

**Planning Committee 27th August 2024
Report of the Head of Planning**

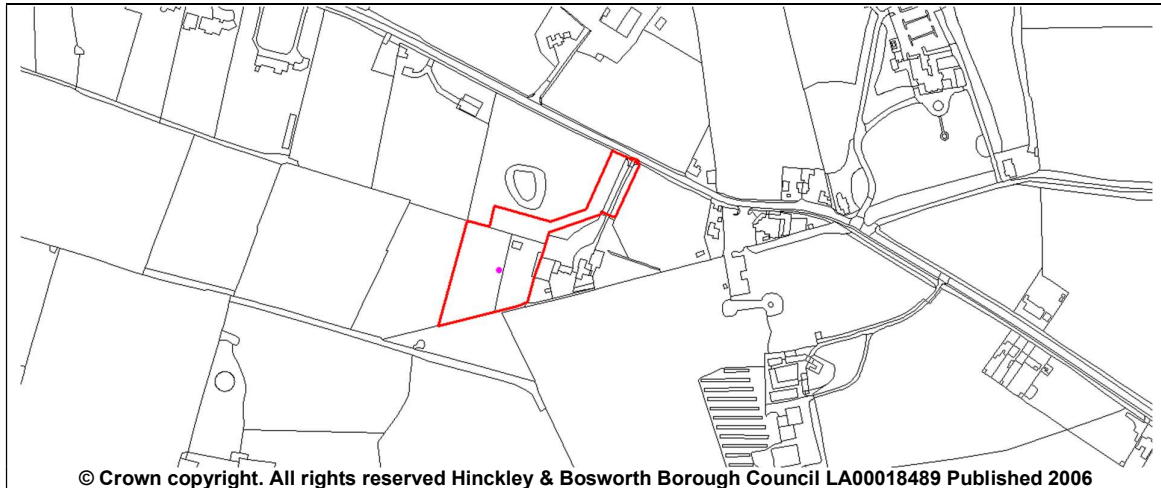
**Planning Ref: 22/01160/OUT
Applicant: Julie Clark- Savage Marine Ltd
Ward: Newbold Verdon With Desford and Peckleton**



Hinckley & Bosworth
Borough Council

Site: Forest House, Leicester Lane, Desford, Leicestershire

Proposal: Proposed commercial unit (Use class E(g)(i,ii,iii) (outline application - access only)



1. Recommendations

1.1. That the application be refused for the following reason:

The proposal represents new and unjustified commercial development outside of any identified settlement boundary in the countryside and it has not been demonstrated sufficiently that there are no suitable alternative sites in accordance with Policy DM20. Due to the location of the development, staff and visitors of the scheme are likely to be dependent on private motorised transport to access the site, which results in environmental harm. The proposal is therefore in conflict with policies 7 and 8 of the Core Strategy (2009), policies DM4 and DM20 of the Site Allocations and Development Management Policies DPD (2016), policies H1 and E2 of the Desford Neighbourhood Plan (2021) and the overarching aims of the NPPF.

2. Planning Application Description

2.1. The application seeks outline permission for the construction of a new light industrial/office unit on land adjacent to Forest House, Leicester Lane, Desford. This would enable the applicant to relocate their existing business operation (Savage Marine Ltd) to their home address. All matters are reserved except for access.

2.2. Savage Marine Ltd design and manufacture light fittings for the superyacht industry and marine leisure market. They are considered at the forefront of the industry and a leading supplier in this field, the business currently operates from a rental unit at Harrowbrook Industrial Estate in Hinckley. The applicants have stated that the disjointed layout of the existing rental unit, coupled with the acceleration of the

business mean the premises are no longer suitable; and are actually, hindering productivity and further growth. The applicant is therefore seeking approval for a new unit that will not only provide the additional space needed, but can be tailored to showcase the business' niche operations.

- 2.3. Owing to the needs of the applicant the proposed building would fall within Use Class E- Commercial, Business and Service. Specifically Use Class E(g)(i)- offices, E(g)(ii)- the research and development of products and processes and E(g)(iii) industrial processes. As above the application is outline in form therefore full details of the scale, layout, appearance and landscaping of the unit have not been submitted with these details reserved for a later stage. The Design and Access Statement submitted with this application does however suggest that a total of 750m² of floorspace is required, that the built footprint is likely to be around 500m² with an internal mezzanine. External hardstanding and parking will also be needed. Design proposals include a potential Dutch barn style appearance and overall the applicants have stated their intention for the ultimate design to be high quality in excess of a 'standard industrial' building.
- 2.4. Detail of the access is to be considered as part of this outline application. Various amendments have been made to the access point as a result of ongoing discussions with LCC highways. The final plans propose that the access would be taken from Leicester Lane immediately adjacent to the existing residential access for Forest House. 2m wide footways are proposed to tie into the existing footway on either side of the existing access point and tactile paving is proposed at the crossing point.
- 2.5. The application is accompanied by the following reports and documents:
 - Design and Access Statement (including illustrative masterplans)
 - Topographical Plans
 - Tree Survey
 - Extended Phase 1 Habitat Survey
 - Highways Technical Note and Access Plans
 - Supporting information outlining the needs of the business and industrial accommodation availability information

3. Description of the Site and Surrounding Area

- 3.1 The application site is located within the countryside to the west of Forest House - a residential dwelling with a number of outbuildings and consent for a further barn conversion. The site is at the edge of Hinckley and Bosworth Borough, immediately to the north of Blaby District Council administrative area. The site lies approximately 1.5km south east (straight line distance) from the settlement boundary of Desford. The site is set back approximately 140m from Leicester Lane which lies to the north.
- 3.2 The land is currently used for agricultural purposes and with the exception of Forest House and its associated buildings the site is immediately surrounded by agricultural land. The topography of the site is relatively flat with hedgerow to most field boundaries and a dense spinney of trees to the south of the site.

4. Relevant planning history

None relevant to this application

5. Publicity

- 5.1. The application has been publicised by sending out letters to the occupiers of neighbouring properties. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. No comments have been made

6. Consultation

- 6.1 **Desford Parish Council** – “Desford Parish Council supports this application. It will provide employment for 19 people and is adjacent to other business sites such as Desford Hall. The location is also close to the A47 which will direct transport links away from the village..
Adequate provision appears to be made for the PROW to cross the access road”
- 6.2 **Blaby District Council** – “It is noted that the site is located in an area designated as countryside on the Site Allocations and Development Management Policies DPD and that Policy DM4 (Safeguarding the Countryside and Settlement Separation) would be applicable to the development, in addition to Policy DM20 (Provision of Employment Sites). Policy DM4 aims to protect the value, beauty character and landscape of the countryside and safeguard it from unsustainable development. It therefore only considers development in the countryside to be considered sustainable where certain criteria are met. Policy DM20 applies a sequential approach to employment development outside of settlement boundaries on sites such as this. Further to this, the site is located within the Newbold and Desford Rolling Farmland character area as identified within the Landscape Character Assessment 2017, and so the impact of the development on the character and appearance of this area should be considered when determining this application.

The development site is also crossed by the public footpath reference: R99 and is located in close proximity to footpath reference: T74.

The consultation response from National Highways was reviewed and is queried in regard to its references to ‘The SRN in the vicinity of the proposed development is the A5’ as it is noted that the site is located some distance away from the A5, so it is unclear why National Highways have been consulted or object to the development”

- 6.3 **National Highways (NH)- (Final Response)-** “The SRN in the vicinity of the proposed development is the M1. This Outline Planning application was for the erection of a new commercial unit (Use Class E (g) (i, ii, iii) (access only) on land adjacent to Forest House, Leicester Lane, Desford. The new access to the site is proposed to be via Leicester Lane (B582) which is a local highway.
We have been re-consulted by the Council on 20 April 2023. After reviewing the Technical Note prepared by MEC in April 2023 (report ref. 27239-TRAN-0801), we have the following comments. We note that TRICS data has been utilised to establish the trip generation of the proposed development, and acknowledge the numbers of two-way vehicular trips during peak hours are 3 during AM peak 08:00 – 09:00 and 2 during PM peak 17:00 – 18:00). The impact of this proposal on the operation and safety of the SRN is unlikely to be significant”.
- 6.4 **LCC Highway Authority (LHA)** – No objections subject to conditions. These comments are incorporated into the highways section of this report.

6.5 **LCC Archaeology** – “Thank you for your consultation on this application. We recommend that you advise the applicant of the following archaeological requirements, for post-determination trial trenching.

The Leicestershire and Rutland Historic Environment Record (HER) notes that the projected route of the Roman Mancetter Road (HER Ref.: MLE3019) runs through the northern end of the application area. C.600m northeast of the site various finds were recovered in the 1980s, including six Roman coins and a Dolphin fibula brooch, suggestive of a site (MLE197). The application area therefore has good potential for the presence of archaeological remains relating to Roman activity.

In accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 194, the development area is of archaeological interest and also has the potential for further unidentified archaeological deposits. Based upon the available information, it is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application (NPPF paragraph 195).

While the current results are sufficient to support the planning decision, further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme.

NPPF paragraph 205, states that Local Planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.

In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching, followed, as necessary by intrusive and non-intrusive investigation and recording. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the latter work at the applicant’s request.

If planning permission is granted the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, and with relevant Chartered Institute for Archaeologists “Standards” and “Code of Practice”. It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.”

6.6 **LCC Ecology** –

“I have reviewed the Extended Phase 1 Habitat Survey produced by CBE Consulting (July 2022). No evidence of protected species was recorded and the majority of the survey area had lower value habitats. Given the site and habitats present, Biodiversity Net Gain should be achievable given the extent of the land ownership. The boundary hedgerows and adjacent woodland are higher value habitats which need protecting. There is potential for nesting birds within vegetation. There is potential for common amphibians and reptiles to be present near the adjacent pond (there are no great crested newts present). These all need protecting during the works. Enhancements

should include wildflower grassland management, the incorporation of bird and bat boxes, construction of refugia, and native planting.

With the reserved matters application I will need to see measurable net gain, therefore a Biodiversity Net Gain Metric in version 3.1 (or the most recent version) will need to be provided”.

A condition is recommended requiring an ecological mitigation, compensation and enhancement strategy to be submitted to and approved in writing by the LPA.

6.7 **Lead Local Flood Authority (LLFA)**– “Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 0.91ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a very low risk of surface water flooding. Leicestershire County Council as LLFA advises the LPA that the proposed development is not considered a major application and therefore the LLFA is not a statutory consultee for this application and offers no comment. Please refer to the enclosed standing advice”.

6.8 **Environment Agency (EA)** – No comments, the development falls within Flood Zone 1 and therefore the EA have no fluvial flood risk concerns. There are no other environmental constraints associated with the application site which fall within the remit of the EA.

6.9 **Severn Trent**- No objection subject to a condition requiring details of foul and surface water to be submitted and approved.

6.10 **HBBC Environmental Health** – No objection

6.11 **HBBC Waste Management** – No objection

6. Policy

7.1. Core Strategy (2009)

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

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM13: Preserving the Borough’s Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM20: Provision of Employment Sites

7.3. Desford Neighbourhood Plan (2021)

- Policy H1: Settlement Boundary
- Policy ENV 3: Biodiversity General
- Policy T1: Traffic Management
- Policy E2: Support for new employment opportunities

- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide
 - Leicestershire and Rutland Historic Environment Record

7. Appraisal

- 8.1. As this is an outline planning application with all matters reserved except for access, the number of detailed considerations relevant at this stage are limited and relate largely to the principle of development. Nonetheless, the following represent the key issues:
- Principle of Development
 - Impact upon Highway Safety
 - Design and Impact on the landscape and visual amenity
 - Residential Amenity
 - Flood Risk and Drainage
 - Ecology and Biodiversity
 - Archaeology
 - Planning Balance

Principle of Development

- 8.2. 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. Paragraph 2 of the National Planning Policy Framework (NPPF) repeats this and states 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) (CS), the Site Allocations and Development Management Policies DPD (2016) (SADMP) and the Desford Neighbourhood Plan (2021).
- 8.4. The Core Strategy (CS) sets out the settlement hierarchy for the Borough, Desford is identified within the CS as a Key Rural Centre. Policy 8 of the CS supports additional employment provision to meet local needs in Desford in line with Policy 7 of the CS. Policy 7 of the CS outlines that the council will “Ensure there is a range of employment opportunities within the Key Rural Centres. To support this, the enhancement of allocated employment sites in the Key Rural Centres will be supported, as will the development of employment uses including home working within the settlement boundary”.

- 8.5. The application site is located within the countryside, outside of the identified settlement boundary for Desford. There is therefore conflict with policies 7 and 8 of the CS which seek to direct new employment uses within settlement boundaries.
- 8.6. Turning to the SADMP, as the site is within the countryside, Policy DM4 is relevant. Policy DM4 seeks to protect the intrinsic value, beauty, open character and landscape character and therefore states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or*
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or diversification of rural businesses; or*
 - c) It significantly contributes to economic growth, job creation and/or*
 - d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or*
 - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.*

The policy then lists further criteria with regards to design and countryside impacts which are assessed in the relevant sections in the report below.

- 8.7. Of criteria a-e of Policy DM4, only criteria c) could be applicable to the development proposed. Criterion c) in principle supports development in the countryside where it significantly contributes to economic growth and job creation. In this case, the proposal would lead to the relocation of the existing business and staff and would not result in significant job creation or additional economic growth within the Borough beyond the existing situation. It is acknowledged that the proposal would lead to a purpose built HQ for the applicants business and concerns are raised with the ability to continue the existing business at the current premises. It is also noted that the existing business is said to be a leader within their specialist field and the business in its current location does contribute to the economy and employment within the Borough. However, Policy DM4 requires significant economic growth and job creation for a development to be acceptable within the countryside, in this case the bar of 'significant' is not met. There is therefore conflict with Policy DM4 of the SADMP.
- 8.7. Policy H1 of the Desford Neighbourhood Plan (DNP) identifies the settlement boundary for Desford and states that land outside the defined settlement boundary will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies. Policy E2 supports new employment opportunities that fall within the settlement boundary. Development outside of the settlement boundary is supported under Policy E2 only where a proposal relates to small scale leisure or tourism activities, or other forms of commercial/employment related development appropriate to a countryside location, or there are exceptional circumstances, or the development is sited in existing buildings or on areas of previously developed land in sustainable locations. Policy E2 contains a number of other criteria such as design, noise and traffic matters which are addressed in the relevant sections later in this report. The proposal does not relate to leisure or tourism activities, is not sited within an existing built nor is it on previously developed land. The remaining criteria acceptable in the countryside are commercial/employment related development appropriate to a countryside location

or where there are exceptional circumstances. The Desford Neighbourhood Plan does not outline what commercial/employment related development is appropriate to a countryside location nor what exceptional circumstances are. With regards to the former, the development is not for a rural based or related business that requires or is supported by a rural location. Whether there are exceptional circumstances is explored below in the context of Policy DM20 of the SADMP.

- 8.8. Policy DM20 of the SADMP relates to the provision of new employment sites within the Borough. The policy states that proposals such as this which stand outside the settlement boundary 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 areas;
 - d) Adjacent to settlement boundaries.
- 8.9. The applicants have not undertaken a full sequential test in line with the above. Officers asked the applicants to provide evidence that there were no alternative sites and in response the applicants provided an availability schedule from Wards Chartered Surveyors in April 2023 with an update provided in June 2024. The criteria for available units is stated as industrial accommodation, within a 10 mile radius of Hinckley and with a GIA of 5,000-10,000 sq ft. The latest schedule produced 28 business units meeting the above criteria, all were discounted by the applicants. Some have been discounted for reasons such as being unsuitable for manufacturing and from reviewing the details officers can understand this. However, despite others falling within the 10 mile radius of Hinckley criteria outlined by the applicants, a large number of units have been discounted as being too far out of a preferred area of HBBC, or being too far for workers to travel. Others have been discounted for affordability reasons, but no criteria has been provided to the LPA on what would be affordable for the applicants nor has a comparison been made between the potential build cost of the proposed unit and that of renting or buying existing units which appear to be available in line with Policy DM20. Overall, the evidence submitted is not sufficient or robust to demonstrate that there are no suitable alternative sites identified in line with the requirements of DM20 nor do officers consider that based on the evidence submitted that the development would meet the exception test outlined in Policy E2 of the Desford Neighbourhood Plan.
- 8.10. Paragraph 88 of the NPPF does set out that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings. With paragraph 89 going on to state that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 8.11. The application site is not well related to Desford and is not well served by public transport. The nearest bus stop is located in Desford over 2km from the site access.

There are sections of footpaths along Leicester Lane but these do not link the site to Desford itself and the footpath is narrow in parts and unlit. There are limited opportunities to make the location more sustainable and the site is not previously developed land. Therefore whilst the NPPF does support the sustainable growth of all types of business in rural areas and supports well-designed, beautiful new buildings overall the location is not judged to be an appropriate location for a new business unit.

- 8.12. The application site is located within the countryside, in an unsustainable location, it has not been demonstrated sufficiently that there are no suitable alternative sites. The proposal therefore conflicts with policies 7 and 8 of the Core Strategy, policies DM4 and DM20 of the SADMP and policies H1 and E2 of the Desford Neighbourhood Plan.

Impact upon Highway Safety

- 8.13. 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 highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.14. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.15. Policy T1 of the Desford Neighbourhood Plan 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.”*
- 8.16. Policy E2 of the Desford Neighbourhood Plan requires new employment development to not generate unacceptable levels of traffic movements.
- 8.17. Paragraph 114 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 115 of the NPPF 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 116(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.
- 8.18. The applicant has been in lengthy discussions with the Local Highway Authority (LHA) to overcome a number of initial concerns that were raised. Specific concerns were raised by LCC as the LHA around the creation of a new access onto Leicester Road as a Classified B road where measured 85th percentile speeds are in excess of 40mph. The LHA now advise that due to amendments made, in its view, the

impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe subject to the conditions and/or planning obligations outlined in this report.

Site Access

8.19. The Applicant has undertaken a speed survey as part of an Automatic Traffic Count (ATC). The results of the ATC survey indicate 85th percentile speeds of 42.1mph in a north-westerly direction and 39.1mph in a south-easterly direction. Visibility splays of 2.4m x 120m are therefore required to the south-east of the access and 2.4m x 65m to the north-west of the access. The Applicant has demonstrated on the submitted drawings that these splays could be achieved.

8.20. The LHA previously requested that an access with a kerbed radii and give way junction marking was provided as this would be preferable to the current dropped kerb arrangement. In addition, pedestrian dropped kerbs and tactile paving would also be required on either side of the access. The Applicant had made the LHA aware that the wall at the site has been demolished and relocated further within the site running parallel to the footway. Whilst the LHA welcomed the removal of the wall from the visibility splay onto the highway, it was unclear whether this would affect the design of the site access, or the 25m forward visibility splay within the site shown on drawing 27239_08_020_02. The LHA therefore requested that the re-located wall was included. MEC drawing number 27239_08_020_02 Rev. B details the amendments previously requested by the LHA. Whilst it would be preferable to the LHA for the two arms of the access to branch off from each other further into the site, under the site-specific circumstances and given the level of traffic generated, the LHA would not seek to resist the proposals.

Highway Safety

8.21. There have been no recorded Personal Injury Collisions within 500m either side of the site access within the last five years. No concerns have been raised by the LHA with regards to highway safety.

Trip generation

8.22. The Applicant has undertaken a TRICS assessment using the 'Employment - industrial unit' selections, selecting sites which were located in either neighbourhood centre or freestanding locations and with surveys undertaken outside of the Covid-19 pandemic. As shown in the table below, the proposals could generate approximately 14 two way trips in the AM peak and 19 two way trips in the PM peak, should 21 members of staff be employed.

Time Period	Trip Rates (per staff)		Trip Generation (21 staff)		
	Arrive	Depart	Arrive	Depart	Total
AM Peak (08:00-09:00)	0.519	0.154	11	3	14
PM Peak (17:00-18:00)	0.404	0.519	8	11	19

8.23. The Applicant does however consider that the above level of trips would represent an overestimation of the likely scenario as they do not include the carshare or bike to work schemes at the existing site. It is also stated that staff would work a four day week, with hours of operation between 06:45 – 17:00 Monday – Thursday meaning vehicle trips would be minimal during the AM peak. It is anticipated that there would be approximately eight vehicles leaving the site in the PM peak, with an average of 10 staff vehicles on-site. It is also stated that there is one daily collection between 11am - 3pm from FedEx in a transit van and that raw materials are delivered or collected twice per week from suppliers, either in the company van or in a transit style vehicle.

- 8.24. The LHA have advised it accepts the predicted trip generation and that subject to a safe and suitable access being demonstrated, it would not seek to resist the proposals under the site specific circumstances. This is on the basis of recorded vehicle speeds, PIC history in the vicinity of the access and the relatively low level of additional vehicles and deliveries which would be likely to access the site. Furthermore, this section of the B582 does not form part of either the Department for Transport's Major Road Network, or Leicestershire County Council's Resilient Network.

Junction Capacity Assessments

- 8.25. The LHA is satisfied that junction capacity assessments would not be required as a result of the proposals.

Internal Layout

- 8.26. The internal layout of the proposals is not for consideration at this stage and therefore has not been considered. Parking and internal layout matters will be considered at Reserved Matters stage.

Transport Sustainability

- 8.27. The LHA advised it considered the site to be in a location which could rely heavily on the use of the private car and is not in a sustainable location in transport terms. The issue of locational sustainability is assessed earlier in the report.

Public Rights of Way

- 8.28. Public Footpath R99 runs through the proposed development. Consideration will need to be given to a scheme of treatment for the PROW, including the management during construction, surfacing, signing and landscaping. This can be dealt with by means of a suitably worded condition.

- 8.29. Overall, the impacts of this proposed development in relation to access/highway matters are not considered to be severe to pose an unacceptable impact on highway safety. The proposal is judged to comply with Policy DM17 and Policy DM10 of the SADMP, Policy E2 of the Desford Neighbourhood Plan and the aforementioned policies of the NPPF subject to conditions. Conditions should also include the need for EV charging points at the site to comply with Policy DM10 of the SADMP.

Design, Landscape and Visual Impact

- 8.30. Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development. The site is located within open countryside, outside of the settlement boundary and is therefore considered against this policy.

- 8.31. Policy DM10(c), (d) and (e) 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 and incorporates a high standard of landscaping.

- 8.32. Policy E2 of the Desford Neighbourhood Plan is supportive of new employment opportunities providing they are of a size and scale which does not adversely affect the character, infrastructure and environment of the Parish itself and the neighbourhood plan area, including the countryside.
- 8.33. Section 7 of the Councils Good Design Guide (2019) outlines specific guidance for what will be expected from the design of commercial buildings.
- 8.34. Paragraph 139 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.
- 8.35. Matters of appearance, landscaping, layout and scale are all reserved within this outline planning application. The Design and Access Statement submitted with the application suggest that a total of 750m² of floorspace is required and that the built footprint is likely to be around 500m² with an internal mezzanine. External hardstanding and parking will also be needed. Design proposals include a potential Dutch barn style appearance which would be appropriate in the rural setting. The Design and Access Statement
- 8.36. The building would be sited reasonably close to the existing cluster of buildings at Forest House and would not be visually isolated. There are examples of stables, large farm buildings as well as the linear development along Leicester Lane and as such the principle of a building in the location is acceptable and subject to design would preserve the character of the countryside and surrounding area.
- 8.37. The applicants' vision is to develop an operational facility which matches the applicant's expectations and aspirations and the intention is to construct something that is in excess of a 'standard industrial' building. The proposals presented in the Design and Access Statement are considered to be of high quality architectural design, the themes include:
- Enhancing landscaping/biodiversity
 - Nestling the building within the existing historic collection of buildings
 - Developing a farmyard narrative to fit the development into agricultural context

These concepts should be brought forward to reserved matters stage should the scheme be acceptable. A condition requiring that any subsequent application adheres to the principle of the design and access statement could be included to ensure a development with the quality presented to date.

- 8.38. Overall, subject to the proposal outlining the principles contained within the design and access statement it is considered that the development would not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside. Furthermore, there is the opportunity to provide a scheme with high architectural design/quality which would be supported. The development is judged to comply with policies DM4 and DM10 of the SADMP and policy E2 of the Desford Neighbourhood Plan.

Impact upon Residential Amenity

- 8.39. 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.
- 8.40. Policy E2 of the Desford Neighbourhood Plan states that new employment development should not increase noise levels or light pollution or introduce any pollution to an extent that they would unacceptably disturb occupants of nearby residential properties.
- 8.41. Paragraph 135 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.42. Paragraph 191 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.
- 8.43. Officers consider that an appropriately designed proposal at reserved matters stage would safeguard the amenities of nearby residents at Forest House. Details of lighting and any noise mitigation measures could be secured at reserved matters stage.
- 8.44. It is considered that the use of conditions, together with the Council's continued role in assessing detailed plans at reserved matters stage, would ensure that sufficient scrutiny and control would be retained to ensure all concerns are appropriately addressed. Therefore it is considered that the proposed development could be designed such to be acceptable in amenity terms and in compliance with Policy DM10 a and b of the SADMP, Policy E2 of the Desford Neighbourhood Plan, The Good Design Guide SPD and the requirements of the NPPF.

Flood Risk and Drainage

- 8.45. 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.
- 8.46. Paragraph 173 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.
- 8.47. The site is greenfield site located within Flood Zone 1 (low risk) with a very low risk of surface water flooding. No objections have been raised by the LLFA or EA. Severn Trent have not objected subject to a condition requiring details of foul and surface water drainage.
- 8.48. Subject to the aforementioned conditions the proposal is therefore judged to comply with Policy DM7 of the SADMP and the NPPF.

Ecology and Biodiversity

- 8.49. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 180 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.
- 8.50. An Extended Phase 1 Habitat Survey has been undertaken of the site. No evidence of protected species was recorded and the majority of the survey area had lower value habitats. Given the site and habitats present, LCC ecology have advised that Biodiversity Net Gain should be achievable given the extent of the land ownership.
- 8.51. The boundary hedgerows and adjacent woodland are higher value habitats which need protecting and there is potential for nesting birds within vegetation. There is potential for common amphibians and reptiles to be present near the adjacent pond (there are no great crested newts present). These all need protecting during the works. Biodiversity enhancements could include wildflower grassland management, the incorporation of bird and bat boxes, construction of refugia, and native planting.
- 8.52. As the proposal was submitted prior to the introduction of mandatory Biodiversity Net Gain and is not major development there is no policy requirement to achieve measurable biodiversity net gain. However, Policy DM6 does state that development proposals must demonstrate how they conserve and enhance features of nature conservation. Therefore, should the application be approved a condition is recommended requiring an ecological mitigation, compensation and enhancement strategy to be submitted to and approved in writing by the LPA as part of any subsequent reserved matters application.
- 8.53. Subject to the condition requirements this application is considered be acceptable with respect to ecology and biodiversity matters and complies with Policy DM6 of the SADMP.

Archaeology

- 8.54. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. Paragraph 194 of the NPPF also reiterates this advice.
- 8.55. The Leicestershire and Rutland Historic Environment Record (HER) notes that the projected route of the Roman Mancetter Road (HER Ref.: MLE3019) runs through the northern end of the application area. C.600m northeast of the site various finds were recovered in the 1980s, including six Roman coins and a Dolphin fibula brooch, suggestive of a site (MLE197). The application area therefore has good potential for the presence of archaeological remains relating to Roman activity.
- 8.56. In accordance with Section 16, paragraph 200 of the NPPF the development area is of archaeological interest and also has the potential for further unidentified archaeological deposits. Based upon the available information, it is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application (NPPF paragraph 201).
- 8.57. While the current results are sufficient to support the planning decision, further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme. NPPF paragraph

205, states that Local Planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible. In that context it is recommended that if the application is approved this should be subject to conditions for an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching, followed, as necessary by intrusive and non-intrusive investigation and recording.

Conclusions and Planning Balance

- 8.58. 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.
- 8.59. The proposal is considered to be acceptable in highways, residential amenity, flooding/drainage, archaeological, ecological and design terms. However, the application site is located within the countryside, in an unsustainable location and it has not been demonstrated sufficiently that there are no suitable alternative sites in more sustainable locations. The proposal therefore conflicts with policies 7 and 8 of the Core Strategy, policies DM4 and DM20 of the SADMP and policies H1 and E2 of the Desford Neighbourhood Plan.
- 8.60. The proposal would allow the applicants to build a purpose built and high quality (subject to final design) commercial unit close to their home. The business does contribute to the local economy and they are considered at the forefront of the industry and a leading supplier in this field. Furthermore, the issues with the current unit mean the premises are no longer suitable and the applicant states this is hindering productivity and further growth. This has been considered thoroughly and weighed in to the balance when determining this application. However, ultimately the proposal seeks to construct a new commercial building within the countryside where, as set out in the Development Plan (both at Local and Neighbourhood level) development is strictly controlled. In this case, it is considered that the location is not judged to be an appropriate location for a new business unit and on balance it has not been robustly demonstrated that there are no suitable alternative sites.

8. Equality implications

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

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 8.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.
- 8.3. There are no known equality implications arising directly from this development.
- 8.4. 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).

9. Recommendation

9.1. That the application be refused for the following reason

The proposal represents new and unjustified commercial development outside of any identified settlement boundary in the countryside and it has not been demonstrated sufficiently that there are no suitable alternative sites in accordance with Policy DM20. Due to the location of the development, staff and visitors of the scheme are likely to be dependent on private motorised transport to access the site, which results in environmental harm. The proposal is therefore in conflict with policies 7 and 8 of the Core Strategy (2009), policies DM4 and DM20 of the Site Allocations and Development Management Policies DPD (2016), policies H1 and E2 of the Desford Neighbourhood Plan (2021) and the overarching aims of the NPPF.