 and B8 uses adjacent to existing employment areas/settlement boundaries are supported outside of allocated employment areas, the proposal is for the use of this land for the storage and display of an agricultural machinery. However, such a use would be classed as a retail facility and not a commercial use.
- 8.7. Therefore, Policy DM4 in the SADMP applies to this part of the site. This policy allows for sustainable development within the countryside providing it meets certain criteria. The criteria that would apply to this proposal would be:
- 8.8. c) [the proposal] significantly contributes to economic growth, job creation and/or diversification of rural businesses.
- 8.9. Letters of support have been received for the proposal. Area A is the only employment space within the village and therefore it is important to encourage the business to grow in a sustainable manner to retain it in the area. The applicant has sought alternative premises for their business but without success. The business also employs people local to the area and benefits from the passing trade provided through their siting alongside the A444.
- 8.10. However, as acknowledged by the applicant in their planning submission, the proposal would not generate any additional employment at the site. Such a retail use would not be classed as a small scale employment development that meets a "local need" adjacent to the settlement as defined in Policy 17 of the Core Strategy.
- 8.11. The Employment Land and Premises Study (2020) recognises that the Startin Tractors business is primarily a retail facility with some light industrial use. The evidence accompanying a Certificate of Lawfulness application recently submitted for Area A (ref: 20/01249/CLE) states that Startin Tractors is a franchised Isuzu dealer and have sold a range of non-agricultural vehicles to domestic clients from the site since January 2010 including pickup trucks, cars, vans and lorries
- 8.12. In accordance with the criteria in Policy DM4, for the principle of a retail use to be acceptable in this countryside location any planning application submitted would need to demonstrate that the proposal contributes to economic growth, job creation and/or diversification of a rural business and that it is to meet a local need. It is considered that the evidence submitted with the planning application does not demonstrate that the proposed agricultural machinery storage and display area would be in accordance with the criteria in Policy DM4. Therefore, the proposed

retail use in this countryside location would not constitute sustainable development as defined in Policy DM4 of the SADMP.

Design and impact upon the heritage assets in the area

- 8.13. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment.
- 8.14. Paragraph 189 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 8.15. Paragraphs 193-196 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.16. Local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (paragraph 200).
- 8.17. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. All development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification as set out in this policy. Policy DM12 states that development proposals should ensure the significance of a conservation area is preserved and enhanced, and proposals which adversely affect a scheduled monument or its setting should be wholly exceptional and accompanied by clear and convincing justification.
- 8.18. Policy DM4 of the SADMP requires development proposals to protect the intrinsic value, beauty, open character and landscape character of the countryside and so unsustainable development will be resisted.
- 8.19. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.20. The Twycross Conservation Area is located to the south-east of the application site and includes the historic core of the settlement. At its closest point the field boundary forming the north-western corner of the conservation area is approximately 120m from Area B. There is a scheduled monument (Moated site and fishponds NNW of St James' Church) located within the north-western corner of the conservation area and a small number of listed buildings are located within the wider conservation area. All listed buildings are grade II (The War Memorial, The Hollies, Twycross House School, Manor Farmhouse and two memorials within the church yard) other than the grade I Church of St James. Outside the conservation area there are two further listed buildings sited within the vicinity of the application site which are 3 Bilstone Road and the pump at 3 Bilstone Road. Both of these structures are grade II listed buildings located approximately 100m east of Area B.

- 8.21. As there are designated heritage assets located within a proportionate search area around the application site, it must be assessed if the site falls within the setting of these assets. The NPPF (Annex 2) defines the setting of a heritage asset as “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.” Historic England provide advice on the setting of heritage assets in their Good Practice in Planning Note 3 (2015), this identifies that the surroundings in which an asset is experienced may be more extensive than its curtilage. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way which we experience an asset in its setting is also influenced by other factors such as noise, dust and vibrations from other land uses in the vicinity, and by our understanding of the historic relationship between places. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting as this will vary over time and according to circumstance.
- 8.22. An Archaeological Desk-Based Assessment has been submitted as part of the application with the document identifying and describing the significance of any heritage assets affected, including any contribution made by their setting. In my opinion the document partially meets the requirements of paragraph 189 of the National Planning Policy Framework (NPPF). Paragraph 190 of the NPPF also requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset. That required assessment has been partially undertaken in the body of these comments.
- 8.23. The planning application has been advertised as affecting the setting of heritage assets. Historic England and the Council’s Conservation Officer have also been consulted on the proposal. They both confirm that the proposal would have a negative impact upon the Scheduled Monument and the Conservation Area. This is primarily due to the loss of this part of the asset’s historic landscape settings and the intrusion from the new artificial bund and securing fenced boundary.
- 8.24. Historic England recommends undertaking a five step approach to assessing change in the setting of heritage assets. The first step is to identify which heritage assets and their settings are affected by the proposal.
- 8.25. Due to both the topography and the presence of intervening built form and vegetation there is no inter-visibility between the application site and the listed buildings identified above, nor is there any known key historic, functional or other relevant relationships between the application site and these heritage assets. The application site is therefore not considered to fall within their setting and due to the form of the proposal it is considered this position would not be altered following the development.
- 8.26. There is a good level of screening on the north-western side of the conservation area and scheduled monument due to the presence of mature native hedgerows and hedgerow trees which greatly limits inter-visibility between both areas of the application site and these designated heritage assets. However Area B is visible and can be experienced when travelling along the historic footpaths between Twycross and Little Twycross, and as these footpaths are immediately adjacent to the conservation area and scheduled monument the northern part of the application site is considered to fall within the setting of these designated heritage assets.

Significance of affected heritage assets

- 8.27. Step 2 is to assess the degree to which these settings make a contribution to the significance of the heritage asset or allow its significance to be appreciated.
- 8.28. Moated sites in England are often or seasonally water-filled, partly or completely enclosing one or more islands of dry ground on which stood domestic or religious buildings. They form a significant class of medieval monument and are important for the understanding of the distribution of wealth and status in the countryside.
- 8.29. The application site lies between 150 and 180m to the west / north-west of the scheduled monument. As confirmed by Historic England the monument survives well and is likely to have high archaeological potential. The setting of the monument is considered to contribute to its significance by virtue of allowing views of the monument, its village edge location, the relationship between the moat and fishponds, directly associated archaeology within the vicinity, and the historic character of the surrounding rural landscape. The setting of the monument includes the landscape to the north and north-west and incorporates Area B of the application site, and although this landscape is not identical to the monument's historic surroundings it still contains elements which reflect its open, undeveloped and rural character which helps to place the monument within its historic context and contributes to our understanding of this site and its significance.
- 8.30. The scheduled monument is included within the Twycross Conservation Area and forms a key space within it as identified within the Twycross Conservation Area Appraisal (TCAA) (2007). Due to its significance, the monument makes a positive contribution to the special interest of the conservation area. The setting of the conservation area also includes the landscape to the north and north-west which incorporates Area B and reflects the open, undeveloped and rural character of the surroundings of the historic village core, which again places the area within its context and contributes to our understanding of the area and its significance.
- 8.31. How the scheduled monument and conservation area is approached and traversed is also part of their setting. The footpaths that cut across the fields to the north, running up to and past the monument and conservation area and linking Little Twycross with the church and medieval core of the village allow for Area B of the application site to be seen and experienced from the setting of these heritage assets. The importance of the views from the footpaths towards these heritage assets and out from the conservation area to the countryside are recognised in the TCAA.
- 8.32. Step 3 of the Historic England Good Practice in Planning Note 3 is to assess the effects of the proposal, whether beneficial or harmful, on the significance of affected heritage assets or on the ability to appreciate that significance.
- 8.33. The southern half of the application site (Area A) is already in use as an agricultural machinery business. The proposal is for a new workshop and ancillary services building and a new wash bay building within the northern section of the existing employment site (area A). The existing built development on the site comprises a red brick workshop, sales area and office building, an attached wash bay, an outdoor display area and an open storage yard.
- 8.34. The proposed building is shown to be located alongside the B4116. Whilst located in a prominent roadside location, the building would replace an area of existing storage. Constructed to a height of 6.5 metres to its eaves and 9.5 metres to its pitch, the majority of the building would be screened by a mature boundary coniferous hedge. The partial use of multi red facing brickwork would complement the existing buildings on the site whilst the composite panel wall cladding would maintain the functional appearance of the building. Objections have been received

regarding the glazing and timber cladding proposed on the roadside elevation. The use of these materials would create a focal point to the site whilst the rustic nature of the building would acknowledge its setting next to open countryside. The wash bay building would be 6.5 metres to its ridge with a shallow pitched roof up to a height of 7.8 metres. Constructed alongside the eastern boundary of the site from pvc coated profiled vertical cladding the building would be screened from views from Ashby Road by existing mature vegetation. It is considered that the design and scale of the proposed buildings would be in keeping with the character of the site as required by Policy DM10 of the SADMP.

- 8.35. Due to intervening development and vegetation which offers a screening effect between the site and the designated heritage assets any impacts upon the scheduled monument and conservation area from the new buildings and other alterations are likely to be negligible.
- 8.36. However, the northern half of the proposal (Area B) would have a more notable impact by altering the character of this part of the area, eroding into the agricultural setting of the scheduled monument and conservation area, subdividing a field and creating new landscaped boundaries.
- 8.37. A small section of the existing hedgerow would be removed to provide access to the northern field. It is proposed to change the use of the land within the western section of this field to create an agricultural machinery display area. Around the perimeter of the northern field an earth bund is to be created and landscaped with native hedgerow, tree and shrub planting. An existing 1.2m high timber post and rail fence bounding the site from Ashby Road and Bilstone Road is to be repaired and a new timber post and rail fence erected outside of the bund along the eastern boundary to the larger field. Flanking the bund on the interior of the site a 2m high metal security fence is proposed.
- 8.38. The proposals do not include structures within this area and although there could be some visual impact from the storage of machinery this would be agricultural machinery within a rural environment. The area would however require the large land take of a historically open agricultural field, impacting upon the setting of designated heritage assets. The style and design of the new landscaped bund and security fenced boundary could, depending on its size, scale and form, appear artificial and intrude into this part of the monument's and conservation area's historic landscape setting.
- 8.39. An updated Desk-Based Assessment has been provided with the application. Although it includes some additional work on impact and setting, and some acknowledgement of the views from historic footpaths, it has not provided a position on what the level of impact from the proposal would be, or if it would result in harm to the significance of the scheduled monument or conservation area. The details of the landscaping proposed are limited to that indicated upon the site layout and location plan, no further detailed landscaping plan has been submitted. Without such detailed information it cannot be determined as to whether the landscaping proposed would provide a satisfactory mitigation measure against the possible negative impact the proposal would have upon the setting of the scheduled monument and conservation area. Therefore, the application provides insufficient information to fully assess the impact of the proposal upon the significance of designated heritage assets, which fails to meet the requirements of paragraph 189 of the NPPF and Policy DM11(b) of the SADMP DPD.
- 8.40. Indeed, the site lies within Landscape Character Area H: Twycross Open Farmland with its generally open landscape, its traditional small villages at Twycross with historic origins and distinctive red brick vernacular and its small pasture fields surrounding settlements with their continuous hedgerows reinforcing the rural

character of the villages. The key sensitivities in the area relevant to the proposal are the areas of smaller fields surrounding the settlement which provide valuable visual interest, the distinctive rural character of the villages with strong local vernacular and the extensive distant views across the open rural landscape means that any change/development has the potential to be widely visible from this area and views from surrounding counties. The landscape strategies for this area relevant to this proposal are to conserve field patterns of historic or visual interest and to retain this area of remoteness, rural character and dark night skies ensuring that development respects the rural context.

Summary

- 8.41. This proposal affects the significance of the scheduled monument known as Moated site and fishponds NNW of St James' Church and the Twycross Conservation Area by virtue of its location within the wider setting of these designated heritage assets. No detailed information has been submitted regarding the landscaping proposed to the perimeter of the northern section of the application site. Therefore there is insufficient information to fully assess the impact of the proposal upon the significance of the above designated heritage assets. As a result the proposal currently fails to meet the requirements of paragraph 189 of the NPPF and Policy DM11 (b) of the SADMP DPD.
- 8.42. However, based on the evidence submitted with the application which includes the use of the whole of Area B for the storage of large agricultural machinery and the construction of earth bunds around the site, it is considered that the proposal would cause a level of harm to the significance of these heritage assets and in this case the level of harm is considered to be less than substantial. In accordance with Policy DM11 of the SADMP and paragraph 196 of the NPPF the harm caused by the proposal should be weighed against the public benefits. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF (paragraph 8). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and enhancing the historic environment – paragraph 20), such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 - Reducing or removing risks to a heritage asset
 - Securing the optimum viable use of a heritage asset in support of its long term conservation
- 8.43. It is considered that the proposal cannot demonstrate any heritage benefits. Non-heritage benefits demonstrated by the proposal are minor in nature as the proposal would not generate additional employment. When taken as a whole, it is considered that the level of the public benefits demonstrated by the proposal are insufficient to outweigh the harm caused to the identified heritage assets and therefore the proposal fails to comply with paragraph 196 of the NPPF and Policy DM11 of the SADMP.
- 8.44. The proposal to use Area B for outside storage would also have a detrimental impact on the openness of the countryside in this location. Such an impact is unlikely to be mitigated by a landscaped earth bund around the site as the surrounding land is flat and such an engineered feature would appear as an incongruous feature in the landscape. As such the display and storage of agricultural machinery within this bund would have a detrimental impact on the rural character of this countryside location on the edge of Twycross contrary to the requirements of Policy DM4 of the SADMP.

Impact upon neighbouring residential amenity

- 8.45. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.46. The proposal relates to a workshop building and vehicle wash building in close proximity to residential properties which has the potential to affect the residential amenity of the occupiers of the immediate neighbouring properties on Main Road along with properties on the west side of Burton Road and to the northeast of the site on Bilstone Road.
- 8.47. A Noise Impact Assessment has been submitted with the application. This provides information on the proposed workshop operation which would have space for up to 12 tractors to be worked on simultaneously. Additional information is also provided on the offices would be located to the southwest of the workshop and the vehicle wash building. The report contains the normal hours of operation for the site which are:
- Monday – Friday: 0800 – 1800
- Saturdays: 08:00 – 12:00
- 8.48. The Report recommends that a 2.4m acoustic barrier is constructed along the southeast and northeast boundaries of the site along with internal measures which should be incorporated into the fabric of the buildings.
- 8.49. Objections have been received from residents with regards to the potential for noise and disturbance from the proposed workshop building. Concerns have also been raised about the recommendations in the Report in particular the need for the doors to remain shut during operation. The Council's Environmental Health Officer (EHO) has been consulted on the application. They agree with the recommendations in the Noise Report that further work is needed at the detailed design stage. As such they recommend that a pre-commencement planning condition is imposed to ensure that full details of the design of the noise control measures are agreed in writing. They confirm that this should include that the doors of the workshop and washroom are kept closed as per the assessment in the Report.
- 8.50. The EHO further confirms that the proposed noise levels for fixed plant on the site are acceptable and that a further condition is required that fixed plant should only be operation during the proposed hours of use. They agree with the hours of working included in the Report and recommend that these hours are conditioned in order to protect the residential amenity of the occupiers of surrounding residential properties.
- 8.51. The buildings would be sited on land which has an allocation for employment uses. It is considered that the pre-commencement condition with regards to the need to agree the design of noise control measures and the condition on working hours are reasonable and necessary. Therefore, subject to the imposition of noise mitigation measures on the site, the proposal would not have a significant adverse effect on the amenity of nearby residents by virtue of noise and disturbance.
- 8.52. Objections have also been raised about the adverse effect the proposal would have on surrounding residential properties by virtue of additional lighting that may be required for the buildings and for the equipment storage area. No details of a lighting scheme have been submitted with the application. Any proposed alterations to the lighting of the site along with any lighting to the storage area would need to be in accordance with the current guidance issued by the Institute of Lighting Engineers for the applicable environmental zone.

8.53. The EHO has commented that the proposal does not include any lighting proposals. Therefore, a planning condition is required to ensure that no lighting is constructed on the site to protect the residential amenity of the residents of neighbouring properties as required by Policy DM10 of the SADMP.

8.54. Based on the above it is considered that subject to the imposition of planning conditions the proposal would not have a significant adverse effect on the amenity of nearby residents by virtue of noise, disturbance and lighting and so the proposal would be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

8.55. Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.

8.56. The proposal is to use the existing access located on the B4116 Ashby Road which is derestricted and subject to a 60 mph speed limit. The Highway Authority (LHA) has been consulted on the application and has advised that given the scale of development and land use then the applicant is not required to provide any transport assessment to support the application based on Part 2 Table of the Leicestershire Highway Design Guide (LHDG).

8.57. The LHA state that whilst the existing access exits onto a 60mph road, the vehicle speeds tend to be markedly lower due to the proximity of the A444 junction. They confirm that there have been no Personal Injury Collisions on the B6116 between Bilstone Road and Main Road.

8.58. At present flatbed trailers which deliver and collect from the site reverse in from Ashby Road as there is insufficient room for them to manoeuvre within the site. This causes delay on the Ashby Road which can back up to the A444. The LHA confirm that the proposed layout would allow these trailers to enter and leave the site in a forward gear which would result in a net improvement in terms of the safe and efficient use of Ashby Road and the A444.

8.59. Whilst the applicant has indicated that there would be an increase in employees in the future, the current proposal would not increase staffing levels on the site. As such, the LHA is unable to demonstrate that there would be a material increase in trips to/from the site.

8.60. The proposal would increase the car parking levels within the site from 24 to 36 parking spaces. Whilst the LHA has concerns about the usability of some of the spaces, this part of the site could be redesigned as part of a planning condition.

8.61. Therefore, as concluded by the LHA, based on the evidence submitted, the impact of the proposed development on the road network would not be severe when assessed against Policy DM17 of the SADMP and the NPPF. Subject to the redesign of the car parking spaces, adequate parking provision would be provided within the site in accordance with Policy DM18 of the SADMP.

Ecology

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

8.63. Paragraph 175 of the NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for, then planning permission should be refused.

- 8.64. LCC Ecology has been consulted on the application and has raised concerns that the proposal does not adequately assess the impact of the development of Area B on protected species which may be using the site. There is a need for a Badger Survey to be completed. There is also a need for the proposed layout to demonstrate that there is adequate protection and buffering of the hedgerows on the site.
- 8.65. Following the concerns raised by the LCC Ecology, the applicant has submitted a Protected Species Report. The report concentrates on the proposed expansion of Startin Tractors within Area B. A walk over survey of the field was conducted focussing principally upon boundary hedgerows and badgers. The Report concludes that the proposed development would not result in the loss of any important hedgerows and would not cause harm to protected species or their habitats and so further survey work is not considered necessary.
- 8.66. LCC Ecology has commented on the contents of the Protected Species Report. They confirm that they have rejected the survey as the Report has been conducted by a Chartered Town Planner and not by an appropriately qualified, independent and experienced ecologist. As such this report does not provide evidence that protected species would not be harmed as a result of the proposal. LCC Ecology therefore confirm that they have a holding objection to the proposed site layout of Area B.
- 8.67. Based on the above, it is considered that the proposed development could harm protected species which would be contrary to Policy DM6 of the SADMP and the general principles of the NPPF.

Other Matters

- 8.68. LCC Archaeology has recommended that a pre-commencement is imposed on any permission granted with regards to the need to undertake an appropriate programme of archaeological mitigation in view of the proximity of the site to a Scheduled Monument.
- 8.69. LCC as Lead Flood Authority advises that further information is required to fully assess the impact of the proposal on surface water drainage in the area. The application is accompanied by a Flood Risk Assessment. In view of the scale of the proposal it is considered that this further information could be submitted as part of a pre-commencement condition.

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 and Planning Balance

- 10.1. Policy DM19 of the SADMP applies for the proposed workshop building and washbay building which would fall within a B2 Use Class and so the principle of the construction of these buildings on this allocated employment site would be accepted.
- 10.2. However, Area B (up to Bilstone Road) is located outside of the settlement boundary for Twycross and outside of the employment site allocation. In accordance with the criteria in Policy DM4, for the principle of a retail use to be acceptable in this countryside location any planning application submitted would need to demonstrate that the proposal contributes to economic growth, job creation and/or diversification of a rural business and that it is to meet a local need. It is considered that the evidence submitted with the planning application does not demonstrate that the proposed agricultural machinery storage and display area would be in accordance with the criteria in Policy DM4. Therefore, the proposed retail use in this countryside location would not constitute sustainable development as defined in Policy DM4 of the SADMP.
- 10.3. The proposed development in Area B would have a negative impact upon the Scheduled Monument and the Conservation Area. Any identified harm to a designated heritage asset is afforded great weight in the planning balance. This is primarily due to the loss of this part of the asset's historic landscape settings and the intrusion from the new artificial bund and securing fenced boundary. As a result the proposal currently fails to meet the requirements of paragraph 189 of the NPPF and Policy DM11 (b) of the SADMP DPD.
- 10.4. However, based on the evidence submitted with the application, it is considered that the proposal would cause a level of harm to the significance of these heritage assets and in this case the level of harm is considered to be less than substantial. The proposal cannot demonstrate any heritage benefits. Non-heritage benefits demonstrated by the proposal are minor in nature as the proposal would not generate additional employment. When taken as a whole, it is considered that the level of the public benefits demonstrated by the proposal are insufficient to outweigh the harm caused to the identified heritage assets and therefore the proposal fails to comply with paragraph 196 of the NPPF and Policy DM11 of the SADMP.
- 10.5. The display and storage of agricultural machinery within this bund, which would be an incongruous feature in the landscape, would also have a detrimental impact on the rural character of this countryside location on the edge of Twycross contrary to the requirements of Policy DM4 of the SADMP. It has not been demonstrated that the proposed development would not harm protected species which is contrary to the requirements of Policy DM6.
- 10.6. Whilst, subject to conditions, the proposal would not have any significant adverse impacts on residential amenity, vehicular or pedestrian safety, archaeology and drainage it is considered that the proposed development would be contrary to Policies DM1, DM4, DM6, DM10, DM11 and DM12 of the SADMP (2016) and to advice in the NPPF and is therefore recommended for refusal.

11. Recommendation

11.1 Refuse planning permission for the following reasons:

1. The proposal relating to the storage and display of agricultural equipment and machinery for retail purposes (sui generis use) would not constitute sustainable development as defined in Policy DM4 of the SADMP. As such the principle of this retail proposal in a countryside location would be contrary to Policies DM1 and DM4 of the SADMP.
2. The area proposed for the storage and display of agricultural equipment and machinery would affect the significance of the scheduled monument known as “Moated site and fishponds NNW of St James’ Church” and the Twycross Conservation Area by virtue of its location within the wider setting of these designated heritage assets. Based on the evidence submitted the level of harm is considered to be less than substantial. The level of the public benefits demonstrated by the proposal are insufficient to outweigh the harm caused to the identified heritage assets. Such a use along with the engineered bund would also constitute an incongruous feature in this rural landscape. The proposal would thus fail to protect, conserve and enhance the historic environment and would not protect the open character and landscape character of this rural area which would be contrary to Policies DM4, DM11 and DM12 of the SADMP and to advice in the NPPF.
3. Insufficient evidence has been submitted with the application to substantiate that the area proposed for the storage and display of agricultural equipment and machinery would not harm protected species including badgers and hedgerows on the site. Such a proposal would thus be contrary to Policy DM6 of the SADMP and to guidance in the NPPF.