

**Planning Committee 19 October 2021
Report of the Planning Manager**

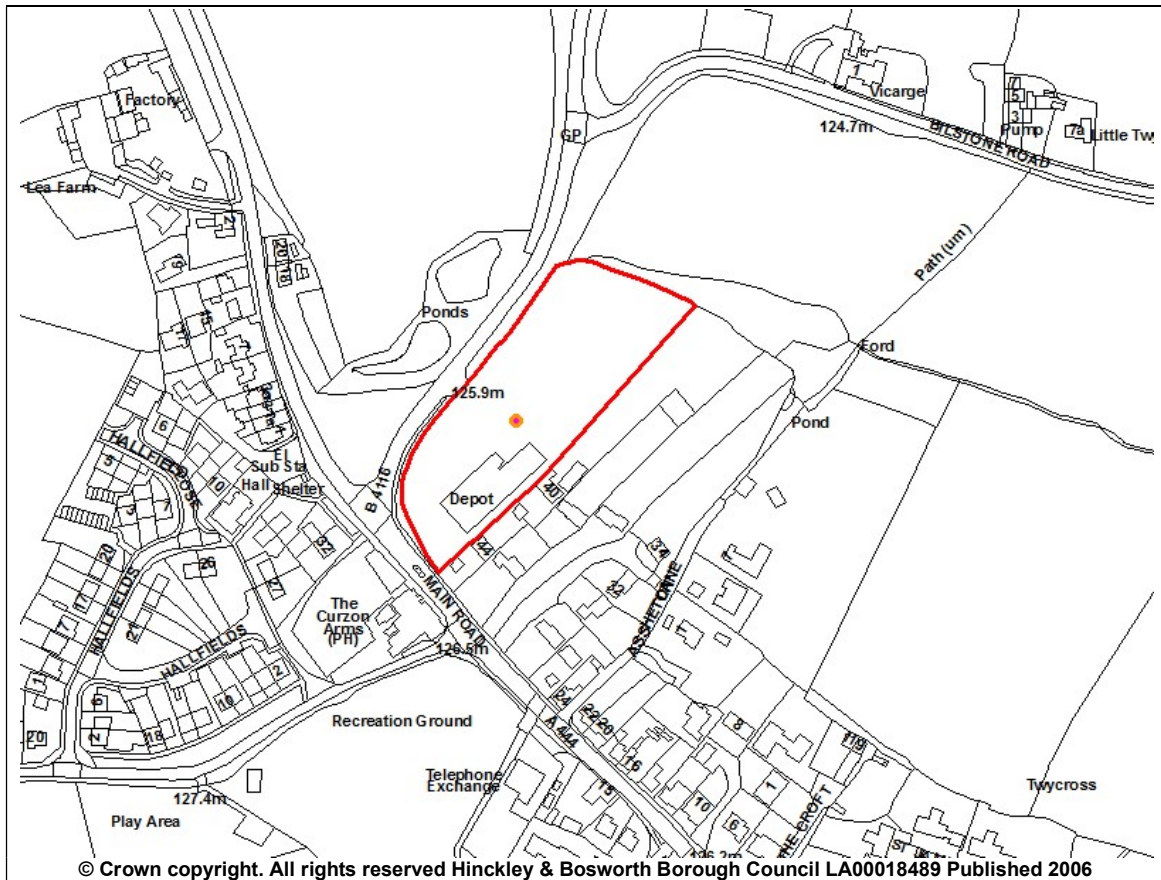
**Planning Ref: 21/00427/FUL
Applicant: Mr Startin
Ward: Twycross Sheepy & Witherley**



**Hinckley & Bosworth
Borough Council**

Site: 2 Ashby Road Twycross Atherstone

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



1. Recommendations

1.1. Grant planning permission subject to:

- 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.

2. Planning application description

2.1. The proposal seeks to construct a new two-storey workshop/sales and office building comprising a single span portal framed building finished in a mixture of red facing brickwork, vertical timber cladding and glazed wall curtain walling and composite sheet cladding. A further detached portal framed structure finished in

profile sheet cladding would be used to wash and prepare vehicles. Both buildings would be sited to the north-east of the existing workshop within the area currently used as a display area.

- 2.2. Part of the field to the north of the site (an area of approximately 3,000sqm) would be used as an agricultural machinery display area and storage area for the business known as “Startin Tractors Limited”. The land would be surrounded by fencing and landscaping. An area of field to the north-east of the proposed new agricultural machinery display area and storage area would be planted with a woodland tree belt.
- 2.3. Vehicular access to the site would continue from the existing access onto Ashby Road which is subject to the national speed limit.
- 2.4. This application is a revision to a previous application (20/00400/FUL) that was for a similar proposal. That application was refused by Planning Committee at the meeting of 12 January 2021 for three reasons, relating to sustainable development in the countryside, impact on the setting of heritage assets and insufficient information on ecological impacts. This application seeks to address and overcome the previous reasons for refusal. This is fully discussed in the relevant sections below.
- 2.5. This application is supported by:
 - Landscaping Strategy
 - Planning Statement
 - Noise Impact Assessment
 - Flood Risk and Runoff Assessment
 - Lighting Strategy
 - Ecology Report
 - Heritage Statement
 - Archaeological Desk-Based Assessment

3. Description of the site and surrounding area

- 3.1. The application site is a rectangular area, located on the north-eastern edge of Twycross village. The site is located on the corner of Main Street (A444) to the south-west, Ashby Road (B4116) to the north-west, Bilstone Road to the north-east and the dwellings numbers 44 and 40 Main Street (and their gardens) and agricultural land to the south-east. The site has an existing vehicular access from Ashby Road.
- 3.2. The application site comprises two distinct areas. Area A is an area adjoining Main Road to the south-west and Ashby road to the north-west, and 40 and 44 Main Street to the south-east which is an allocated employment site and includes an existing agricultural vehicle yard, workshop and showroom occupying the corner of the A444 and the B4116 Ashby Road. This part of the site occupies a prominent location and is currently defined by a steel palisade fence along with coniferous hedging for the majority of its boundary. There is a native hedgerow with mature trees to its north eastern boundary and this defines the boundary of Area A from the open countryside beyond. This section of the site is within the settlement boundary of Twycross.
- 3.3. The remainder of the application site (Area B) lies outside of the settlement boundary of Twycross and forms the western section of a larger field which is located within a rural area surrounded by gently undulating countryside. The field separates the village of Twycross from the houses within Little Twycross. This field is bound by native hedgerows. The land slopes gently downwards from Area B to the remainder of the field. Extensive views of the site are provided from Bilstone

Road to the north-east, Ashby Road to the north, and the public footpaths to the east (S96 and S95 which run from Main Road to Little Twycross) and the settlement of Twycross to the south east.

- 3.4. There are a network of historic footpaths within the vicinity of the application site including two from Twycross that converge at Little Twycross with both crossing the field within which the application site lies. Whilst there are no designated or non-designated heritage assets within the site boundary, but there are a number within the vicinity of the application site, including the Twycross Conservation Area to the south-east, the scheduled monument (Moated site and fishponds NNW of grade I listed St James' Church), and various grade II listed buildings within the Conservation Area and 3 Bilstone Road and the pump at 3 Bilstone Road.

4. Relevant planning history

20/01249/CLE

- Certificate of (existing) lawful development relating to the sale of goods/vehicles beyond the range authorised by Condition 6 of Planning Permission 78/1187/4
Certificate
08.03.2021

20/00400/FUL

- Erection of a new workshop and ancillary services building, new wash bay building and change of use of land to create an agricultural machinery display area
Refused
13.01.2021

13/00213/FUL

- Extension and alterations to building
Permission
08.05.2013

12/00454/FUL

- Retrospective application for the erection of camera (cctv) and lighting columns
Permission
18.10.2012

04/00018/GDOT

- Erection of 12m telecommunication mast with antenna and ancillary cabinets and equipment
Permission
26.02.2004

92/00010/4

- Erection of 2 1 metre high fence
Permission
08.04.1992

91/01103/4

- Retention of storage containers
Permission
30.12.1991

86/01127/4

- Storage of two containers adjacent to existing building
Permission
23.12.1986

77/01059/4

- Change of use to include with present use the storage and sale of animal feeds and farming requisites (officer note – ‘present use’ was storing and repair of agricultural machinery)
Permission
27.09.1977

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. A total of 2 letters of support have been received, raising the following issues:

- 1) Useful and necessary business
- 2) Extra space needed for modern machinery and engineers
- 3) Have increased staff during lockdown
- 4) Wash area moving away from residential areas
- 5) Site will be greatly improved and enhanced

5.3. A total of 11 letters of objection have been received raising the following issues:

- 1) Rural hamlet not the right place for an industrial warehouse
- 2) Outside the village boundary
- 3) Intrusion into the field
- 4) Blight the area
- 5) The economic benefit will not be to the local area
- 6) The business has outgrown the site
- 7) Roads cannot sustain more traffic
- 8) Pollution of the brook from machinery
- 9) Noise – need to condition their assessment, noise from vehicle storage area not considered
- 10) Do not believe 15 new jobs will be created – need further details
- 11) Scale of the new building is too big and tall
- 12) Fencing and lighting will be intrusive
- 13) Display areas will distract drivers
- 14) Visual impact of the new display area (area B)
- 15) Landscaping (trees and hedges) will not screen area B
- 16) Adverse impact on setting of ancient monument, footpaths and residential properties
- 17) Development of the gap between Twycross and Little Twycross
- 18) Why does the display area need to be located adjacent to the site and not on industrial land elsewhere
- 19) Contrary to DM20 and DM10 a to e, DM4, DM11 and DM12
- 20) Site notice not erected with regard to not in accordance with the development plan
- 21) Ecological survey does not list all species on the site
- 22) Landscape strategy does not show the 2.4m noise barrier
- 23) Impact on historic hedgerows
- 24) Heritage assessment does not consider the noise barrier or 3 Bilstone Road

- 25) Concern that Ward Cllr Morrell has conflict of interest on the application as a customer and friend of the applicant
- 26) Site is now an Izusu dealership, not appropriate for the village
- 27) Impact on the character of the countryside
- 28) Amenity impact on 1 Bilstone Road – noise, air quality, odour and visual intrusion
- 29) Less than substantial harm to heritage not outweighed by public benefits
- 30) Concern about change of use process regarding selling of cars and retrospective permission
- 31) Concern about conduct and lack of transparency of/from parish councillors
- 32) Previous refusal reasons not overcome
- 33) Impact on view from residential properties
- 34) Concern about loss of already poor water pressure

6. Consultation

- 6.1. No objections, some subject to conditions have been received from:
 - HBBC Environmental Services (conditions)
 - LCC Ecology (conditions)
 - LCC Highways (conditions)
 - Historic England (conditions)
 - HBBC Drainage (conditions)
 - LCC Archaeology (conditions)
 - Leicestershire Police
 - HBBC Waste
- 6.2. Twycross Parish Council – Support the revised application as a reasonable compromise to support local business and retain substantial green wedge between Twycross and Little Twycross. Encourage further dialogue to address any remaining issues.
- 6.3. LLFA – The application provides insufficient information for the LLFA to provide a substantive response.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 12: Rural Villages
 - Policy 17: Rural Needs
- 7.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM13: Preserving the Borough's Archaeology
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM19: Existing Employment Sites
 - Policy DM20: Provision of Employment Sites

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance

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

8. Appraisal

8.1. Key Issues

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

Assessment against strategic planning policies

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) 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 Policy 12 of the CS defines Twycross as a rural village, where the Council will support small scale employment uses, to support existing services. Area A (land between the A444 and in line with the rear garden boundaries of the adjoining properties) lies within the settlement boundary of Twycross. This part of the site is also allocated as an employment site in the SADMP under designation TWY09. The Employment Land and Premises Study (2020) categorises the employment site, Startin Tractor Sales, as a Category B site. This study recommends that the site should be retained for 100% employment use. However, it also recognises that the business is primarily a retail facility with some light industrial use. The retail facility on the site being the sale of agricultural machinery and tractors, which is a sui generis use as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended).

8.4 Planning permission was granted in 1977 for the change of use of this site to a use restricted to the sale and storage of animal feeds and farming requisites only (condition 6). Since the determination of the previous application 20/00400/FUL, a certificate of existing lawful use has been granted (20/01249/CLE) for car and commercial vehicle sales and for the sale of vehicle parts and spares (sui generis use) on the existing site. This is the lawful use of the existing Startin Tractors site.

8.5 The Startin Tractors site provides the only employment space in the village of Twycross and should be retained for an employment use. Policy DM19 of the SADMP applies for the proposed workshop building which would fall within a B2 Use Class and so the principle of the construction of a workshop on this part of the site would be accepted.

- 8.6 However, Area B (from the settlement boundary of Twycross north-east up to Bilstone Road) is located outside of the settlement boundary for Twycross. This part of the site is also located outside of the employment site allocation for TWY09. Whilst Policy DM20 of the SADMP (2016) includes criteria where it may be demonstrated that new employment sites for B1, B2 and B8 uses adjacent to existing employment areas/settlement boundaries are supported outside of allocated employment areas, the proposal is for the use of this land for the storage and display of agricultural machinery. The land in area B would be used in relation to the storage and retail of tractors, as part of the overall sui generis use of the site.
- 8.7 Therefore, Policy DM4 in the SADMP applies to area B of the site. This policy allows for sustainable development within the countryside providing it meets certain criteria. The criteria that would apply to this proposal would be:
- c) [the proposal] significantly contributes to economic growth, job creation and/or diversification of rural businesses.
- 8.8 Policy 17 of the CS permits small scale developments that meet a 'local need' for employment facilities adjacent to the settlement boundary, provided that certain criteria are met. Although the site is an existing business and the proposed extension to the site is adjacent to the settlement boundary, the sui generis use proposed would not be classed as a small scale employment development to meet 'local need'.
- 8.9 The submitted Planning Statement sets out that the business currently employs 26 full time staff. The provision of the new buildings will allow for the opportunity to provide 15 additional staff members. The existing workshop offers no capacity for additional recruitment and creates problems for staff recruitment and retention. At the site visit it was noted by the case officer that the internal space in the existing buildings is limited and it does not allow for staff vehicles (which contain their tools/equipment) to be inside the workshop building. The Planning Statement notes that staff are required to work outdoors for this reason. Modern facilities and comfortable working conditions will aid recruitment and staff retention. The dated workshop and sales facilities also make it much more difficult for the company to strike up new franchise agreements and attract new customers.
- 8.10 The previous application 20/00400/FUL was refused for the following reason:
1. *The proposal relating to the storage and display of agricultural equipment and machinery for retail purposes (sui generis use) would not constitute sustainable development as defined in Policy DM4 of the SADMP. As such the principle of this retail proposal in a countryside location would be contrary to Policies DM1 and DM4 of the SADMP.*
- 8.11 Letters have been received regarding the application. There is support for helping the business to expand and modernise, but concerns that the expansion into greenfield, outside the village boundary is not appropriate and that alternative sites should be sought. The Planning Statement states that company is reluctant to leave the site as it is an established business and ideal location.
- 8.12 National policy in the NPPF is a material consideration. Paragraph 81 states that planning decisions should help create conditions in which businesses can invest, expand and adapt. To support a prosperous rural economy, paragraph 84 clearly states that decisions should enable the sustainable growth and expansion of all types of business in rural areas including through well-designed new buildings. Paragraph 85 states decisions should recognise that sites to meet local business needs may have to be found adjacent to or beyond existing settlements. In these circumstances it will be important to ensure that development is sensitive to its

surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make the location more sustainable.

- 8.13 In conclusion, it is considered that the additional buildings for the existing business proposed on the existing employment site, within the settlement boundary are a significant investment in the local economy and can be supported in principle. Due to the nature of the business, outside storage and display of vehicles is required. Due to the scale of the new buildings proposed on the existing site, the business requires further land to store the vehicles. The change of use of the agricultural land to a sui generis use is contrary to policy DM4 as the change of use does not in itself amount to a significant contribution to economic growth, job creation and/or diversification of the rural business. However, the scale of the expansion into the countryside has been reduced from the previous application, and the proposed development overall represents an expansion and investment in the rural economy. This is clearly supported in national policy and this is material consideration that is given great weight in favour of the proposal. Therefore, the proposal as a whole is considered to be acceptable in principle subject to the proposal being sensitive to its surroundings, having an unacceptable impact on local roads and exploiting any opportunities to make the location more sustainable, as required by national policy, and subject to the development meeting all other relevant policy and material considerations.

Design and impact upon the character of the area

- 8.14 Policy DM10(c) and (d) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally.
- 8.15 The Good Design Guide SPD provides guidance upon how to design an appropriate commercial building. This includes guidance on scale and massing, layout and character. The SPD states the design objectives for Twycross include to protect the visual integrity of the main approaches through the retention of landscaping and to orientate blank elevations away from the road.
- 8.16 Paragraph 134 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 8.17 Existing buildings on the site are a mix of 1 and 2 storey, in brick and pale grey cladding. The surrounding area is predominantly brick built with some use of render.
- 8.18 Public comments raise concerns that the proposed largest building is too large and tall and that it is out of scale with the village. The buildings proposed are the same as the previous application and they were not refused for design reasons.
- 8.19 The two proposed buildings are located within the settlement boundary and the employment allocation and as such the siting is appropriate. The larger building is adjacent to the site entrance and so the new offices and main entrance will be visible on entering the site. The layout shows new allocated customer parking close to the site entrance and new offices, with employee parking beyond. This improves the site layout for both visitors and employees. The new office/workshop building will be a modern design and measure approximately 30.5m wide by 48m length and a height of 7m to the eaves and 9.5m to the ridge. The roof is a low pitch to minimise the height of the building. The front (south) elevation contains the offices and is heavily glazed with exterior materials of brick and timber cladding. The glazing continues onto the western (road facing) elevation to break up the length of

the building and materials are a mix of brick with composite cladding above. This elevation will be approximately 5.0m from the site boundary and screened to some extent by the existing hedgerow and trees. The rear (north) and side (east) elevations will be more functional with brick and composite cladding and large bay doors. The roof will be profiled sheeting. Final external materials details and colour can be secured by condition.

- 8.20 The smaller vehicle wash building will be located to the north-east of the site and will not be visible from the public domain. It will measure approximately 12m by 9.5m and be 7m to the eaves and 7.6m to the ridge. The materials proposed are vertical cladding and profiled roof sheeting. Final external materials details and colour can be secured by condition.
- 8.21 The external vehicle storage area will be located to the north-east of the new buildings. Vehicles will be stored on hardstanding and the land will be secured by security fencing. The area will be accessed from the existing site via a gap created in the existing hedgerow. The area is already heavily screened to the western boundary by existing hedgerow and trees. It will be screened from view to the south-east by an existing plantation area and further boundary planting. A new boundary fence will be erected to the north and new hedgerow and trees planted along the boundary. In addition, a woodland tree belt will be added within the land to the north (agricultural land) to further screen the site.
- 8.22 The site lies within the Landscape Character Area H: Twycross Open Farmland. This character area has a generally open landscape, traditional small villages with historic origins and distinctive red brick vernacular and its small pasture fields surrounding settlements with their continuous hedgerows reinforcing the rural character of the villages. The key sensitivities in the area relevant to the proposal are the areas of smaller fields surrounding the settlement which provide valuable visual interest, the distinctive rural character of the villages with strong local vernacular and the extensive distant views across the open rural landscape. This means that any change/development has the potential to be widely visible from this area and views from surrounding counties. The landscape strategies for this area relevant to this proposal are to conserve field patterns of historic or visual interest and to retain this area of remoteness, rural character and dark night skies ensuring that development respects the rural context.
- 8.23 At present the building and machines on the site are not visible from the nearest dwelling at Little Twycross (number 1 Bilstone Road) or from surrounding roads, due to existing trees and hedgerows. The proposed landscaping will take time to establish and this will increase the site's visibility in the short term. However, the landscaping scheme is considered appropriate to the character area and will ensure the site is appropriately screened and the character of the rural area is not harmed. Public comments have raised that the landscaping does not include the noise mitigation fence, as details of this are yet to be finalised. Therefore, final landscaping and boundary treatment details can be secured by condition.
- 8.24 Overall, the design is considered appropriate to the rural context. Subject to the final landscaping and boundary treatment details being secured by condition, the proposal satisfies the requirements of policy DM10 and the Good Design Guide SPD and the NPPF.

Impact on heritage assets

- 8.25 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications to pay special attention to the desirability of preserving or enhancing the character or appearance of any Conservation Area. Section 66 of the same Act places a duty

on the local planning authority when determining applications that affect a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 8.26 Policy DM11 states that the Council will protect, conserve and enhance the historic environment throughout the Borough. Development with the potential to affect a heritage asset or its setting will be required to demonstrate an understanding of the significance of the asset and its setting, the impact of the proposal on the asset and its setting, how benefits of the proposal may outweigh any harm caused and any impact on archaeology in accordance with policy DM13.
- 8.27 Policy DM12 states that all development proposals affecting the significance of heritage assets and their setting will be assessed against policy DM11 and will need to accord with DM10. The policy requires that development in the setting of listed buildings will need to be compatible with its significance. Proposals should ensure that the significance of a conservation Area is preserved and enhanced. Proposals which adversely affect the setting of a scheduled monument should be wholly exceptional and be accompanied by a clear and convincing justification.
- 8.28 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.
- 8.29 Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. On sites with potential archaeological interest, a desk based assessment should be submitted and where necessary a field evaluation.
- 8.30 Paragraphs 199-203 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm (substantial or less than substantial) to be weighed against the public benefits of a proposal.
- 8.31 Local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (paragraph 206).
- 8.32 The Twycross Conservation Area is located to the south-east of the application site and includes the historic core of the settlement. At its closest point the field boundary forming the north-western corner of the Conservation Area is approximately 120m from Area B. There is a scheduled monument (Moated site and fishponds NNW of St James' Church) located within the north-western corner of the Conservation Area and a small number of listed buildings are located within the wider Conservation Area. All listed buildings are grade II (The War Memorial, The Hollies, Twycross House School, Manor Farmhouse and two memorials within the church yard) other than the grade I Church of St James. Outside the Conservation Area there are two further listed buildings sited within the vicinity of the application site which are 3a Bilstone Road and the pump at 3a Bilstone Road. Both of these structures are grade II listed buildings located approximately 100m east of Area B.

8.33 The committee report for the previous application 20/00400/FUL included an assessment of the heritage assets close to the site using the Historic England five step approach to assessing change in the setting of heritage assets. This concluded that the site was not considered to fall within their setting and due to the form of the proposal it is considered this position would not be altered following the development. The northern part of the application site was considered to fall within the setting of the Conservation Area and scheduled monument, as this area is visible and can be experienced when travelling along the historic footpaths between Twycross and Little Twycross. The significance of these assets was assessed by the case officer as the application was not supported by a heritage statement. The conclusions of that assessment are still considered appropriate for this revised proposal.

8.34 The previous application was refused for the following reason:

2. *The area proposed for the storage and display of agricultural equipment and machinery would affect the significance of the scheduled monument known as "Moated site and fishponds NNW of St James' Church" and the Twycross Conservation Area by virtue of its location within the wider setting of these designated heritage assets. Based on the evidence submitted the level of harm is considered to be less than substantial. The level of the public benefits demonstrated by the proposal are insufficient to outweigh the harm caused to the identified heritage assets. Such a use along with the engineered bund would also constitute an incongruous feature in this rural landscape. The proposal would thus fail to protect, conserve and enhance the historic environment and would not protect the open character and landscape character of this rural area which would be contrary to Policies DM4, DM11 and DM12 of the SADMP and to advice in the NPPF.*

8.35 The application is supported by an Archaeological Desk-Based Assessment. The Assessment confirms that the application area has potential to contain below ground archaeological remains relating to medieval and post-medieval settlement. The development proposals include works (e.g. foundations, services and landscaping) likely to impact upon those remains, therefore the developer should be required to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance. A condition is therefore recommended to secure an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording.

8.36 To address the reason for refusal, the application is supported by a Heritage Statement (March 21). This agrees with the case officer assessment of the previous application (20/0040/FUL) that the relationship to the setting of the Conservation Area and Scheduled Monument is "arm's length", and the level of harm was judged to be at the lower end of "less than substantial". The Statement agrees that the previous landscape bund proposal was not suitable in this open rural area. The Statement considers that the setting of 3a Bilstone Road is affected, as the whole of the field between the Twycross Conservation Area and Little Twycross, in the applicant's ownership and traversed by footpaths, is part of the setting of the listed building, and is also important to the structure and setting of Little Twycross in general. The Statement supports the more natural and substantial landscape belt previously suggested by Historic England. The proposal is to thicken out an existing triangular area of scrub and add further tree planting to the north, to form a curved woodland edge to the west end of the field that would echo the game coverts and screen belts of country house parks, such as are found a little further north. The Statement considers that subject to careful choice of species and proper management, this would satisfactorily close the views looking west from the public

footpaths. In terms of the view from the Ashby Road B4116 / Bilstone Road junction, there is already planting on highway land here, which would screen the development, and could be further augmented if desired with isolated trees to “filter” any remaining views. The Statement considers that the view from this direction is much less sensitive than views from the east. The Statement concludes that the proposed screen belt will form a natural-looking edge to the retained field. It will maintain the rural character of the field between Little Twycross and the Conservation Area, and maintain the tranquil character of the setting of the village and Scheduled Monument. It would be also sufficient to preserve the character of the hamlet of Little Twycross and the Grade II listed building there (3a Bilstone Road).

- 8.37 Historic England advise that they have no concerns about the proposed buildings on the southern half of the site. Although the development on the northern part of the site has been reduced in size, the loss of historic landscape over the northern half of the application is still likely to have some negative impact. There would also be some visual impact on the scheduled monuments setting, particularly before the proposed landscaping scheme is fully established. It would be less impact than the previous scheme and the impact would be a low level of harm. The impact and harm would reduce over time as the proposed landscaping develops. Historic England therefore have no objections to this application. They advise that landscaping is important and that its implementation and on-going maintenance should be firmly secured on any permission. In addition, Historic England advise:

- Early implementation of the landscaping scheme, to allow its establishment, and
- Careful consideration of the type, height and colouring of the security fencing to ensure it is appropriate and as discrete as possible in this more exposed rural setting; and
- Addition of a native hedgerow and further tree planting along the eastern boundary of the application site, to help better screen and reduce the visual impact on views from the Twycross to Little Twycross footpath.

The above recommendations of Historic England can be secured by condition.

- 8.38 The Conservation Officer advises that subject to the implementation and management of the proposed landscape strategy the proposal is considered to have a neutral impact causing no harm to the setting of the scheduled monument, Twycross Conservation Area and 3a Bilstone Road, thus preserving their significance.
- 8.39 Therefore, consultees advise that there will be between a neutral and low level of harm to the significance of the designated heritage assets from the proposed development within their setting. The consultees do not object to the proposal. In accordance with NPPF paragraph 202, the harm is to be weighed against the public benefits. In this case, the public benefits are the support of a local business and the increase in employment opportunities.
- 8.40 Overall, the low level of harm is considered to be outweighed by the public benefits of the proposal. Subject to the imposition of conditions to secure appropriate landscaping and boundary treatment the development will accord with policies DM11 and DM12 of the SADMP and the NPPF.
- Impact upon neighbouring residential amenity
- 8.41 Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters

of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

- 8.42 Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Development should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 8.43 The proposal relates to a workshop building and vehicle wash building in close proximity to residential properties, and thus has the potential to affect the residential amenity of the occupiers of the immediate neighbouring properties on Main Road (number 40 and 44) along with properties on the opposite side of Burton Road (A444) and to the northeast of the site on Bilstone Road (number 1 is the closest property).
- 8.44 A Noise Impact Assessment (March 2019) has been submitted with the application. This provides information on the proposed workshop operation which would have space for up to 12 tractors to be worked on simultaneously. Noise impacts are calculated based upon the roller shutter doors on the workshop building being closed. The offices would be located to the southwest of the workshop and the vehicle wash building is located separately to the north-east. The report contains the normal hours of operation for the site which are:
- Monday – Friday: 0800 – 1800
Saturdays: 08:00 – 12:00
- 8.45 The Assessment recommends that internally, noise is reduced by an acoustically absorbent liner incorporated into the fabric of the buildings. Externally, it is recommended that a 2.4m acoustic barrier (brick wall or timber fencing) is constructed along the southeast and northeast boundaries of part A of the site.
- 8.46 The Assessment considered the noise impact of the development with the above mitigation, on the nearest residential properties; 40 Main Road, 1 Bilstone Road and 32 Burton Road. The noise at these properties was calculated to be 35sBLAeq,1hr, 35sBLAeq,1hr and 33sBLAeq,1hr respectively. The noise from plant was also considered and determined that there would be a low impact. No details of external plant are available at this stage, but the Assessment recommends that the cumulative noise from any external plant installed to serve the new buildings should not exceed 25 dBLAeq,1hr at the closest residential property during the daytime 07:00-18:00hrs.
- 8.47 Objections have been received from residents with regards to the potential for noise and disturbance from the new buildings and the new vehicle storage area.
- 8.48 The Council's Environmental Health Officer (EHO) advises that further work is needed at the detailed design stage. The scheme should include full details of the design of noise control measures and include that doors be kept closed to the workshop as per the assessment in the Noise Impact Assessment. A pre-commencement condition is recommended and can be secured.
- 8.49 The EHO further confirms that the proposed noise levels for fixed plant on the site are acceptable and that a further condition is required that fixed plant should only be operational during the proposed hours of use. They agree with the hours of working included in the Report and recommend that these hours are conditioned in

order to protect the residential amenity of the occupiers of surrounding residential properties.

- 8.50 The proposed conditions are reasonable and necessary, therefore, subject to the imposition of noise mitigation measures, the proposal would not have a significant adverse effect on the amenity of nearby residents by virtue of noise and disturbance.
- 8.51 Objections have been received regarding potential odour and air quality impacts. The EHO does not state any concerns in this regard. Objections have also been raised about the adverse effect the proposal would have on surrounding residential properties by virtue of additional lighting that may be required for the buildings and for the equipment storage area.
- 8.52 The applicant has submitted a Lighting Scheme, and revisions were made following comments made by the EHO. The revised scheme is considered appropriate by the EHO, as the spill shield has improved light spill and the levels are within guideline criteria for the correct Environmental Zone. The EHO recommends a condition to secure the lighting as per the submitted plan, and the hours of use of the lighting to the sites operating hours. The county ecologist has raised concerns regarding the lighting scheme, in relation to light spill onto hedgerows. A further revision to the Lighting Scheme was received 5/10/21 and members will be updated at Committee regarding consultee responses to this revised scheme.
- 8.53 Therefore, subject to the imposition of planning conditions the proposal would not have a significant adverse effect on the amenity of nearby residents by virtue of noise, disturbance and lighting and so the proposal would be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.54 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.55 Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.56 Paragraph 111 of the NPPF (2019) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.57 The proposal is to use the existing access located on the B4116 Ashby Road which is derestricted and subject to a 60 mph speed limit. The Highway Authority (LHA) advise that given the scale of development and land use then the applicant is not required to provide any transport assessment to support the application based on Part 2 Table of the Leicestershire Highway Design Guide (LHDG).
- 8.58 The LHA state that whilst the existing access exits onto a 60mph road, vehicle speeds tend to be markedly lower due to the proximity of the A444 junction. They confirm that there has been one Personal Injury Collision at the junction of the A416

and A444 and this was an isolated incident and the development would not exacerbate the situation.

- 8.59 At present flatbed trailers which deliver and collect from the site reverse in from Ashby Road as there is insufficient room for them to manoeuvre within the site. This causes delay on the Ashby Road which can back up to the A444. The LHA confirm that the proposed layout would allow these trailers to enter and leave the site in a forward gear which would result in a net improvement in terms of the safe and efficient use of Ashby Road and the A444.
- 8.60 Whilst the applicant has indicated that there would be an increase in employees in the future, the current proposal would not increase staffing levels on the site. As such, the LHA is unable to demonstrate that there would be a material increase in trips to/from the site.
- 8.61 The parking on site will increase from 25 to 35 and the layout is acceptable. Parking and turning provision can be secured by condition. Electric vehicle charging points and a cycle parking area are proposed within the site. Further details of cycle parking can be secured by condition.
- 8.62 Therefore, subject to the imposition of conditions, the impact of the proposed development on the road network would not be severe and the proposal meets the requirements of policy DM10(g), DM17 and DM18 of the SADMP and the NPPF.

Ecology

- 8.63 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.
- 8.64 Paragraph 174 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.65 The previous application was refused for the following reason:
- ‘3. *Insufficient evidence has been submitted with the application to substantiate that the area proposed for the storage and display of agricultural equipment and machinery would not harm protected species including badgers and hedgerows on the site. Such a proposal would thus be contrary to Policy DM6 of the SADMP and to guidance in the NPPF.*
- 8.66 This application is supported by a Preliminary Ecological Appraisal (Dec 2020). The Appraisal concludes that the site contains no habitats of conservation concern. The Appraisal recommends a site enhancement including hedgehog nestbox, a bat sensitive lighting scheme (consultee comments on the revised lighting scheme are awaited) and tree/hedgerow removal outside of the bird breeding season and a herptile method statement.
- 8.67 LCC Ecology considers the submitted survey is satisfactory and does not object to the proposal. No badger setts or other evidence of protected species was recorded, and no habitats of conservation concern were recorded on the site. No further survey work is required. The ecology report recommends that a herptile method statement should be produced, and this can be secured by condition. The proposed native planting is welcomed, this will likely provide a net gain in biodiversity at the site. The recommendations in the Appraisal can be secured by condition.
- 8.68 The previous reason for refusal has been overcome. With the imposition of conditions the development would satisfy policy DM6 of the SADMP and the NPPF.

Flood Risk and Drainage

- 8.69 Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.70 Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.71 The application is supported by a Flood Risk and Runoff Assessment. The Assessment concludes that the site is within flood zone 1 with a low residual flood risk potential. There is a brook within the site, which bisects the site and flows west to east (between areas A and B). The proposal is to drain the new impermeable areas with sustainable urban drainage as this will provide the required level of treatment, amenity and biodiversity net gain.
- 8.72 The Councils Drainage Officer recommends conditions to secure a sustainable surface water drainage system, details of surface water management and details of long term maintenance.
- 8.73 The LLFA state that the site is proposed to be drained by via infiltration, and so the results of infiltration testing should be provided at this stage to demonstrate feasibility. Otherwise the site has not been shown to have a viable outfall for surface water drainage. The previous application recommended conditions, and surface water drainage was not a reason for refusal.
- 8.74 The agent has advised that they have instructed infiltration testing of the site and that this information will be submitted prior to committee. An update will be provided to committee.
- 8.75 Subject to the submission of the infiltration testing results and the LLFA confirming that they are satisfied that the site can be satisfactorily drained and subject to any conditions that are deemed necessary, the development is considered to satisfy policy DM7 of the SADMP and the NPPF.

Other Matters

- 8.76 Public comments have raised concerns about the conduct and lack of transparency of councillors with regards the application. This is not a material consideration and should be raised with the Parish Council or Borough Council separately.
- 8.77 Public comments have raised that a site notice not erected with regard to not in accordance with the development plan. A revised site notice was erected on 20/9/21 and revised newspaper advert placed on 20/9/21. Both expire 14/10/21.
- 8.78 Public comments have raised that the views from residential properties will be adversely affected. There is no right to a view over private land. The landscape impact of the proposal has been considered above.
- 8.79 Comments have raised concern about the impact on already poor water pressure. Severn Trent have not raised concerns regarding this application.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1 The additional buildings for the existing business proposed on the existing employment site, within the settlement boundary are a significant investment in the local economy and can be supported in principle. The change of use of the agricultural land to a sui generis use is contrary to policy DM4, however, the scale of the expansion into the countryside has been reduced from the previous application, and the NPPF is a material consideration which supports the proposal.
- 10.2 The design of the buildings is acceptable and the development will not have a severe impact on the road network and will provide sufficient parking provision. With noise mitigation, control of external lighting and control of working hours, the amenity impact will be acceptable. The ecological impact is also acceptable subject to conditions. Subject to confirmation that the site can be satisfactorily drained, the development will not create or exacerbate flooding.
- 10.3 The development will require new landscaping and boundary treatment measures to ensure that the development will be appropriate to the rural location. The development will have low level impact on the significance of designated heritage assets through development within their setting. The harm identified has been weighed against the public benefits of the proposal, and the low level of harm is considered to be outweighed by the public benefits of the proposal in this instance.
- 10.4 Overall, the revised proposal is considered to have overcome the 3 previous reasons for refusal and is recommended for approval, subject to the imposition of conditions.
- 10.5 Therefore, the development is considered to meet policies DM6, DM7, DM10, DM11, DM12, DM17, DM18 and DM19 of the SADMP. Paragraphs 81, 84 and 85 of the NPPF are material considerations in favour of the proposal.

11. Recommendation

- 11.1 **Grant planning permission** subject to:
 - The submission of further info regarding infiltration and the LLFA confirming this is acceptable, and

- Planning conditions outlined at the end of this report, and any further conditions as recommended by the LLFA.
- 11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.
- 11.3 **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 888-01 Rev B received 01/04/21
Site Layout 888-02 Rev C received 01/04/21
Proposed Floor Plans and Elevations Workshop/Offices 888-03 Rev A received 01/04/21
Proposed Floor Plans and Elevations Vehicle Wash Building 888-04 received 01/04/21
Noise Impact Assessment (NoiseAssess, Ref 12657.01.v1 dated March 2019) received 01/04/21
Preliminary Ecological Appraisal (Elite Ecology, December 2020) received 01/04/21
Lighting Scheme D43864/LC/D dated 4 October 21 received 05/10/21 (**to be updated)
Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
 3. The defined area shown as 'Agricultural Machinery Storage/Display Area' on approved Site Layout Plan 888-02 Rev C received 1/4/21 shall be used for the storage and display of agricultural machinery only and for no other purpose whatsoever.
Reason: To safeguard the visual amenities of the area in accordance with policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and to ensure the impact of other uses would be fully assessed.
 4. Notwithstanding the recommendations within the submitted Noise Impact Assessment by NoiseAssess (reference 12657.01.v1 dated March 2019) development shall not begin until a scheme for protecting nearby dwellings from noise from the development has been submitted in writing to and approved by the Local Planning Authority. The scheme shall include full details of the design of noise control measures and include that doors be kept closed to the workshop and washroom. All works which form part of the approved scheme shall be completed before the permitted development first comes into use.
Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development above foundation level shall commence on site until representative samples of the types and colours of materials and full details of windows, doors and roller shutter doors to be used on the external elevations of the buildings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

6. Notwithstanding the submitted Landscape Strategy (ref: 184/LA/WS/00/01 Rev C), no development shall take place until a scheme of hard and soft landscaping works, including security fencing and boundary treatments, for the site and the adjacent existing plantation, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted in writing to and approved in writing by the Local Planning Authority prior to the first use of the land shown as 'Agricultural Machinery Storage/Display Area' on approved plan 888-02 Rev C . 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 Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The external lighting of the site shall be installed in accordance with approved plan D43864/LC/D by Kingfisher Lighting dated 4 October 21 received 5/10/21 (**to be updated) by the Local Planning Authority. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM6, DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. The operational use of the buildings hereby permitted shall be restricted to the following times:-

08:00 to 18:00 Monday - Friday
08:00 to 12:00 Saturday

No operational use at any time on Sundays and Bank Holidays

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

10. No fixed plant shall be operated within the buildings hereby permitted outside the operating hours of:-

08:00 to 18:00 Mondays - Fridays

08:00 to 12:00 Saturdays and not at all on Sundays or Public Holidays.

Before any fixed plant is used within the buildings hereby permitted, it shall be enclosed with sound-insulating material and mounted in a way which will minimise transmission of structure borne sound in accordance with a scheme to be agreed with the Local Planning Authority in accordance with condition 4.

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).

11. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a precautionary herptile method statement, which shall include timing of works, methods of working and any ecological supervision required shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document 2016 and the NPPF.

12. The development shall be carried out in full accordance with the mitigation strategy, specified in Section 5 of the Preliminary Ecological Appraisal, Elite Ecology December 2020, received 1/4/21.

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

13. No demolition/development shall take place/commence 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 allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

14. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Steve D Pearce drawing number: 888-02 Revision C. Thereafter the on-site 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.

15. Prior to first use of the development hereby permitted details of the secure (and under cover) cycle parking shall be submitted in writing to and agreed in writing by the Local Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2021).

11.4 **Notes to applicant**

1. The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.