

**Planning Committee 29 June 2021  
Report of the Planning Manager**

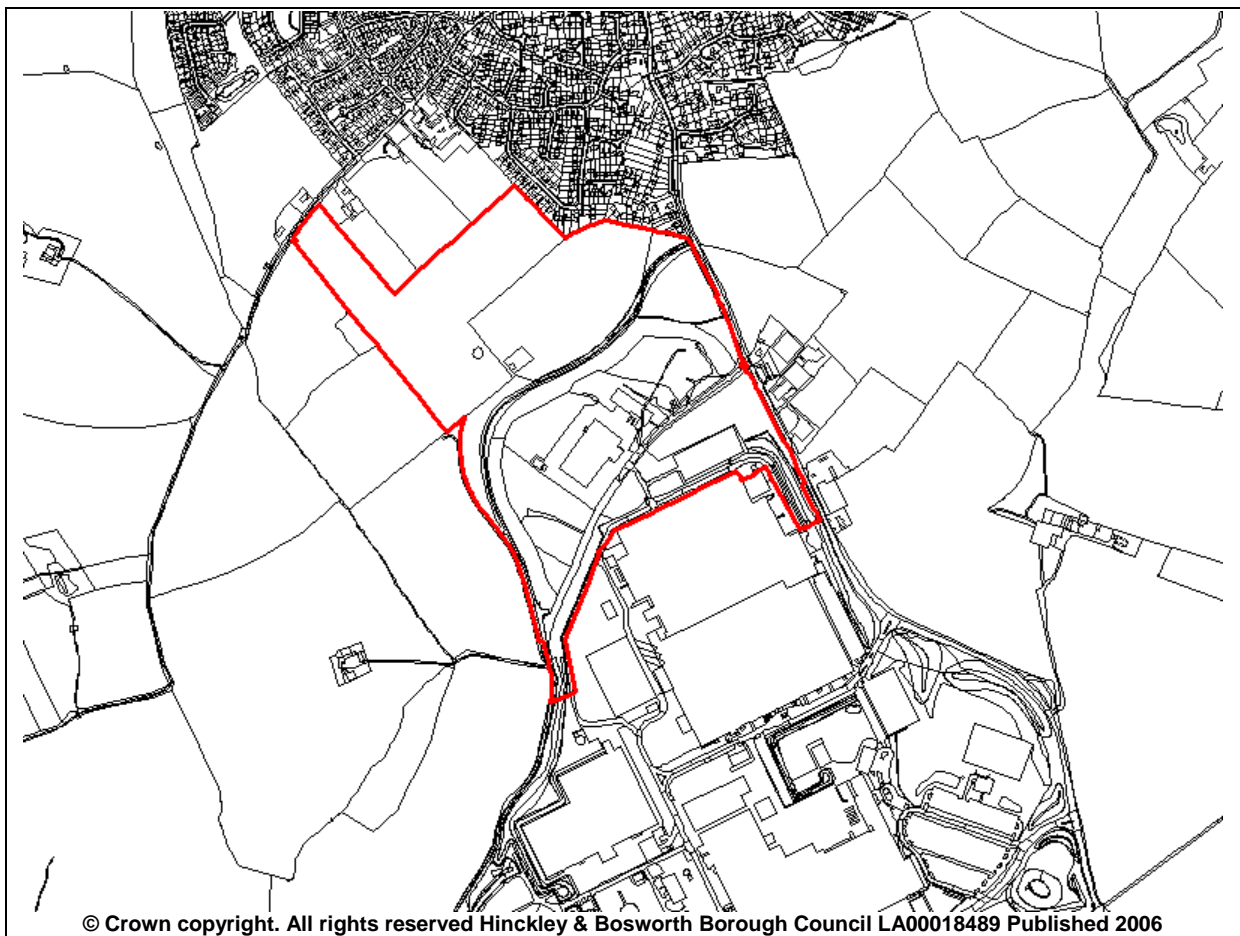


Hinckley & Bosworth  
Borough Council

**Planning Ref: 21/00619/FUL  
Applicant: Gulf Ventures 2 Ltd  
Ward: Newbold Verdon with Desford & Peckleton**

**Site: Land North Of Neovia Logistics Services (UK) Ltd Peckleton Lane Desford**

**Proposal: Demolition of existing buildings and structures, erection of buildings for B2/B8 use with ancillary offices and welfare floorspace, gatehouse, service yards, parking and circulation routes, together with revised access from Peckleton Lane, associated hardstanding, landscaping, diversion of bridleway R119 and ancillary works (resubmission of 20/01009/FUL)**



## **1. Recommendations**

- The completion within six months of this resolution a S106 agreement to secure the following obligations:
  - £464,625 towards Desford Cross Roads
  - The provision of a bus service
  - £11,337.50 Travel Plan Monitoring
  - £7,500 Traffic Regulation Orders (weight restriction)
  - 6 month bus passes
- Planning conditions outlined at the end of this report

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

## **2. Planning application description**

- 2.1. This application seeks planning permission for the demolition of an existing building and the erection of 4 buildings to accommodate 84,509sqm (909,655sqft) of B2/B8 use with ancillary offices and welfare floorspace, gatehouse, service yards, parking and circulation routes. It proposes a revised access from Peckleton Lane, associated hardstanding, landscaping, the diversion of bridleway R119 and ancillary works including bike storage, waste storage and operations buildings.
- 2.2. The total site area is 32.89Ha (81.26Acres) which includes 8.09Ha (20.2 acres) for landscape and biodiverse habitat creation, with amenity route for pedestrians. Demolition of an existing building and structures on site is required to facilitate the redevelopment.
- 2.3. The proposed four units vary in size and scale. Unit 1 will provide 11,896 sqm of floorspace and will have a maximum ridge height of 16 metres. Unit 2 will provide 9,632 sqm of floorspace and will have a haunch height of 12.5 metres and a maximum ridge height of 15.8 metres. Unit 3 will provide 15,782 sqm of floorspace and will have a haunch height of 15 metres and a maximum ridge height of 18.6 metres. Unit 4 will provide 47,199 sqm of floorspace and will have a haunch height of 18 metres and a maximum ridge height of 21.5 metres. Units 1 and 2 are adjacent to Peckleton Lane (Unit 1 is set back further) whilst units 3 and 4 are set further into the site.
- 2.4. The application also includes a replacement car park for the existing Unit C building which is lost as part of the proposed development.
- 2.5. To the north and north-west of the site landscaping, SUDS and the diverted bridleway is proposed.
- 2.6. This application is a resubmission of 20/01009/FUL which was refused for the following reason  
*“The positioning of unit 1, closer to the road than the existing buildings on site brings built development closer to residential properties on Peckleton Lane. The scale and height of unit 1 and its proximity to the road would create a dominant building that would have an adverse overbearing impact on surrounding residents which would be detrimental to their residential amenity and contrary to Policy DM10 of the Site Allocations and Development Management Policies DPD (2016).”*
- 2.7. The main changes from that refusal to this application are the re-siting of Unit 1 so that it is an additional 18 metres further from Peckleton Lane and the residential properties opposite the site and a reduction in the overall ridge height. A 5 metre high landscaped bund is also proposed along Peckleton Lane.
- 2.8. There is currently a resolution to grant (16/00820/FUL) on most of the application site (29.9 hectares) for the erection of a B8 warehouse, unloading/loading bays, office unit, car parking, circulation, revised access, associated hard standing areas, landscaping, diversion of bridleway R119 and ancillary works. The building was 1.2 million sqft (approximately 111483.7 sq.m) with a maximum height of 18 metres above ground floor level. On the north-west corner of the building would be an ancillary four storey office building with a maximum height of 15 metres.

### **3. Description of the site and surrounding area**

- 3.1. The site is situated approximately 12km west of Leicester City and 9.5km north east of Hinckley. The site is to the south of Desford and north east of Peckleton and immediately to the west of Peckleton Lane. The site is in close proximity to the A47 and relatively close proximity to the M1, M69 and A5.
- 3.2. The site forms part of and is adjacent to the Neovia and Caterpillar sites immediately to the south which comprise approximately 81 hectares. The majority of the application site also falls within employment allocation DES27.
- 3.3. To the east of Peckleton Lane is primarily agricultural land although there is a single dwelling, an agricultural business, a building with planning permission for a place of worship and Sport in Desford. To the north of the application site are dwellings forming the southern boundary of Desford comprising: Kingfisher Close, The Finches, Richmond Close, Suffolk Way, and Norfolk Road. To the west of the application site are agricultural fields with one agricultural dwelling accessed from Desford Lane and located 400m from the site. The Desford Conservation Area is located approximately 500m to the north of the application site with the closest listed buildings located approximately 700m to the north.
- 3.4. The application site sits on a plateau with the surrounding land undulating and gently sloping down to the north east and west. Immediately adjacent to the application site along Peckleton Lane the land slopes down to the north before rising into the centre of Desford. The topography of the Site is relatively flat.
- 3.5. The Site covers an area of 29.9 hectares and currently comprises a small warehouse building, hardstanding areas, a car park, circulation and practice area for the fire brigade and a former World War II firing range. The remainder of the site comprises open land with some areas containing trees and shrubs and a woodland area to the north.
- 3.6. There is a bridleway (R119) running through the site on an east-west alignment before traversing south linking the villages of Peckleton and Desford. There are numerous footpaths across the agricultural land to the east and west of the application site.

### **4. Relevant planning history**

#### **16/00820/FUL**

- Storage and distribution warehouse building, unloading/loading bays, office unit, car parking, circulation, revised access, associated hard standing areas, landscaping, diversion of bridleway R119 and ancillary works.  
Resolution to grant subject to s.106

#### **16/00829/SCOPE**

- Planning application for detailed planning permission for the erection of a new storage and distribution warehouse building, unloading/loading bays, office unit, car parking, circulation, revised access, associated hard standing areas, landscaping and ancillary works  
Opinion issued  
19.10.2016

#### **20/01009/FUL**

- Demolition of existing buildings and structures, erection of buildings for B2/B8 use with ancillary offices and welfare floorspace, gatehouse, service yards, parking and circulation routes, together with revised access from

Peckleton Lane, associated hardstanding, landscaping, diversion of  
bridleway R119 and ancillary works  
Refused  
31.03.2021

## **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. As of 16 June 2021 6 objections had been received from 6 separate addresses regarding the following:
- 1) The application is not materially different to the previous application
  - 2) Overbearing impact of Unit 1 on neighbouring residential properties
  - 3) Traffic information not properly reviewed
  - 4) Lack of parking
  - 5) Scale of the development
  - 6) Proposals will undermine the principle of maintaining high quality biodiversity and natural habitats
  - 7) Increase flood risk from the development
  - 8) Traffic issues
  - 9) Contrary to neighbourhood plan
  - 10) 24 hour working impacts peoples mental health
  - 11) Noise
  - 12) Highway impact
  - 13) Impact value of neighbouring residential housing
  - 14) Noise from HGVs will impact mental wellbeing

## **6. Consultation**

- 6.1. No comments received from:
- Peckleton Parish Council
  - Severn Trent
  - Cycling UK
  - Leicestershire Fire and Rescue Service
  - Environment Agency
  - LCC Ecology
  - Leicestershire Badger Group
  - Leicestershire Police
- 6.2. No objections, some subject to conditions from:
- HBBC Drainage
  - LCC Drainage
  - LCC Highways
  - HBBC Pollution
  - HBBC Waste
  - LCC Archaeology
  - Ramblers Association
  - LCC Developer Contributions
- 6.3. Desford Parish Council made the following comments:
- Planning Officers should be satisfied that there are sufficient acoustic fences and bunds plus tree planting to mitigate any nuisance

- Planning Officers should be satisfied that the lighting is positioned to have minimal effect on surrounding properties
- More traffic will be going through Desford and Peckleton and the bus stop is too far way
- A slip road should be incorporated for traffic approaching the site from the south
- Traffic calming measures should be incorporated
- footpath along Peckleton Lane should be extended to the site entrance
- New footpath should be included from the new site entrance to the Caterpillar entrance
- Shift times should be coordinated with Neovia and Caterpillar

## **7. Policy**

### **7.1. Desford Neighbourhood Plan (2021)**

- H1: Settlement Boundary
- H6: Parking
- H7: Design
- E1: Existing Employment Uses
- Env1: Important Views
- Env2: Protection of sites of environmental significance
- Env3: Biodiversity
- T1: Traffic Management
- T3: Electric Vehicles

### **7.2. Core Strategy (2009)**

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester
- Policy 14: Rural Areas: Transport

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

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

### **7.4. National Planning Policies and Guidance**

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

### **7.5. Other relevant guidance**

- Landscape Character Assessment (2017)
- Landscape Sensitivity Assessment (2017)
- Leicestershire Highways Design Guide

- Employment Land and Premises Review (2020)
- Good Design Guide (2020)
- National Design Guide (2019)

## **8. Appraisal**

### 8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon heritage assets
- Impact upon neighbouring residential amenity
- Impact upon the highway
- Impact upon ecology
- Drainage
- Pollution
- Archaeology
- Developer contributions

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. 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) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4. The Core Strategy (2009) sets out the overarching spatial strategy for the Borough. Spatial Objective 1 of the Core Strategy sets the target of strengthening and diversifying the economy by providing sufficient, sustainably located, good quality land and premises. The focus for new employment will be the urban areas within the borough with smaller scale employment in the key rural centres to support the rural areas of the borough.
- 8.5. The application site is located to the south of Desford; outside the settlement boundary. Policy 7 of the Core Strategy seeks to support Key Rural Centres, of which Desford is designated, and ensure they can provide key services to their rural hinterland by ensuring there is a range of employment opportunities. To support this, the enhancement of allocated employment sites in Key Rural Centres will be supported. Policy 8 of the Core Strategy, with specific relation to Desford, notes that the Council will support additional employment provision to meet local needs in line with Policy 7.
- 8.6. The majority of the application site falls within employment allocation DES27, a small proportion of the northern section of the site is located on land designated as countryside in the SADMP meaning that Policy DM4 is relevant and for the reasons given below this triggers paragraph 11(d) of the NPPF to be considered, where permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the

Framework taken as a whole. This is a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless considerations indicate otherwise.

- 8.7. The housing policies of the Local Plan are considered to be out-of-date as they are derived from the East Midlands Regional Plan and these figures were considered the 'end point' for housing need requirements for that period. The Site Allocations and Development Management Policies DPD is also based upon these requirements in terms of the allocations it makes and the settlement boundaries it fixes, controlled by Policy DM4. Given the new figures the Council must use, with regards to housing need, calculated using the Standard Methodology, the 'end point' has not yet been assessed and the allocations to meet it / the new settlement boundaries will not be confirmed until the publication of the new Local Plan. Until which time policy DM4 will remain out of date, and applications falling outside of the current settlement boundaries shown within the SADMP will trigger paragraph 11d.
- 8.8. Policy 19 of the SADMP refers to existing employment areas noting that they are identified and allocated on the policies map, the site categories are provided by the most up-to date Employment Land and Premises Review. DES27 is identified as a Category A key/flagship employment area. The site is described as well-established major employers for the Borough, with good building quality and good parking and servicing. Policy DM19 states that Category A sites are to be retained in their entirety for B1, B2 and B8 employment uses. This application proposes the erection of four buildings for B2/B8 use and is therefore acceptable in-principle, subject to satisfying all other relevant policies in the Development Plan and material planning considerations.
- 8.9. The submission proposes 84,509sqm of B2/B8 floor space (80% B8 floor space and 20% B2) split across four buildings of varying sizes. The Employment Land and Premises Study (ELPS 2020) identifies there is sufficient land in quantitative terms to meet the objectively assessed need (OAN) of 62.48 ha 2019 – 2036, this site is included within that land available, being an allocated site. Therefore, delivery of this scheme goes some way to meeting the identified need. It is noted in the ELPS that "Anything greater than 9,000 sq. m in size will likely serve the strategic market". The proposed development provides a range of building sizes from 9,632sqm up to 47,199 sqm and is therefore likely to fall within the strategic market category.
- 8.10. The proposal is speculative development, with no known end users. However investment by occupiers in new premises results in additional employment, Gross Value Added and business rates revenues for Hinckley & Bosworth Borough Council. Investment may be inward investment from companies new to the Borough, creating additional employment opportunities for the residents of Hinckley & Bosworth, or via local occupiers seeking to grow and relocate within the Borough. Economic growth and productivity is central to national policy as set out in by the National Planning Framework (2019, paragraphs 80, 81, 82). At a local level this should include creating the conditions for businesses to "invest, expand and adapt" (paragraph 80) and taking into account the locational requirements of different sectors, including storage and distribution at a variety of scales (paragraph 82).
- 8.11. The development would deliver circa 1,200 Full Time Equivalent staff based on the methodology set out within the HCA Employment Density Guide as well as temporary job creation during construction.
- 8.12. The most recent Employment Land Availability Monitoring Statement (01/04/2019-31/03/2020) provides a basis for monitoring the relevant Local Plan policies with regards to delivering sustainable economic development and employment land in the borough and sets out the net gains or losses of employment development across the borough at 1<sup>st</sup> April 2020. It shows that there has been a loss of 4.35

hectares of employment land within the key rural centres as the land is utilised for alternative uses, primarily housing. Therefore the challenge remains in helping to ensure there is an increased provision of employment opportunities meeting the requirements of the Core Strategy in these areas. However there has been a positive gain of 11.04 hectares of employment land within the rural villages, hamlets and remaining settlements, meeting the requirements of these settlements.

- 8.13. Therefore the most up to date assessments and monitoring reports demonstrate there is a need to deliver the identified employment land which weighs in favour of the application.
- 8.14. The smaller proportion of the site outside the identified employment allocation and identified as countryside would be subject to Policies DM4 and DM20 of the SADMP.
- 8.15. Policy DM20 of the SADMP relates to the provision of employment sites. The development of new employment sites for B1, B2 and B8 uses outside of allocated employment areas will be supported where they stand within settlement boundaries or on previously developed land. In this instance, a section of the site would constitute previously developed land and is acceptable in-principle. However, a proportion of the site designated as countryside is outside the settlement boundary and does not constitute previously developed land. The policy goes on to note that proposals which stand outside settlement boundaries and on greenfield sites will only be found acceptable where it is demonstrated that there are no suitable alternative sites identified sequentially in the following locations:
  - a) Within settlement boundaries
  - b) On previously developed land
  - c) Adjacent to existing employment sites
  - d) Adjacent to settlement boundaries
- 8.16. In this instance, the development of the greenfield site is associated with the development of the Category A employment site. Therefore, it is not feasible for the development to be within the settlement boundary or on previously developed land. It is considered that the proposed development within the countryside is in accordance with Criterion c) of the Policy DM20 of the SADMP.
- 8.17. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. Development which significantly contributes to economic growth, job creation and/diversification of rural businesses is considered to be sustainable development in the countryside.
- 8.18. The delivery of over 84,000 sq. m of employment floor space, on and adjacent to an identified category A employment site, which would create a series of economic benefits including temporary benefits through the construction of the development, job creation during operation, Gross Value Added. It is considered that the development would significantly contribute to job creation and economic growth in accordance with criterion c) of Policy SADMP. However, further consideration should be given to the impact of the proposal on the character of the area to fully accord with Policy DM4.
- 8.19. The Desford Neighbourhood Plan has been accepted at referendum and a regulation 19 statement published therefore the plan is now a 'made' neighbourhood plan and is part of the development plan.
- 8.20. Policy E1; existing employment use of the of DNDP states that development proposals resulting in the loss of or which have significant adverse impact on an existing employment use will not be permitted unless a number of criteria are met.



However, the proposal will see the delivery of existing allocated employment land and would therefore be supported by this Policy.

- 8.21. Policy H1; Settlement boundary of the DNDP identifies the urban area of the settlement of Desford with anything outside of that being treated as open countryside, where development is controlled in line with location and national strategic planning policies. Given, that this application site is mostly within an allocated employment site, this accords with this policy in that the principle is established for development of this site in accordance with Local Plan Policy which does not recognise the vast majority of the site as open countryside. Notwithstanding, an assessment of the impact upon the countryside and character of the area is made later in the report. .
- 8.22. In addition to the above, it is important to note application reference 16/00820/FUL for “Storage and distribution warehouse building, unloading/loading bays, office unit, car parking, circulation, revised access, associated hard standing areas, landscaping, diversion of bridleway R119 and ancillary works” was previously reported to Planning Committee and a resolution to grant permission subject to a s.106. This is a material consideration in the consideration of this application. This previous application provided 115,287 sq. m of B8 floorspace in a single building of 18m in height, with an ancillary office of 15m in height. Therefore, whilst the proposals are different in design and layout and the introduction of a 20% B2 element, a larger footprint single building has previously been found to be acceptable in the location of the four proposed buildings.
- Impact upon the character of the area
- 8.23. Policy DM10 states that developments will be permitted providing that the following requirements are met: it complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features; it incorporates a high standard of landscaping where this would add to the quality of design and siting.
- 8.24. Policy DM4 of the Site Allocations and Development Management Policies DPD states that to protect its intrinsic value, beauty open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development
- 8.25. Policy H7; Design of the DNDP states that all new development proposals of commercial properties will need to satisfy a number of design principles. Of relevance to this commercial scheme is that development should enhance and reinforce local distinctiveness and character of the area it’s situated. Development should not disrupt the visual amenities of the street scene or impact negatively on any significant wider landscape views, existing trees and hedgerows preserved where ever possible, sustainable design and construction techniques should be incorporated in to design.
- 8.26. The Borough’s Landscape Character Assessment (2017) identifies the site within Landscape Character Area D- Newbold and Desford Rolling Character Farmland. This area is characterised by:
- Gently rolling landform rising to the north from the lower lying land around the River Soar
  - Clustered villages of varying size centred on crossroads
  - Predominantly arable farmland with clustered areas of industry and recreational facilities near to the village fringes
  - Tree cover is limited, with scattered trees and small linear woodland copses
  - Large to medium sized field pattern defined by single species hawthorn hedgerows

- Good network of footpaths link settlements'
  - Few major roads
  - Open views where hedgerows have been removed, giving an impression of a large scale landscape
  - Electricity pylons and wind turbines are often prominent vertical features in this open landscape
- 8.27. The sensitivity of the landscape in the LCA (2017) is assessed as arising from its rural character with limited urbanising influences, providing an attractive setting to Desford. However, this particular site is influenced by urbanising features, most notably the existing Neovia and Caterpillar site and buildings to the south and the existing building and associated hardstanding within the application site, there is also a surrounding security fence which currently encloses large parts of the application site. The site is also fairly well screened by existing mature boundary planting and 2m high bunds, meaning it is relatively contained from the wider rural landscape. Therefore, the site has a semi-rural, character.
- 8.28. Desford Neighbourhood Plan Policy Env 6, identifies and seeks to protect a number of important views, with an aim to maintain the relationship Desford has to the surrounding farmland and wider landscape. There are no important views from or towards the application site that would be impacted by the proposal.
- 8.29. The site also falls within Landscape Sensitivity Area 12, as set out by the Landscape Sensitivity Assessment (2017) this assessment area is located to the south of Desford and is described as having a medium level of sensitivity to development.
- 8.30. The application is supported by a Landscape and Sensitivity Assessment which sets out that the site is not subject to any national landscape designations and is not a valued landscape for the purposes of the NPPF. The LVA does two things; sets out a Landscape Character appraisal, considering the landscape character of the surrounding area and the proposal sites value in landscape terms within this character area, and gives a Visual appraisal, relating to the change to views as a result of development and considered the degree of harm that might arise from this.
- 8.31. The proposed development will have a direct effect over the Newbold and Desford Rolling Farmland LCA. The introduction of the four industrial units, access roads and landscaping represents a noticeable change of land use over the application site. Generally the level of landscape change over this local landscape character area is assessed in the LVA as low, with the nature of change congruous in the immediate setting of an established industrial development. The LVA considered there to be no expansion of the existing employment sites influence over the wider landscape area. The sensitivity is assessed as medium leading to an overall slight-moderate adverse landscape effect as a result of development. This would be expected to reduce further with the maturing of landscape mitigation measures. However, given that the majority of the site is an allocated employment site, some landscape impact is expected and accepted through the allocation of the land for development.
- 8.32. The visual appraisal in the submitted LVA considered 16 viewpoints, this reveals that once away from the immediate boundaries of the site the visibility of both the existing industrial development and the proposals reduces substantially, due to existing trees and vegetation and the layering of hedgerow and trees across field groups. Unsurprisingly the magnitude of change to visual receptors is greatest from locations within or directly adjacent to the site.
- 8.33. Other than the residential properties opposite the site, impact upon residential properties in general (from a LVA visual appraisal point of view) is considered low,

with only upper floor views likely from the north western edge of Desford and only glimpsed views of roof line predicted as visible from individual properties. An assessment as to whether the degree of change experienced from residential properties opposite the site, results in harm to residential amenity is made later in the report.

- 8.34. There are significant visual effects noted along the highway and the bridleway most impact felt by pedestrians. Other receptors considered including vehicle receptors and leisure receptors are only found to experience slight-negligible effects given their lesser sensitivity.
- 8.35. The opportunities for mitigation are directed across the whole site but are particularly focused on land to the north to enable a landscape strategy to be developed which replaces lost landscape features and habitats including tree and woodland replacement, water attenuation and habitat enhancement and development through, new pond creation, woodland and scrub planting and wildflower meadow. Mounding and landscape planting is also proposed, designed to mitigate the visual effects of the proposed development. The retention of existing mature boundary planting is also proposed where possible alongside internal landscaping including avenue tree planting to break up the appearance of the buildings.
- 8.36. Units 1 and 2 are those closest to Peckleton Lane, and are the smallest of the 4 proposed units in both floor space and overall height, Unit 2 has a parapet height of 14m. The maximum ridge height to unit 2 is greater than this with hipped gables central to the unit roof, however given the mass of the building and the proximity to the highway, the ridge is unlikely to be highly visible from the ground. Unit 1 is now positioned between 37-40m back from the highway aligning more similarly with Unit 2, and now has a maximum ridge height of around 16m reduced from around 18m (when compared to the previous application). Both units have a finished floor level reflective of that of the existing Unit C building, which is slightly higher than Peckleton Lane by around 1.2m. There is a residential property opposite this unit, which is now around 63m from unit 1 (distance between the façade of each building). Unit 2 is the closest unit to the residential properties on Kingfisher Close and The Finches, which are approximately 65m away at the closest point, separated from the site by the existing woodland and scrub planting, which is to be retained. These two buildings are around 67m away from one another, allowing a break in the built form along Peckleton Lane.
- 8.37. Unit 1 is positioned at the proposed site entrance with parking and office on the south and east elevation. These elevations have a modern glass and cladding façade, serving the offices providing a high quality and active frontage to the site that would be visible from Peckleton Lane. Whilst the boundaries of Unit 1 are landscaped, with avenue trees and ornamental shrub planting views of this elevation will be achieved. Currently views of the existing industrial premises are not prominent from Peckleton Lane, they are however visible, particularly at the existing entrance and stretch of Peckleton Lane, where Unit C is visible. It is acknowledged that the proposal will open up more views of employment premises at the proposed access, however this is not considered to be at odds with the existing character of the area, given the existing employment premises to the south. Furthermore, the high quality design and landscaping proposals ensure that this change in appearance is not to the detriment of the visual amenities of the area. The eastern elevation is separated from Peckleton Lane by an approximate 38m wide landscape strip, which incorporates existing mature planting as well as two 5m high landscape bunds, which would be planted to screen some of the development.

- 8.38. Unit 2 has its active office façade on the eastern elevation, facing Peckleton Lane along with the parking areas. The operational elevation is on the south, internal to the site, divided from the more public area by landscaping.
- 8.39. Further to the north adjacent to Peckleton Lane, 1-2 metre high planted bunds, along with woodland and scrub planting, native hedgerow planting, the retention of some existing mature trees and additional avenue tree planting are proposed. This goes some way to mitigating the visual impacts of the proposed development along Peckleton Lane, retaining some of the green and verdant character although it is acknowledged the proposed units will be visible above this planting. However, it is not considered that although visible the scale of the units would create an oppressive environment due to landscape mitigation, layout and the design of the buildings and the elevations that face east.
- 8.40. The Bridleway runs east to west forming the north boundary of the employment allocation, Units 2 and 3 will be visible from here and lying partly outside of, but adjacent to the allocation. Unit 3 has a parapet height of 16.5m, again with a higher ridge provided by a central hipped gable roof. These northern elevations of Units 2 and 3 are functional but with no operational elements, with the operational elements of the units being internalised to the site. However, design considerations have still been made to reduce the visual impacts of the development introducing elements of visual interest and design features to reduce height and width perception. Notwithstanding this, the bridleway is 40-70m away from these elevations and is proposed to be diverted through the existing tree planting, meaning that views of the unit from here are screened. Where the bridleway returns to the south through the area containing proposed pond and drainage features, new woodland planting is proposed to the west elevation of unit 3 as the existing landscaping thins out at this point and views may be more prominent of unit 3 from the bridleway. Therefore, the additional planting mitigates this visual impact to the bridleway. In addition, this is the location of the active façade of unit 3, with the office element on the western elevation positioned facing over the drainage area and Bridleway.
- 8.41. Being of strategic scale, these units (2 and 3) have harm to the countryside location, extending in part beyond the extent of the allocation. However, they lie partially within the allocated employment site and would be viewed in the context of the wider employment area. This area of countryside, sits between an existing employment site and the southern boundary of the settlement edge of Desford. Therefore, whilst the proposal will reduce this separation, this is not excessively beyond the limits of the allocation and still maintains a publicly accessible area of woodland planting and countryside which would not significantly alter the wider landscape character of the area. Therefore, only moderate very localised harm to the countryside would occur leading to some conflict with Policy DM4.
- 8.42. The largest unit is unit 4, located in the south east of the application site (and within the allocation) this building is the tallest at 19.5m to the parapet but is also set at a slightly higher finished floor level. Positioned within the site it is shielded in views from Peckleton Lane by the other proposed units, the building would not be overly prominent from these views. However, this building is close to the existing Bridleway and will have an adverse visual impact to users. There is a 150m stretch of bridleway that will run adjacent to the western elevation in close proximity. However, the landscaping proposal in this location is to screen views with additional woodland and scrub planting in an attempt to lessen the adverse impacts this would have. The bridleway does also already experience impacts from the existing Neovia site to the south of the proposal, where it adjoins Desford Lane.
- 8.43. This resubmitted scheme sees unit 4 positioned closer to the bridleway than previously considered, to accommodate the wider landscape buffer to the Peckleton

Lane. This has detrimental impact upon the visual amenity of the users of the bridleway. However, as above, there is some landscape mitigation and the character of the area is already influenced by the existing Neovia site. The change in position is not considered to introduce impacts that would now warrant refusal of the application above what was already considered previously.

- 8.44. All four buildings use a pallet of recessive light grey and white colours in horizontal bands of cladding with white banding at the parapet to mitigate visual impacts of the buildings by reducing perception of height. In addition all four buildings contain a high quality office façade with recessed glass curtain walling, the elevations transitioning in materials from these feature elements to feature cassette cladding panels which vary in length with glazing in a random pattern, to provide visual breaks to the elevations in order to reduce the perception of the building mass. The main warehouse facades have been positioned to be internal to the site, using vertical cladding in a pallet of grey, offering a more functional appearance.
- 8.45. The internal road network is tree lined with additional ornamental hedgerow and grass planting and allow for movement around the site by vehicles and pedestrians as well as allowing for connection to the wider area footpath network. The layout also includes bicycle storage areas and well located and screened waste disposal areas. The layout of the four buildings has been designed in an attempt to internalise noise and light generating activities. The landscape and biodiversity area to the north incorporated the diverted bridleway and will be publicly accessible, allowing for a link through to Kirby Road recreation ground. The proposal also includes footway improvement to the highway outside of the site, allowing greater linkages to the settlement and permeability of the site.
- 8.46. Overall the design of the buildings, their layout and the proposed landscaping provides a high quality detailed appearance. The proposal accords with the Good Design Guide which states that commercial developments should create active frontages to public areas, avoiding dead facades and blank walls by locating less active areas to the rear, and orientating well trafficked entrances with high quality forecourts in public areas, this proposed development does this successfully. The proposal also moves away from generic commercial design offering a more contemporary style reflecting a modern commercial use. In addition, the proposed scale, density and block pattern is reflective of the existing contextual areas, namely the existing Neovia/Caterpillar site.
- 8.47. The amendments to the scheme position unit 1 further west in to the site and introduce additional landscape mitigation. The amendments also reduce the overall height of unit one. These amendments are considered to address the previous reason for refusal which states that “*The scale and height of unit 1 and its proximity to the road would create a dominant building that would have an adverse overbearing impact on surrounding residents*” without introducing any new adverse impacts upon the character of the area and provide betterment with regards to visual impact upon Peckleton Lane.
- 8.48. The Conservation Area and the majority of the listed buildings within the study area of the submitted appraisal lie in the northern quadrant of Desford and are not visually linked with the proposal site. The proposals are not expected to affect the important views towards or from the village and Conservation Area. Other listed buildings and a scheduled monument (north of Botcheston) lie at the periphery of the study area and the visual effects are assessed as being low or negligible. The site does contain the remains of a WWII firing range, which is of local historic interest. However, given what physically remains on site it is not considered to merit recognition as an asset of heritage value. Notwithstanding this, the applicant

recognises the local historic interest and value and will therefore provide a memorial to it, this will be secured via condition.

- 8.49. In summary, the landscape character area is assessed as experiencing a slight-moderate adverse effect. Visually the site will remain well contained within the wider landscape by the topography and adjacent blocks of woodland and layering of trees within the wider landscape. Harm to the character of the area to some degree is anticipated by the allocation of the site for employment development. Where development lies outside of the allocation it is recognised that harm to the countryside will occur. However, this is considered to be localised and of a moderate adverse degree, therefore there is some conflict with Policy DM4. There are visual effects of a high magnitude of change occurring within or at close proximity to the boundaries of the site particularly from the highway and bridleway. However, the proposed buildings are comparable in scale and form to the adjacent Neovia buildings that the proposal is seen within the context of, the high quality treatments to the elevations of the buildings combined with the layout and landscaping do not adversely impact upon the character of the area In accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.50. DM10 of the SADMP seeks to ensure that development proposals do not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.51. To the east of the application site is: Oak View (a dwelling), The Bungalow (a vacant building with planning permission for a place of worship, formerly a dwelling), Sport in Desford and Highfield Seeds. To the north of the application site, dwellings back onto the site from Kingfisher Close, The Finches and Norfolk Road.
- 8.52. Oak View and The Bungalow are located approximately 63m from the east elevation of proposed unit 1. The closest dwellings to the north elevation of unit 2 and 3 are located approximately 65m north. The dwellings to the north of the application site would not have prominent views of the building due to the topography of the land and the existing woodland planting to the north of the site which is to be retained. There would be views of the building from Oak View and The Bungalow.
- 8.53. Oak View has habitable room windows facing the site, however this property has landscaping (other than at the point of access) that would shield views from the ground floor windows. Therefore, the greatest views and impact would be achieved from the upper storeys. These windows are on the front of the property overlooking their driveway and are thus not considered to be within private amenity space. The front of the property is set back by a driveway and divided from the application site by the highway, beyond which would be proposed landscaping including bunds. The width of the landscaping and height of the bunds have increased following the refusal of a previous application due to concerns about impact upon residential amenity to this property. It is acknowledged that the proposed building will be visible above the landscaping, however this is most likely to be in views from the first floor only. Therefore, Unit 1 would not be considered to be overbearing, given the separation distance, intervening highway, ridge height and landscaping (both on the site and to the front of these neighbouring properties). The amendments to this scheme are considered to have secured acceptable residential amenity further through the increase in mitigation as well as the repositioning of the unit and reduction in height. The separation distances and views are similar to 'the bungalow' which is set a similar distance from the east elevation.

- 8.54. Concerns were raised regarding the shadowing of the proposed building upon this neighbouring residential property, therefore the applicant provided a shadowing study. The report is prepared in line with the BRE guide *Site Layout Planning for Daylight and Sunlight: A guide to good practice (second edition, 2011)* which sets the recognised standards. The report concludes that whilst the originally proposed unit 1 cast shadow to the east in the late afternoon and evening towards Oak View and in the winter months will shadow the property in late afternoon due to a low lying sun, the proposal satisfied the guidelines with regards to retained light levels concluding that the proposal would have minimal impact upon the amenity of this neighbouring property with regards to shadowing.
- 8.55. The amendments to unit one see the identified impacts above lessened, due to the positioning of unit 1 further from the property as well as reduction in overall height reducing the length of shadow cast in the direction of this property.
- 8.56. With regards to loss of privacy, whilst unit 1 does have glazed elements to the south and east elevations, these are positioned predominantly south of this neighbouring residential property. There is a vertical glazed curtain wall to the north end of the east elevation but again, this is north of the neighbouring property and would therefore not offer direct views over this neighbour. In any case, this end of the building does not have any mezzanines or upper floors.
- 8.57. Matters of light and noise are dealt with latter in the report, however with regards to loss of light, privacy or the creation of an overbearing nature, the proposal is considered to accord with Policy DM10 of the SADMP.

Impact upon the highway and sustainable transport

- 8.58. Policy DM17 of the Site Allocations and Development Management Policies DPD states that development proposals will be supported where they demonstrate that there is not a significant adverse impact upon highway safety and that the development is located where the need to travel will be minimised.
- 8.59. Policy DM18 states that proposals will be required to provide adequate levels of parking provision of an appropriate design.
- 8.60. Policy T1: Traffic Management of the DNP states that “With particular regard to the rural highway network of the Parish and the need to minimise any increase in vehicular traffic all housing and commercial development must:
- a) Be designed to minimise additional traffic generation and movement through the villages
  - b) Incorporate sufficient off-road parking in line with housing policy H6
  - c) Not remove or compromise the use of any existing off-road parking areas unless a suitable equivalent alternative is provided
  - d) Provide any necessary improvements to site access, communal parking and the highway network either directly or by financial contributions
  - e) Consider, where appropriate, the improvement and where possible the creation of footpaths and cycleways to key village services.”
- 8.61. Policy T3: Electric Vehicles of the NDP “Housing and commercial developments will be required, where appropriate, to provide 7KW cabling to the most practical points to facilitate subsequent installation of electric vehicle charging points. The provision of communal vehicular charging points within the Parish will be encouraged, where there is universal access and their presence doesn’t impact negatively on existing available parking in the Parish.”
- 8.62. The resubmission makes no changes to the scale or type of development therefore making no changes to the predicted trips and distribution across the network. In addition the proposal makes no changes to the proposed access to the site. LCC

highways have confirmed that their position as set out below does not change as a result of the amendments to the scheme.

- 8.63. There is a slight reduction in parking spaces available to unit 2 reducing by 11 to 105 spaces.

#### Site Access

- 8.64. The applicant has proposed a single point of vehicular access onto Peckleton Lane in the form of a new simple priority junction. The design of the access is informed by capacity assessments, results of a Road Safety Audit (RSA1), turning movements at the access and network consistency with local access. The RSA1 raised concern with the width of Peckleton Lane and associated impact on vehicle movements and highway safety. The access is located at a narrow point on Peckleton Lane, shown as 5.8m on the proposed design drawing which could lead to kerb overrun by large vehicles exiting the access road and protracted junction pull-out manoeuvres, resulting in junction pull-out type collisions. Therefore, the LHA required the applicant to re-consider the design of the access to consider this, they also advised a speed survey be conducted and the consideration to be given to footway and cycle way improvements along Peckleton Lane north and south.

- 8.65. The applicant therefore proposed localised widening of Peckleton Lane to 7m and the provision of a footway connection to the north (consisting of footpath widening to 2m). However, the LHA require confirmation that this could be provided within the extent of the highway. These design changes were also requested to be supported by a designer's note and safety audit.

- 8.66. The LHA confirm that the required road widening can be required by condition, in addition to this, signage is required to direct HGVs to the appropriate routes and away from the village of Desford as well as the 7.5tonne weight restriction sign to be moved to the access, a contribution is therefore requested to enable this.

#### Trip Generation

- 8.67. The applicant has proposed an 80% B8 and 20% B2 split for the development proposals as part of the trip generation and an aggregate total of ancillary office space to be 4,401sqm. The LHA required revised trip rate data to give a fair and robust consideration of the likely trips including specific rates for the ancillary office use given the potential for high trip generation. This was provided and accepted.

#### Trip Distribution

- 8.68. The LHA requested the evidence base and confirmation of the rationale for the given trip distributions. The applicant provide this and the LHA found the distribution to be acceptable.

#### Highway Impact

- 8.69. The junctions identified by the applicant were considered an acceptable scope for off-site impact testing of the development. The LHA did however request the junction modelling to be provided for review. In addition to the applicant identified a 7:30am-08:30am peak, the LHA requested assessment of the 8:00-09:00am peak also. The following junctions were considered (with regards to network capacity) and the impacts summarised below:

- Junction 1 - Site access: no capacity concerns
- Junction 2 - A47 / Dans Lane: The assessment identified an impact at this junction following the introduction of development traffic. Therefore the applicant was required to consider mitigation of this identified impact. A scheme of signalling the junction has been considered acceptable by the LHA.



- Junction 3 - A47 Desford Crossroads: The assessment identified an impact at this at this junction following the introduction of development traffic. However, a mitigation scheme for this already over capacity junction is being developed by the LHA and therefore a proportioned s.106 contribution was requested toward this mitigation scheme a cost of £464,625.00
  - Junction 4 - A47 / Leicester Road: no capacity concerns
  - Junction 5 - Peckleton Lane / High Street: no capacity concerns
  - Junction 6 - High Street / B582 Manor Road / Main Street / B582 High Street
- 8.70. The peak hour was reviewed following consideration of automatic traffic count data in the area and the LHA accepted the peak hour being considered.

#### Parking

- 8.71. Initially the LHA identified a lower parking provision that required by standards as the standards for ancillary offices had not been applied. The LHA also requested clarification of the loss of the existing parking for unit C and how that would need would need to be replaced elsewhere.
- 8.72. The LHA confirmed that 980 parking spaces would be required for the proposed floorspace split and 211 lorry spaces, as well as the requirement for undercover cycle spaces. The plans show 869 car spaces and 275 lorry spaces. A parking demand survey was submitted to demonstrate the parking requirement for unit C and a replacement carpark of 193 spaces proposed. The LHA have confirmed that appropriate parking levels are provided for all units including the replacement provision for Unit C.

#### Sustainable Transport

- 8.73. It was identified that there was not a bus stop within acceptable distances of the site and the LHA advised that a new bus stop should be installed at the entrance of the site to allow the site to be accessed by sustainable transport modes. The applicant incorporated this in to the design proposals however the bus provider confirmed this would not be serviced due to current service demands and capacity and therefore this was again removed and therefore the LHA sought an alternative sustainable transport strategy form the applicant.
- 8.74. Though further discussion however it is established that Arriva can provide a service to a provided bus stop at the entrance to the site to coincide with the shift pattern, at the cost of the applicant. This can be secured though a s.106.

#### Bridleway

- 8.75. In principle the LHA has no objection to the proposal, as any significant effects on the public's use and enjoyment of the Right of Way can be ameliorated; however Leicestershire County Council (Rights of Way) require that the entrance to Bridleway R119 (within the site boundary) dimensions to be agreed, and to be suitable for equestrian use. The applicant should note SD/11/27 (Staggered barriers) in line with the Leicestershire Highway Design Guide.
- 8.76. Therefore, The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would be acceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019) or Policy DM17 and DM18 of the SADMP, subject to the conditions and/or planning obligations outlined in this report.

- 8.77. To align with the aspirations of the Desford Neighbourhood Plan and Policy DM10 a condition will be required to provide charging points for electric vehicles within the parking areas of the proposals.

#### Drainage

- 8.78. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.79. A Flood Risk Assessment has been submitted with the application in accordance with paragraph 163 of the NPPF.
- 8.80. The application site is located within Flood Zone 1 which comprises of land assessed as having less than 1 in 1000 annual probability of river or sea flooding. The site also has a low chance of fluvial flooding, from surface water, with an annual probability of 0.1% - 1%. A drainage strategy has been submitted as part of the application, and proposes to discharge surface water via two separate outfalls. One of these would utilise an existing surface water outfall drainage that discharges to the south west of the application site and into an existing watercourse (Thurslaston Brook), and the second outfall would be constructed to the north east and would also discharge into an existing watercourse (Rothley Brook).
- 8.81. The Lead Local Flood Authority (LLFA) initially requested further information such as total impermeable areas pre- and post-development, existing surface water run off rates, ground investigation details, and management of drainage water, as well as evidence of the proposed discharge rates. This information was provided by the applicant.
- 8.82. The surface water would fall by gravity and attenuation would be provided in the form of attenuation basins, which would be located to the north of the application site. The outfall into Rothley Brook and Thurlaston Brook demonstrates that the discharge rate would be 43 l/s into Rothley and 34 l/s into Thurlaston, and the requested evidence has been provided during the course of the application.
- 8.83. The foul water drainage strategy proposes a separate foul water drainage network that would fall by gravity to the eastern boundary, which would be mechanically lifted to discharge into the existing foul outfall located to the north east of the application, which discharges into the public sewer.
- 8.84. The LLFA and Environmental Health (Pollution), have considered the proposed drainage strategy and additional information, and have no objections subject to the imposition of conditions relating the submission of the detailed scheme and its maintenance, which are considered reasonable and necessary. No comments have been received by from Severn Trent or the Environment Agency.
- 8.85. Accordingly the proposed development, subject to conditions, is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and is located in a suitable location with regard to flood risk.

#### Ecology and Arboriculture

- 8.86. 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.
- 8.87. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.88. The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the

extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions.

- 8.89. Policy Env2: Protection of sites of environmental Significance, of the DNP identifies and seeks to protect sites of local significance for biodiversity. There are two Biodiversity Action Plan Areas that sit within the mitigation land to the north of the application site. According with appendix E
- 8.90. Policy Env 3; Biodiversity General of the DNP states that development proposals that cannot avoid, adequately mitigate or as a last resort compensate for, the loss of local identified site of biodiversity value will not be supported. The plan identifies a wildlife corridor and states that development should protect and enhance these wildlife corridors and not create a barrier to the permeability of the landscape for wildlife in general, or fragment populations of species conservation.
- 8.91. There are two Biodiversity Action Plan sites identified by Policy ENV.2 of the DNP, where species of interest have previously been noted. These fall within the biodiversity mitigation land and the application is subject to conditions requiring further badger, great crested newt and owl survey work, therefore the proposal accords with this policy in that the development proposal will protect these sites and the additional habitat creation will enhance this area. Figure 10 of the Desford Neighbourhood Plan identifies wildlife corridors, one of which follows a similar alignment to the bridleway R119, proposed to be diverted by the proposed development the corridor in large falls within the employment allocation. Policy ENV.3 of the plan seeks to avoid, mitigate then compensate for the loss of locally identified sites of biodiversity value. The policy refers to the designation of a corridor in figure 9 labelled 'greenway' which is a narrower area than that shown in figure 10 following the bridleway. Development is expected to protect and enhance wildlife corridors, and habitat links and should not create barriers to the permeability of the landscape or fragment populations. Given that the identified route is maintained in part and re-routed where necessary maintaining the permeability to wildlife, which cannot be avoided given its location within the employment allocation, the proposed development accords with this policy in that whilst the bridleway is diverted the green corridor is maintained as a result of development particularly with the retained and enhanced areas of planting to the north of the site, these areas do not become fragmented by the proposed development.
- 8.92. LCC Ecology initially raised concerns with the proposal given the extent of existing habitat lost to the proposed development. LCC Ecology, therefore requested that the applicant demonstrate that the proposals lead to a net-gain in biodiversity, in accordance with the NPPF. LCC commented that "The habitat creation that is proposed is of a significant amount; it includes pond creation, new wildflower grassland on currently arable land, and woodland planting. Nonetheless, a significant amount of habitat is also being lost" and therefore the recommendation of LCC were dependent upon the submission of a quantifiable net-gain being demonstrated.
- 8.93. In addition to the above further surveying work is required to establish the requirement of mitigation in relation to protected species found on site including badgers, barn owls and great crested newts. LCC Ecology are in agreement that specific planning conditions requiring the necessary checks and provision of further mitigation strategy details can address these issues. There is scope within the compensatory habitat creation for locating a Badger sett, and replacement of lost foraging, further surveying is required prior to commencement of development to

inform this. Mitigation has been agreed for Great Crested Newts, and an existing pond will be retained, with additional pond creation and replacement terrestrial habitats, this is considered acceptable with further surveying work to inform a Natural England Licence being required. Loss of foraging for bats is being addressed through habitat creation, there is some concern for light spillage on to habitat, however the submitted external light plan shows that the external lighting is contained to the built areas of the site. Confirmation has been received that no breeding signs of Barn Owls were observed, however pre-removal checks and a replacement barn owl box are required by condition.

- 8.94. A metric was provided by the applicant and submitted to LCC Ecology, the metric demonstrates a net gain in biodiversity, satisfying the requirements of LCC and the NPPF. However, LCC Ecology are not in a position to be able to corroborate the base line data used to inform the metric, as no site visit has taken place to date. However, the applicant has provided maps and figures showing how the data was formulated and fed in to the metric. Whilst concern was expressed about this, it was confirmed that there appeared to be justification for the way it was filled out. The applicant ecologist reviewed the user guidelines provided by DEFRA for using the metric and confirmed they had followed guidance, nonetheless changes were made in line with LCC Ecology comments about differences between habitat creation and habitat enhancement and whether this would alter the result, the metric remained in net gain.
- 8.95. Whilst policy does not require the use of the metric, this tool enables the scheme to demonstrate that net gains will be provided, with further opportunities created through the provision of habitats which cannot be assessed under the metric (e.g. bird and bat boxes).
- 8.96. LCC are supportive of the land being publicly accessible and a link to the recreation ground being provided.
- 8.97. The submitted Arboricultural report sets out that The Landscape Masterplan proposes planting of 186no. avenue trees (18-20cm girth) and 154no. heavy standard trees (14-16cm girth) on roadsides and structural landscape areas. There are however a large number of individual trees and groups of trees to be removed to facilitate development. This is mitigated by the approximately 2.6 hectares of new woodland planting proposed in the land to the north of the proposed development. In addition the reports, shows that where possible, in particular along the Peckleton Lane boundary existing mature trees are retained. The submitted report concludes that whilst an indicative tree protection plan has been provided tree protection details should be finalised and confirmed within an Arboricultural Method Statement as part of a planning condition. This is considered necessary given the amenity value the mature trees have to the area.
- 8.98. Overall, it is considered that it has been demonstrated that subject to conditions the proposed development will not lead to adverse harm to protected species and will adequately mitigate against any harm. In addition, a biodiversity metric has been provided demonstrating that with the biodiversity enhancement to the north of the site, results in net gains for biodiversity. In accordance with Policy DM6 of the SADMP and paragraph 70 of the NPPF.

#### Pollution

- 8.99. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented and seeks to ensure that development does not have an adverse impact upon light, noise, or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity and air quality.

- 8.100. Policy DM10 of the SADMP identifies that development should not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion.

#### Noise

- 8.101. A Noise Impact Assessment has been carried out by Sharps Redmore and submitted with the application along with an additional technical note. It is noted that normally a baseline noise survey would be submitted however the assessment was carried out during the lockdown phase of the COVID-19 pandemic and therefore noise survey work carried out does not provide a typical baseline noise levels. Therefore it was agreed that previously measured noise levels could be used for this assessment and it was confirmed that the operators of the adjacent site (Neovia Logistics) had not made any changes to their operations since these measurements had been taken. The report predicts noise standards are likely to be met. It is considered that the assessment is satisfactory and the correct guidance is referred to. HBBC Pollution do have concerns on the accuracy of the predictions, particularly regarding B2 as the noise generated by B2 will be occupier specific. These concerns are dealt with via conditions as set out below which will allow scope to consider the noise impact further.
- 8.102. Noise levels from the operational site have been predicted using information about the site and surroundings, including the permitted residential site to the north east which is currently under construction. The model outputs was set to predict noise levels for the busiest hours which are predicted to assume that these hours continued throughout the day or night (either the 16-hour period between 07:00 and 23:00 or the eight hours between 23:00 and 07:00). All the predicted levels within the appendices of the noise assessment would be below the noise assessment criteria for the site activities at all existing and permitted noise sensitive receptors during the day and night. This means that all noise levels would be below the agreed lowest observed adverse effect level (LOAEL) for this site and that no further steps are required to reduce or mitigate noise from site activities.
- 8.103. The required plant apparatus is located both internally and externally however it is small scale plant and the noise from these sources is comparatively low. This is considered acceptable however a condition will be imposed to control the noise emissions from external plant to ensure it does not exceed acceptable noise levels.
- 8.104. The occupiers of the proposed units are not known, however an indicative assessment has been provided which makes assumptions about the likely levels which may exist within the proposed buildings. As a realistic worst case, it is assumed that each unit would operate with internal noise levels reaching the first action level requiring hearing protection (85dB). However it is assumed that the noise at the receptors from each unit would be significantly lower than the 85dB. For example the closest receptor to the site would experience 27dB of noise from internal operations within Unit 1. Since this measurement is much lower than the predicted noise levels from external activities, it would not contribute to the overall sound levels experienced at receptors. The noise from internal activities would have a negligible impact. It will be conditioned that the future occupiers of the units have to accord with the noise management plan within the Sharps Redmore document.
- 8.105. A proposed 5 metre high acoustic fence is proposed on the south elevation of unit 2 containing the loading bays. This fence runs parallel to Peckleton Lane and is set within the site, projecting out from the dock area and is required to mitigate noise breakout from these loading bays towards Peckleton Lane. All other loading bays are positioned as not to required mitigation. The specification of the acoustic fence for Unit 2 and loading bays for all units will be conditioned.

- 8.106. It is considered that the noise levels are therefore acceptable and a number of conditions will be imposed to control the total noise levels from all site activities.
- 8.107. The proposed scheme would require extensive construction activities on the site. Environmental Services (Pollution) has requested that the following construction hours and these would form part of an appropriately worded condition which is considered to be reasonable and necessary.

Monday -Friday - 07:30 – 18:00

Saturday - 08:00 – 13:00

Sunday – None

Public Holidays – None

- 8.108. A condition securing the submission of a construction environmental management plan to be submitted and agreed in writing prior to the commencement of development would be necessary to ensure the construction phase of the development does not have a significant effect upon dust, odour, noise, smoke, light and land contamination.
- 8.109. Subject to a number of conditions regarding construction, noise, use and operational hours of the site the proposal would not result in significant detrimental harm to residential amenity. As such the proposal is therefore considered to be acceptable in accordance with Policies DM7 and DM10 of the SADMP.

Land Contamination

- 8.110. A ground investigation report was submitted in support of the application which the site should not be considered to present a potential risk to human health for the proposed land use. However, necessary conditions are proposed to ensure that proper practice is followed during construction and if contamination is found details of how it would be dealt with should be submitted to the Council.

Light

- 8.111. The proposal is for a 24-hour commercial operation over 7 days a week and would comprise of three shifts over a 24 hour period. As such there is a requirement for the external areas of the site to be lit. Environmental Services (Pollution) has reviewed the submitted lighting assessment. The assessment states that the light impact assessment submitted with the application demonstrates that significant impact is unlikely on the amenity of occupiers of nearby residential premises. It is considered that the assessment is satisfactory and the correct guidance is referred to.
- 8.112. An external lighting layout plan has been provided showing the external lighting arrangements throughout the site and the specification of lights proposed. This demonstrates that 0 Lux will be experienced at Oak View, The Bungalow or 54 Peckleton Lane (the nearest residential properties).
- 8.113. HBBC Pollution raise no objection to the proposal with regards to light pollution.
- Air Quality
- 8.114. Concerns have been raised that the proposed development would have adverse impacts upon the air quality of the area, particular given the sports facilities in close proximity to the site entrance.
- 8.115. An air quality assessment for the proposed development was submitted with the application and considered construction and operational phases, road traffic emissions on local air quality. The report found that pollutant concentrations predicted at receptors were below the relevant air quality objective and the

development-generated impacts were concluded to be negligible in accordance with Environmental Protection Guidance.

#### Archaeology

- 8.116. Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.117. An Archaeological Desk Based Assessment (DSA) has been submitted with the application. The assessment considers approximately 14 hectares of land off Peckleton Lane, Desford. It establishes that there are no designated heritage assets within the study site. The conservation area of Desford and the listed buildings contained therein are not sensitive to development within the study site as they are screened by intervening landscaping and topography.
- 8.118. The assessment establishes that most of the study site has been disturbed by previous development and landscaping. It summarises that archaeological evaluation of the study site in the early 2000s identified archaeological remains in the western area of the site, where approximately 2.2 hectares of land is considered to have moderate potential for the survival of archaeological deposits. The remainder of the site has no remaining archaeological potential.
- 8.119. LCC archaeology are supportive of the findings of the DSA. The Leicestershire and Rutland Historic Environment Record (HER) notes that the application area has previously been subject to very limited archaeological investigation, which has identified that there is moderate potential for the presence of archaeological remains relating to prehistoric activity across the site.
- 8.120. It is considered that the application is satisfactory subject to the application of a condition that requires a Written Scheme of Investigation to be prepared and submitted for approval. As only one section of the site has potential archaeological value it is considered that it is only necessary to apply the condition to that section of the site as identified within the submitted assessment.
- 8.121. LCC Historic Environment Record Officer confirmed that the hedgerow along Peckleton Lane would not fall in to a protected category and would not be considered an ancient or important hedgerow in historic environment terms.
- 8.122. Therefore, the proposed development accords with Policy DM13 of the SADMP.

#### Planning Obligations

- 8.123. Policy DM3 of the adopted SADMP requires development to contribute toward the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.124. The request for any planning obligations (infrastructure contributions) must be considered against the requirements contained with the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require that where developer contributions are required they need to be necessary to make the whole development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 8.125. LCC (Highways) request a number of contributions to satisfactorily mitigate the impact of the proposed development on the local highway network and to promote and encourage sustainable travel. These include:
- £464,625 towards Desford Cross Roads
  - The provision of a bus service

- £11,337.50 Travel Plan Monitoring
  - £7,500 for necessary Traffic Regulation Orders (weight restriction)
  - 6 month bus passes
  - Travel Packs £52.85 per pack
  - Dans Lane junction improvement
- 8.126. Travel Packs; to inform new employees from first occupation what sustainable travel choices are in the surrounding area have been requested. These can be provided through Leicestershire County Council at a cost of £52.85 per pack. However, it is also considered that these could be delivered by the applicant in conjunction with LCC via condition and therefore the request is not CIL compliant in that it is not necessary to provide a monetary contribution to mitigate the identified impact and the aim of the obligation can be met via condition.
- 8.127. The LHA have identified adverse impacts upon the junction with Dans Lane, therefore the applicant has designed a signalised junction upgrade to mitigate this harm. The costs of this are to be met in full by the developer and will therefore be delivered by the developer. This off-site highway improvement can be secured via condition and is therefore not an obligation contained with the s.106.
- 8.128. The above remaining infrastructure contributions are considered to be necessary to make the development acceptable in planning terms and is fairly and reasonably related in scale and kind to the proposal and is therefore CIL compliant.

## **9. Planning Balance**

- 9.1 The majority of the application site falls within employment allocation DES27, a small proportion of the northern section of the site is located on land designated as countryside in the SADMP where Policy DM4 of the SADMP and H1 of the DNP applies.
- 9.2 DES27 is identified as a Category A key/flagship employment area. Policy DM19 states that Category A sites are to be retained in their entirety for B1, B2 and B8 employment uses. This application proposes the erection of four buildings for B2/B8 use and is therefore acceptable in-principle. This Policy is afforded full weight.
- 9.3 The smaller proportion of the site outside the identified employment allocation and identified as countryside would be subject to Policies DM4 and DM20 of the SADMP and H1 of the DNP.
- 9.4 Policy DM20 requires the location of new employment outside of existing employment sites to be located in a sequentially preferable manner. In this instance, the development of the small area of greenfield site is associated with the development of the Category A employment site. Therefore, it is not feasible for the development to be within the settlement boundary or on previously developed land but it does lie immediately adjacent to an existing category A site. It is therefore considered that the proposed development is in accordance with Criterion c) of the Policy DM20 of the SADMP. This Policy has full weight.
- 9.5 Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. Development which significantly contributes to economic growth, job creation and/diversification of rural businesses is considered to be sustainable development in the countryside. It is considered that the development would significantly contribute to job creation and economic growth in accordance with criterion c) of Policy SADMP. However, some moderate localised harm is identified in conflict with Policy DM4 i). This Policy is afforded significant weight given its consistency with the NPPF.



- 9.6 The proposal also aligns with the aims of Policy E1; Existing Employment use and Policy H1; settlement boundary of the Desford Neighbourhood plan, these policies have full weight.
- 9.7 Paragraph 11(d) of the NPPF is relevant to this application whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore it is important to consider the benefits of the scheme following the three strands of sustainability the benefits are broken down into economic, social and environmental.
- 9.8 The proposal would bring economic benefits through investment by occupiers in new premises resulting in additional employment, Gross Value Added and business rate revenue for HBBC. Investment may be inward investment from companies new to the Borough, creating additional employment opportunities for the residents of Hinckley & Bosworth, or via local occupiers seeking to grow and relocate within the Borough. The development would deliver circa 1,200 Full Time Equivalent jobs (based on floorspace) as well as temporary job creation during construction. Paragraph 80 of the NPPF states that 'significant weight' should be given to the need to support economic growth and productivity. Job creation is also of social benefit along with a condition requiring apprenticeship and training details during construction, offering local people training and work.
- 9.9 The proposed development also offers some environmental benefits such as additional planting through landscaping, proposed footpath network improvements, and biodiversity benefits including a net gain in habitats. This includes new planting of hedgerow, trees and scrub and meadow mix planting around the site and the provision of SUDs and wildlife ponds, which can be designed to include benefits to biodiversity and other planting to the north in a landscape management area. As well as the retention of a woodland area to the north. The proposed development provides mitigation against the impact of development upon ecology and protected species. The proposal provides mitigation against flood risk, in particular surface water runoff. The conditions also include the requirement to provide electric car charging points.
- 9.10 Therefore, in this instance the significant identified benefits of the scheme are considered to outweigh the identified harm to the countryside.

## **10. Equality implications**

- 10.1 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.
- 10.2 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.
- 10.3 There are no known equality implications arising directly from this development.

- 10.4 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).

## **11. Conclusion**

- 11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 11.2 The majority of the application site falls within employment allocation DES27, a small proportion of the northern section of the site is located on land designated as countryside in the SADMP and DNP.
- 11.3 DES27 is identified as a Category A key/flagship employment area. Policy DM19 states that Category A sites are to be retained in their entirety for B1, B2 and B8 employment uses. This application proposes the erection of four buildings for B2/B8 use and is therefore acceptable in-principle.
- 11.4 The smaller proportion of the site outside the identified employment allocation and identified as countryside would be subject to Policies DM4 and DM20 of the SADMP and H1 of the DNP.
- 11.5 Policy DM20 requires the location of new employment outside of existing employment sites to be located in a sequentially preferable manner. In this instance, the proposal lies immediately adjacent to an existing category A site. It is therefore considered that the proposed development within the countryside is in accordance with Criterion c) of the Policy DM20 of the SADMP.
- 11.6 Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. Development which significantly contributes to economic growth, job creation and/diversification of rural businesses is considered to be sustainable development in the countryside. It is considered that the development would significantly contribute to job creation and economic growth in accordance with criteria c) of Policy SADMP. However, some conflict with Policy DM4 i) is identified.
- 11.7 The proposal also aligns with the aims of Policy E1; Existing Employment use and Policy H1; settlement boundary of the Desford Neighbourhood plan.
- 11.8 Economic, environmental and social benefits of the scheme are identified and the proposal has been found to accord with Policies 7 and 8 of the Core Strategy (2009), Policies DM1, DM3, DM6, DM7, DM9, DM10, DM13, DM17, DM18, DM19 and DM20 of the Site Allocations and Development Management Policies DPD as well as the overarching principles of the NPPF.
- 11.9 The previously refused scheme had one reason for refusal which related to the layout and scale of unit 1 specifically and the impact this has upon neighbouring residential amenity. The scheme has been amended to position the unit further away from the identified neighbouring property, as well as introducing additional landscape mitigation measures and reducing the height of unit 1 therefore addressing the reason for refusal and does not introduce any new material considerations or identifiable harm.

11.10 The proposed development has demonstrated that it would significantly contribute to the economic growth and job creation and provide environmental and social benefits, in absence of harm when considered against other policies of the development plan, these benefits are considered to outweigh the harm identified to the open countryside, and therefore weigh in favour of the development.

11.11 Therefore in this instance, material considerations indicate that the benefits of the scheme outweigh any identified harm and should therefore be approved.

## 12. Recommendation

- The completion within three months of this resolution a S106 agreement to secure the following obligations:
  - £464,625 towards Desford Cross Roads
  - The provision of a bus service
  - £11,337.50 Travel Plan Monitoring
  - £7,500 Traffic Regulation Orders (weight restriction)
  - 6 month bus passes
- Planning conditions outlined at the end of this report

12.1. That the Planning Manager be given powers to determine the final detail of planning conditions.

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

### 12.3. Conditions and Reasons

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

**Reason:** To comply with the requirements of Section 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:

Site Location Plan (20011\_PL01)

Unit 1- Proposed GA Ground Floor Plan (2011\_PL11)

Unit 1- Proposed Roof Plan (2011\_PL12)

Unit 1 – Proposed Office Plans (2011\_PL13)

Unit 1 – Proposed Ops Office Plans (2011\_PL14)

Unit 1- Proposed Elevations (2011\_PL15)

Unit 1- Proposed Sections (2011\_PL16)

Unit 2- Proposed GA Ground Floor Plan (2011\_PL21)

Unit 2- Proposed Roof Plan (2011\_PL22)

Unit 2 – Proposed Office Plans (2011\_PL23)

Unit 2- Proposed Elevations (2011\_PL24)

Unit 2- Proposed Sections (2011\_PL25)

Unit 3- Proposed GA Ground Floor Plan (2011\_PL31)

Unit 3- Proposed Roof Plan (2011\_PL32) R

Unit 3 – Proposed Office Plans (2011\_PL33)

Unit 3- Proposed Ops Office Floor Plans (2011\_PL34)

Unit 3- Proposed Elevations (2011\_PL35)

Unit 3- Proposed Sections (2011\_PL36)

Unit 4- Proposed GA Ground Floor Plan (2011\_PL41 rev A)

Unit 4- Proposed Roof Plan (2011\_PL42)

Unit 4 – Proposed Office Plans (2011\_PL43)  
Unit 4- Proposed Ops Office Floor Plans (2011\_PL44 rev A)  
Unit 4- Proposed Elevations (2011\_PL45 rev A)  
Unit 4- Proposed Sections (2011\_PL46 rev A)  
Unit 4- Proposed Gate House (20011\_PL47 rev A)  
Cycle Shelters (20011\_PL51 rev A)  
Waste Compound enclosures (20011\_PL52 rev A)  
Proposed substation enclosures (20011\_PL53 rev A)  
Proposed Estate Gatehouse (20011\_PL54 rev A)  
Proposed Finished Levels (DWG 60-01 Rev P1)  
Proposed Site Plan (ref: 20011\_PL04\_J)  
Proposed Plot Demise (2011\_PL07\_C)  
Landscape Masterplan (ref: 3565-101 Rev I);  
Landscape Masterplan (ref: 3565-102 Rev H);  
Landscape Masterplan (ref: 3565-103 Rev H);  
Planting Plan (Sheet 1 of 6) (ref: 3565-201 Rev C);  
Planting Plan (Sheet 2 of 6) (ref: 3565-202 Rev C);  
Planting Plan (Sheet 3 of 6) (ref: 3565-203 Rev C);  
Planting Plan (Sheet 4 of 6) (ref: 3565-204 Rev C);  
Planting Plan (Sheet 5 of 6) (ref: 3565-205 Rev C);  
Planting Plan (Sheet 6 of 6) (ref: 3565-206 Rev D).  
External Lighting Layout (1625-ESC-00-ZZ-DR-E-2100 Rev T2)  
Access Road Lighting Layout 1625-ESC-00-ZZ-DR-E-2101 Rev T2)  
Proposed External Works Layout Overall Key (T\_20\_2283-60-0003 rev T3)  
Proposed External Works Layout Sheet 1 (T\_20\_2283-60-0003 rev T3)  
Proposed External Works Layout Sheet 2 (T\_20\_2283-60-0004 rev T3)  
Proposed External Works Layout Sheet 3 (T\_20\_2283-60-0005 rev T3)  
Proposed External Works Layout Sheet 4 (T\_20\_2283-60-0006 rev T3)

All received 12<sup>th</sup> May 2021

**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. The materials to be used on the external elevations of the proposed units shall accord with the approved plans as follows:

Unit 1 - Proposed Elevations Drg No: 20011\_PL15  
Unit 2 - Proposed Elevations Drg No: 20011\_PL24  
Unit 3 - Proposed Elevations Drg No: 20011\_PL35  
Unit 4 - Proposed Elevations Drg No: 20011\_PL45

All received on the 12<sup>th</sup> May 2021

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

4. The maximum floor space to be for a use falling within the use class B2 (General Industrial) of the Town and Country Planning (Use Classes) Order 1987 (or any subsequent amendment to that order) within the hereby approved buildings shall not exceed 16,902 square metres. The total floorspace of B2 and B8 uses shall not exceed 84,509 square metres total.

**Reason:** To ensure adequate access and parking arrangements are provided on site 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) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

5. Prior to occupation of each hereby approved building a plan shall be submitted to and approved in writing by the Council providing confirmation of the amount of floor space provided for B8 and B2 use within that building. The use of the building shall thereafter accord with the approved details.

**Reason:** To ensure adequate access and parking arrangements are provided on site 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) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

6. Prior to the commencement on each phase of development on the site (as shown on the Proposed Plot Demise Plot Drg No: 2011 PL07 C received 12.05.21), excluding demolition, an Employment and Training Statement for construction employment at the site shall be submitted to the local planning authority for their approval in writing. The approved Statement shall be implemented in full prior to the commencement of any construction work within that plot.

**Reason:** To ensure that local employment is generated through the construction and operation of the building hereby approved in accordance with Policy DM4 of the SADMP (2016).

7. Prior to occupation of any unit, the details for the alteration of the boundary treatment to Kirkby Road recreation ground to provide access to the open space should be submitted to the local planning authority for approval. The alterations shall be carried out in accordance with the approved details within 3 months of the mitigation land to the north being made accessible to the public.

**Reason:** To ensure there is adequate linkages from the site to existing open spaces in accordance with Policy 7 and 8 of the Core Strategy (2009).

8. Within one year of the first occupation of any building, the design and siting of the World War II firing range memorial shall be submitted to and approved in writing by the Local Planning Authority. The memorial shall be erected in accordance with the approved design and siting and shall be erected within six months of the approval of the design and siting.

**Reason:** To mitigate the loss of features of local historic interest in accordance with DM12 of the Site Allocations and Development Management Policies DPD (2016).

9. Prior to the commencement of any phase of development, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design. The development shall be implemented in accordance with the approved Tree Protection Plan.

**Reason:** To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site

Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

10. Prior to the commencement of any phase of development (as shown on the Proposed Plot Demise Plot Drg No: 2011 PL07 C received 12 May 2021), a landscape implementation scheme for that plot shall be submitted to and approved in writing by the Local Planning Authority. The landscape implementation scheme will be in accordance with the general principles of the Landscape Masterplan, Drg No: 3565 101 I received 12 May 2021 and Planting Plans, Drg Nos: 3565 102 H, 3565 103 H, 3565 104 A, 3565 105 A, 3565 106 A, received 12 May 2021. 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 development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11. A landscape management plan, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any building or any phase of the development, for its permitted use. The landscape management plan shall be carried out as per the approved details.

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

12. The site shall not be occupied until all works detailed in the Tier Consult Remediation Strategy Report TE1270RS1.0 dated 30.04.2021 have been completed and completion approved in writing by the Local Planning Authority.

**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).

13.
  - a) If during development, contamination not previously identified is found to be present at the site, no further development shall take place within the affected area until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with.
  - b) Any remediation works so approved shall be carried out prior to the site first being occupied.

**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).

14. Prior to any phase of development commencing, excluding demolition, a Construction Traffic and Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail as a minimum, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision and how during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of construction for the whole development area.

**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).

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

**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).

16. Prior to commencement a Demolition Method Statement shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and demolition phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints.

**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).

17. Within 28 days from the receipt of a written request from the local planning authority, the operator shall, at its own expense, initiate an investigation by a competent person (such as a suitably qualified acoustic consultant) to assess the level of noise from site operations at an agreed location or locations following a procedure to be agreed in writing with the local planning authority. The assessment shall determine whether the following levels have been materially exceeded at any nearby receptor:

Daytime (0700:23:00 hours): Equal to or less than 50 dB,  $L_{Aeq, 16h}$

Night time (23:00 to 07:00 hours): Equal to or less than 45 dB,  $L_{Aeq, 8h}$   
Equal to or less than 60 dB,  $L_{Amax}$

A written report which includes details of measured levels and assessment conclusions shall be submitted to the local planning authority as soon as the assessment is completed.

**Reason:** To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM7 and DM10 of

the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

18. Upon notification in writing from the local planning authority of an established material exceedance of the noise levels in condition 17, the operator shall, within 1 month of the receipt of such notification agree a scheme with the local planning authority to mitigate the material exceedance, including a timetable for its implementation.

Once agreed between both parties it shall be activated forthwith and thereafter retained.

**Reason:** To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

19. The use of each unit shall accord with the noise management plan contained within the Sharps Redmore Technical Note dated 10<sup>th</sup> May 2021 (document ref: 2019389 TN2 (Rev A)).

**Reason:** To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

20. The rating level of noise emitted by all fixed plant on the site shall not exceed 40dB at the boundary of any noise sensitive premises between 07:00 and 23:00 and 35dB between 23:00 and 07:00 hours. The measurement and assessment shall be made according to BS 4142:2014+A1.

**Reason:** To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

21. The acoustic screen shown on approved Unit 2 Acoustic Fence Details Drg No: 20011 PL26 received 12<sup>th</sup> May 2021 shall be erected prior to first use of the unit and maintained in accordance with the approved details.

**Reason:** To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

22. To ensure maximum containment of noise, the loading bays shall be constructed and maintained in accordance with the approved Dock Leveller Door Details Drg No: 20011 PL55.

**Reason:** To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

23. Prior to any phase of development commencing, excluding demolition, 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 drainage scheme shall be implemented on site in full accordance with the approved details.



**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

24. Prior to any phase of development commencing, excluding demolition, 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 for that phase of the development has been submitted to, and approved in writing by the Local Planning Authority. The development of that phase shall be carried out in full accordance with the approved details.

**Reason:** To prevent any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

25. No occupation of any phase 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. Once approved the development shall be maintained in accordance with this strategy.

**Reason:** To establish a suitable maintenance regime that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

26. No development shall commence within the area of archaeological potential (orange area within Figure 13 of the Archaeological Desk Based Assessment, document reference: SW/SM/21213/01, submitted to the LPA on 12 May 2021, until a staged programme of archaeological work, commencing with an initial phase of trial trenching has been undertaken. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

**Reason:** To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with DM13 of the Site Allocations and Development Management Policies DPD.

27. No development shall commence until a survey to confirm (or otherwise) the presence of badgers; on the site has been submitted to and approved in

writing by the Local Planning Authority. If badgers; are present the survey shall be accompanied by a scheme of appropriate mitigation measures (including precise details of the timing and method of protection). No development shall be undertaken except in accordance with the approved scheme of mitigation.

**Reason:** In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

28. No development shall commence until a survey to confirm (or otherwise) the presence of Great Crested Newts; on the site has been submitted to and approved in writing by the Local Planning Authority. If great crested newts; are present the survey shall be accompanied by a scheme of appropriate mitigation measures (including precise details of the timing and method of protection). No development shall be undertaken except in accordance with the approved scheme of mitigation.

**Reason:** In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

29. Prior to removal of the Ash tree shown to support Barn Owls pre—removal checks will be carried out and details of the proposed replacement barn owl box will be submitted to the Local Planning Authority for approval.

**Reason:** In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

30. No development other than demolition shall commence on site until a Biodiversity Management Plan for the site which shall set out the site-wide strategy for protecting and enhancing biodiversity including the detailed design of proposed biodiversity enhancements, a timetable for their implementation and completion and details of their subsequent management once the development is completed, has been submitted to the local planning authority for their approval in writing. The submitted plan shall include all retained and created habitats including SUDs and all landscaping. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan. The submitted Plan shall be based on the advice and identified mitigation contained within Ecological Assessment (8786M.EcoAs.vf1) dated September 2020

**Reason:** To enhance the ecological value of the proposed development in accordance with Policy DM6 of the SADMP

31. Prior to the occupation of each building details shall be submitted to and approved in writing by the Local Planning Authority showing the location of electric car charging points to be provided. The charging points shall then be erected and maintained in accordance with the approved details.

**Reason:** To ensure adequate provision of electric charging points in line with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016). Paragraph 110 of the National Planning Policy Planning Framework.

32. Within one month of the new vehicular access hereby permitted first being brought into use any existing vehicular accesses on Peckleton Lane that have become redundant as a result of this proposal shall be permanently closed and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2019).

33. Notwithstanding the submitted plans, no part of the development shall be first brought in to use until a revised access drawing has been submitted to and approved in writing by the Local Planning Authority that includes details of a scheme of widening to Peckleton Lane to 7.3m between the proposed access and adjacent Neovia access to the south. The drawing shall also include identification of appropriate signing directing vehicular traffic from the site access. No part of the development permitted shall be occupied until the approved scheme has 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 the National Planning Policy Framework (2019).

34. No part of the development shall be occupied until such time as the offsite works generally shown on drawing number 403.10671.00001.H002.4 have been implemented in full.

**Reason:** To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019).

35. No part of the development shall be occupied until such time as a scheme of mitigation at the A47 / Dans Lane junction as generally shown on drawing numbers 403.10671.00001.H005.4 and 403.10671.00001.H007.5 or 403.10671.00001.H009.1 and 403.10671.00001.H008.1 has been implemented in full.

**Reason:** To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019).

36. The parking and turning facilities associated with each individual plot shall be implemented in accordance with drawing number Drawing No. 20011\_PL04 Rev J prior to the first occupation of that unit. 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 the National Planning Policy Framework (2019).

37. No development within plots 2, 3 and 4 as shown on Drg No: 20011 PL07 Rev: C, excluding demolition, shall take place until a scheme for the treatment of the Public Right(s) of Way has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include a detailed design for the relocation and reconstruction of the diverted bridleway R119, provision for management during construction, fencing, surfacing (which will be tarmacadam), width (which will be 3m), structures, signing and landscaping (including one metre verge each side) in accordance with the principles set

out in the Leicestershire County Council's Guidance Notes for Developers and Drawing Title SD/11/6 (Revision D) of the Leicestershire Highways Design Guide. The diverted bridleway shall be constructed in accordance with the approved details and completed to the satisfaction of the Local Planning Authority and made available for public use prior to the closure of the existing Bridleway

**Reason:** to protect and enhance Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework (2019).

38. No trees or shrubs shall be planted within 1 metre of the edge of the Public Right(s) of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.

**Reason:** to prevent overgrowth of the path in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework (2019).

39. Prior to construction of the diverted section of the bridleway, changes to existing boundary treatments running alongside the Public Right of Way, must be approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

**Reason:** in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework (2019).

40. Prior to the completion of the diverted section of the bridleway, a signage scheme in respect of the Public Right(s) of Way, should be formulated by the developer and approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers

**Reason:** to ensure the path is easy to follow through the development in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework (2019).

41. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of, 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 lead to on-street parking problems in the area.

42. No individual unit hereby permitted shall be first brought in to use until a framework Travel Plan, which sets out actions and measures with quantifiable outputs and outcome targets (including the offer of a six month bus pass for all employees) for that unit has been submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

**Reason:** To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2019).

43. Prior to any building hereby permitted, first being brought in to use, a scheme for the delivery of a bus stop flag and timetable case to serve the proposed development shall be submitted to and approved by the Council.
- Reason:** To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2019).
44. Prior to any building hereby permitted, first being brought in to use a Travel Pack informing employees what sustainable travel choices are in the surrounding area shall be submitted to and approved in writing by the Council. The agreed Travel Packs shall then be supplied to all employees within 1 month of the first use of that building.
- Reason:** To reduce the need to travel by single occupancy vehicle and to promote the use of Sustainable modes of transport in accordance with the National Planning Policy Framework (2019).
45. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.
- Reason:** To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016)

#### 12.4. Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. 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>
3. If the proposal requires the permanent removal ("stopping up") or diversion of highway to enable the development to take place, then you must complete the legal processes required before commencing works. Further information is available at: <https://www.leicestershire.gov.uk/roads-and-travel/local-authority-searches/highway-extinguishments>. If you are unsure whether your proposal affects public highway, you can establish the Highway Authority's formal opinion of the adopted highway extent in relation to the proposal. Further information is available at <https://www.leicestershire.gov.uk/hre>
4. 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.

5. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
6. A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk) to progress an application.
7. Prior to construction, measures should be taken to ensure that users of the Public Rights of Way are not exposed to any elements of danger associated with construction works.
8. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
9. If the developer requires a Right of Way to be temporarily diverted or closed, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.
10. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
11. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
12. Travel Packs can be provided through Leicestershire County Council at a cost of £52.85 per pack.