

**Planning Committee 12th December 2023
Report of the Head of Planning**

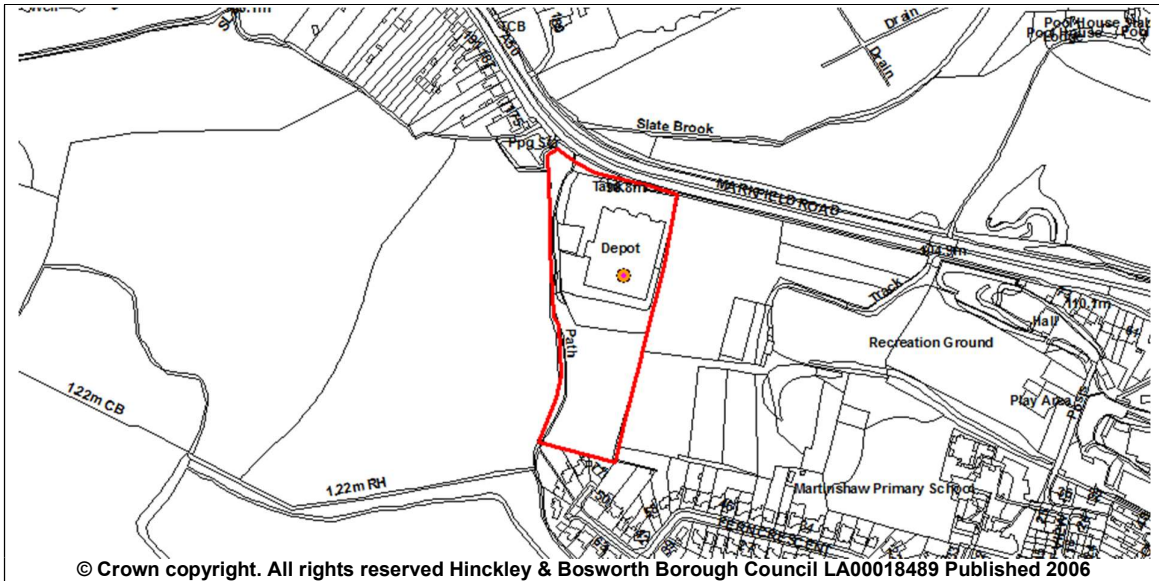
**Planning Ref: 20/01284/FUL
Applicant: KEL PROPERTIES LTD
Ward: Groby**



**Hinckley & Bosworth
Borough Council**

Site: Unit 2, Midland Distribution Centre, Markfield Road, Groby, Leicester

Proposal: Demolition of existing buildings, refurbishment of an existing building and erection of workshop buildings (Use Class B2) with ancillary offices and welfare floorspace, parking together and new access



1. Recommendations

1.1. Grant planning permission subject to:

- **Planning conditions outlined at the end of this report**

2. Planning application description

2.1. This proposal is for the demolition of existing buildings on site with the refurbishment of an existing building and construction of workshop buildings comprising Use Class B2 with ancillary offices and welfare floorspace in addition to parking provision and a new access.

2.2. Originally a drive thru facility was also proposed as part of the development but this has subsequently been removed from the revised plans.

2.3. The detailed proposals comprise:

- Construction of a revised site access
- Construction of a new workshop unit with office accommodation
- Refurbishment of existing building on site and reduced in size
- Demolition of the existing range of buildings occupied by existing tenant
- Improvements and resurfacing of external service yard

3. Description of the site and surrounding area

- 3.1. The application site lies to the north east of Groby. It occupies a rectangular shaped area of land which fronts onto the A50 (Markfield Road). The site area measures 2.45 hectares approximately.
- 3.2. The site lies to adjacent to a Public Footpath (R37) and watercourse (on its western side). To the far south of the site lies residential development. To the north is the A50. The site is presently occupied by commercial development and is an existing employment site (GRO51).
- 3.3. Existing commercial tenants on the site comprise Westermans International Ltd, Keltruck Ltd and Quinto Cranes Ltd and have been operating from these premises for a considerable number of years.

4. Relevant planning history

11/00828/ADV

- 2x Illuminated signs and 1x pylon sign
- Advertisement Consent

20/01275/OUT

- Erection of Drive Thru café (Use Class E) with parking, access and landscaping
- Withdrawn

18/10082/PREMAJ

- Pre application advice - to improve the facilities on site with the construction of new buildings
- Advice Provided (favourable)

5. Publicity

- 5.1. The application was advertised in the local paper and a site notice was put up. Letters were sent out to neighbouring/nearby properties.
- 5.2. Four letters of objection have been received raising the following concerns:
 - The A50, a very busy trunk road, is particularly narrow around the bend near to this site. This will cause extreme danger from traffic exiting the site to join the traffic stream almost on the bend and immediately before the busy traffic lights. I believe that the onsite improvements are intended to increase the efficiency and the number of HGV vehicles that can be serviced and thereby the number of vehicle movements on site and in and out of the site will increase the danger.
 - As the applicant also owns the land between the site back towards Groby, I urge that serious consideration be given to relocating the access/egress nearer to Groby and therefore away from the bend. This will allow exiting vehicles, especially lorries, time to leave the site more safely when joining the main carriageway. Furthermore, it is essential that the exit is not considered as a slip road and all drivers must be made to drive slowly and, preferably, be made to STOP.

- To enhance safety, it is essential that the speed of the traffic approaching is no more than the current 40mph limit, but due to the proximity of the entrance slip road, the current sign will need moving back towards Leicester and significantly before the junction where the Markfield Road from Groby meets the A50.
- Pedestrian safety is paramount. The A50 Pedestrian footpath alongside the highway is classified as a "safe walking route" to Martinshaw Primary School, Brookvale Groby Learning Campus and Quarry Park play area. Whilst a Zebra type crossing is proposed, with the increase of vehicles entering the site, the safety of those using the footpath needs extra special consideration to ensure that all vehicles turning into the site, around the fairly tight bend, do so at a very slow speed and that they have a good vision of the crossing. It is also essential that people and especially children are made fully aware of the potential danger.
- The proposed Fast-food outlet is an unnecessary addition to the site and would intensify the traffic in the area.
- The applicant has not shown any proven need for this facility and residents nearer to it may well find emissions from it objectionable.
- Furthermore, the signage the outlet would need to advertise its presence and to provide directions would be unacceptably distracting and dangerous on such a busy road. Traffic on the Leicester bound carriageway wishing to use the facility would leave the A50 and drive back through Groby village thus creating additional unwanted local traffic.
- The applicant asserts that the site drainage is covered satisfactorily. However, with the increase site activity it needs to be referred to the Environmental Agency and Natural England for investigation for two reasons.
 - a. Drainage of contaminated water from the site, if not properly bunded, could drain onto the SSSI (site of special scientific interest) into the Slate Brook and woodland immediately across the A50 and extra flooding from rainwater plus possible polluted water would cause irreparable damage to this site.
 - b. By changing the on-site drainage (including moving and reconstruction of the public footpath on the western boundary), could cause an increase to the flow on the existing natural waterways and brook leading to Groby pool (through SSSI land) which would exacerbate the existing annual flood issue of the woodland area across the A50.
- As a user of the public footpath alongside the boundary fence from the A50 to Martinshaw Woods, the proposed solution of a gravel path surface is unsatisfactory and therefore needs to be of an approved structure for wheelchair users.
- During construction there will be additional danger and likelihood of mud and debris dropping onto the main carriageway which may cause potential 'skid' danger, particularly on the bend in the A50. It is essential that the Council ensures that the applicant and any contractors are fully aware of their requirements to prevent accidents and minimise risks.
- The site is visible from our property across the A50 plus the site is highly visible from pedestrians and road users on the A50. It is currently a very pleasant natural green view (Part of the National Forest) If this is lost, then better screening for the boundary next to the A50 is required. A more suitable solution is higher solid fencing (natural materials eg wooden) with trees and

bushes in front on the A50 side. This will help continue a natural green face and more appealing look to the site to everyone passing by and partly protect the site from looking/becoming an ugly built up warehouse, car and lorry park, concrete covered eye sore.

- Light pollution should be minimised in the area.

6. Consultation

6.1. No objection has been received from:

- HBBC Waste (subject to condition)
- HBBC Environmental Health (subject to lighting condition, contamination and landfill gas conditions)
- HBBC Drainage (subject to drainage conditions)
- Severn Trent (subject to condition)
- S106 Compliance and Monitoring Officer
- LCC Highways (subject to conditions)

6.2. Groby Parish Council – Object - The Committee understand the need for modernising the existing buildings and appreciate the planned improvement to the access/egress, however following much discussion, together with contributions from the members of the public present, the committee raised the following comments and concerns:

- The proposed Access/ Egress to the site is considered to be too close to the bend on the A50, causing danger from and to traffic exiting the site to join the traffic stream almost on the bend and immediately before the busy traffic lights. We recommend that this is referred to LCC Highways and the access/egress be re-located nearer to Groby (away from the bend), this will allow exiting vehicles, especially lorries, time to achieve a safer speed to join the main carriageway.
- The Drainage of the site be referred to the Environmental Agency and Natural England for investigation for two reasons.
 - a. Drainage of contaminated water from the site could drain onto the SSSI (site of special scientific interest) in the brook and woodland immediately across the A50 and extra flooding from rainwater plus possible polluted water would cause irreparable damage to this site.
 - b. By changing the on-site drainage (including moving and reconstruction of the public footpath on the western boundary), this could cause an increase to the flow on the existing natural waterways and brook leading to Groby pool (through SSSI land) which would exacerbate the existing annual flood issue of the woodland area across the A50.

(Note: The applicant should be aware that permission will have to be sought from Leicestershire County Council to re-align this permissive footpath.)

A50 Pedestrian footpath alongside the highway – with the increase of vehicles to the site the safety of those using the footpath needs to be considered as this is a “safe walking route” to Martinshaw Primary School, Brookvale Groby Learning Campus and Quarry Park play area. And it is thought that lorries turning into the site might not have a suitable view of children crossing the new “zebra – type” crossing.

During this development HBBC need to be aware of possible mud and debris dropping onto the main carriageway which may cause potential 'skid' danger on the bend in the A50.

- 6.3. National Forest - The NFC are concerned about the loss of woodland especially on the western boundary of the site and along the frontage with the A511. This woodland provides connectivity with Martinshaw Wood and beyond. There has been no Arboricultural Assessment provided. The views of the Tree Officer should be sought. The minor re-siting of some of the proposed buildings would be preferable to replacement planting given the time taken to establish new woodland.

Further comments received the NFC - To reiterate, if the Case Officer is confident that area D amounts to 0.5ha of new woodland planting, the following conditions are considered appropriate in relation to the woodland planting area/s;

- Details of the species mix and density of the proposed woodland;
- Management of the proposed and existing woodland, including replacement planting.

Standard landscaping conditions relating to the tree planting elsewhere on site are also considered appropriate. The NFC will defer to the Council's Tree Officer on the issue of whether it is appropriate to condition the Arboricultural Assessment.

- 6.4. LCC Drainage Team - On review of the detail provided at this time, the applicant has provided insufficient detail in order for the LLFA to provide a substantive response at this time. In order for the LLFA to provide a substantive response, the LLFA requires the following detail to be provided:

- Detail in relation to the current and proposed on-site surface water drainage system and the means by which the applicant is proposing to restrict surface water discharge from the site in line with NPPF and the supporting PPG.
- An assessment of the capacity of the surface water feature receiving surface water flows from the site.
- Detail in relation to the proposed surface water storage features serving the site, with an assessment of required capacity to limit surface water flows to the greenfield runoff rate.

Further response received 9 November 2023 – No objections subject to construction level details information or a suitably worded condition.

- 6.5. LCC Ecology – Further information was requested by the Ecology Team in respect of Biodiversity Net Gain calculations. The details were subsequently provided by the applicant and a meeting was held on site with the Ecologist to ascertain how biodiversity net gain could be achieved. Further information provided – two conditions recommended by the Ecology Team.

- 6.6. Ramblers Association - The planned development would appear to have no significant negative impact on the footpath and in fact the application seeks to improve to surface of the path. Mr Stephen Tipping (Access officer, Leicestershire County Council) has responded to the application and is shown in Appendix F of the Design and Access Statement. Therefore as long as the developer proceeds in accordance with the guidelines I have no objection to the application being approved.

- 6.7. Councillor Cartwright – Calling in the application for a Committee determination for the following reasons:

Highway safety grounds

The entrance is from a busy dual carriageway towards the M1 at Junction 22 directly behind the brow of a hill. The exit from the site is even more dangerous as the type of vehicle (heavy goods) significant weight are not able to pick up speed before entering the dual carriageway.

Intensification of use

The site abuts a residential area of Groby with the impact upon the increased use being significant and demonstrable.

- 6.8. LCC Tree Officer – No TPOs on site – neither supports nor objects to the application.
- 6.9. Environment Agency - We object to this development because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. We therefore recommend that planning permission is refused. The previous use of the proposed development site is unknown and a depot is shown on the site. Limited information has been provided on the current site use and it may present a high or medium risk of contamination that could be mobilised during construction to pollute controlled waters. A historic landfill is located to the immediate east of the site which may be a source of contamination to controlled waters at the site. Controlled waters are particularly sensitive in this location because the development site is within 100m of Slate Brooke (Groby Pool also in the vicinity);

This planning application has therefore failed to meet the requirements of paragraphs 170 and 178 of the National Planning Policy Framework.

The applicant should provide information to demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This information should include a land Contamination Preliminary Risk Assessment Desktop Study report (also called a Phase 1 report) which provides a risk assessment and conceptual site model for the site.

Further response received 14 November 2023 – No objections subject to specifically worded conditions.

7. Policy

- 7.1. Core Strategy (2009)
Policy 8: Key Rural Centres Relating to Groby
Policy 21: National Forest
Policy 22: Charnwood Forest
Policy 24: Sustainable Design and Technology
- 7.2. Site Allocations and Development Management Policies DPD (2016)

Policy DM1: Presumption in Favour of Sustainable Development
Policy DM3: Infrastructure and Delivery
Policy DM6: Enhancement of Biodiversity and Geological Interest
Policy DM7: Preventing Pollution and Flooding
Policy DM10: Development and Design
Policy DM17: Highways and Transportation
Policy DM18: Vehicle Parking Standards
Policy DM19: Existing 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 Guidance
Employment Land and Premises Study (2020)
The Good Design Guide SPD
Leicestershire Highway Design Guide

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Flooding and Drainage
- Ecology
- National Forest and Charnwood Forest
- Other matters
- Planning Balance

Principle of development

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) 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. Where planning applications conflict

with an up to date plan, permission should not usually be granted unless other material considerations indicate otherwise.

8.3. The current development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

8.4. The application site is located to the north west of Groby outside of the settlement boundary but is identified as an existing employment site within the SADMP (ref GRO51). The Employment Land and Premises Study 2020 categorises the site as 'B' (Fit-for-purpose Employment Sites). These are employment locations where existing industrial uses are acceptable and where applications for other industrial uses or alternative uses will be considered on their merits.

8.5. Policy DM19 of the Site Allocation and Development Management Policies DPD 2016 states:

'The Council will give positive consideration to proposals for partial or total loss of category B sites for uses other than B1, B2 and B8 use classes where:

a) The proposed proportion of uses falling outside B1, B2 and B8 use classes stands in line with the recommendations in the most up-to-date Employment Land and Premises Study; or

b) Where the development diverges from these recommendations, the applicant must demonstrate that:

i. The site/premise is no longer suitable or reasonably capable of being redeveloped for employment purposes; and

ii. The site/premise has been proactively marketed for employment purposes for a reasonable period of time at a reasonable market rate as supported and demonstrated through a documented formal marketing strategy and campaign, in line with the most up to date Employment Land and Premises Study; or

iii. There will be a significant community benefit which outweighs the impact of losing the employment site/premises'

8.7. 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.

8.8. This application site lies outside the settlement boundary of Groby but is an existing employment site and therefore comprises Brownfield land. The scheme proposes the replacement and refurbishment of the site to provide B2 employment uses for existing users/tenants of the site.

8.9. Groby is a key rural centre relating to Leicester and plays an important supporting role for local services and facilities. Policy 8 of the Core Strategy states that additional employment provision will be supported to meet local needs.

8.10. The rural context of the Borough means it is difficult to identify new sites for employment particularly beyond settlement boundaries, the Borough Council therefore seek to ensure the most efficient and prudent use of employment land. This proposal seeks to optimise and improve an existing employment site and as

such in principle the application is considered to be acceptable subject to material considerations set out below.

Design and impact upon the character and appearance of the area

- 8.11. 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.
- 8.12. 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.
- 8.13. The existing buildings on site are tired and in need of repair and upgrading. The proposal will include the provision of a new steel portal framed building with increased headroom and a footprint of approximately 1,800 square metres. The new building will have a height to the eaves of 6.3 metres approximately. The height to ridge will be 7.5 metres approximately. An existing building on site will be refurbished and reduced in area to approximately 1,620 square metres. The existing building on site will be completely refurbished and will be reduced in length by one bay. The refurbished building will incorporate the following features:
- New Composite Cladding to Roof and Vertical areas to the highest insulation values
 - New insulated floor slab
 - Energy efficient Mechanical and Electrical Engineering installations
- 8.14. The proposed plans show that tree planting is proposed to the southern boundary of the site. Boundary treatment comprising fencing is also proposed to help improve the overall safety and security of the site and noting the proximity of the public footpath to the western side of the site.
- 8.15. External materials for the buildings will be checked and agreed by planning officers imposed as a condition to ensure quality and colour of the materials on site if Members are minded to approve the application.
- 8.16. It is considered by the local planning authority that the scheme is acceptable in design terms and will improve the appearance of the site when compared to the existing situation. Overall, subject to conditions this proposal is considered to accord with Policy DM10(c), (d) and (e) of the SADMP, the Good Design Guide SPD and the requirements of the NPPF with respect to design considerations.

Impact upon neighbouring residential amenity

- 8.17. 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.

- 8.18. 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.
- 8.19. Objections have been received from local residents in respect of amenity concerns. However it is to be noted that this is an existing employment site and the changes proposed are considered to improve the facilities and the environment quality on site.
- 8.20. Environmental Health were consulted on the application proposal and have not objected to the proposals but requested that an external lighting condition be imposed on any permission granted to ensure lighting is appropriately sited and minimised wherever possible to help with nearby residential amenity considerations. The Council's waste team has also requested a condition to ensure suitable storage and collection of waste material from the development.
- 8.21. As such, subject to suitably worded conditions, this application is considered to be acceptable in residential amenity terms and in compliance with Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

Impact upon highway safety

- 8.22. 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)).
- 8.23. 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. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.24. The Parish Council have raised highway safety concerns as an issue within their consultation response.
- 8.25. The application states that a total of 23.no HGV parking spaces, 47.no car parking spaces (incl. six disabled spaces), 9.no LGV parking spaces and 17.no cycle parking spaces would be provided within the site. A total of 15 car parking spaces including three disabled spaces remain for the Westermans unit as per previous proposals and 32 car parking spaces including three disabled spaces for the Keltruck unit are proposed. Overall, given the number of staff likely to be employed, shift patterns and on the basis that the LHA is not currently aware of on-street parking issues in the area, notably on Lena Drive/ Wallace Drive, the LHA considers the proposed car parking arrangements to be acceptable. It is also noted that there is additional space within the site to expand parking provision if necessary in the future.

- 8.26. 21 HGV spaces are proposed for the Keltruck unit, as well as 9 LGV spaces. The applicant has stated a parallel parking area for HGVs is provided to the south of the site to serve the Westermans unit, which allows for two HGVs to access, park and egress the site. In the event HGV spaces are full, the applicant has advised that HGVs would be directed to park in the Keltruck site, before being directed through a gate between the two units when a space becomes available. Overall, the LHA considers HGV parking to be acceptable.
- 8.27. The local highway authority considers that the proposed access would offer a betterment in comparison to the existing access to the site, which is also taken off the A50 and would be permanently closed as part of the proposals. In addition, given the land use of the development site would not be changing and would actually be reduced by 36sqm, the LHA could not demonstrate the proposals may lead to an intensification of traffic using the site or vehicles turning on to/ off the A50 in comparison to the level of traffic which could be generated at present. The LHA also accepts that the proposed access junction would operate without capacity issues.
- 8.28. Additional information was required from the applicant to support the proposed development in respect of Public Right of Way R37. The applicant has provided details to show that an embankment will be provided leading to the Westermans car park as opposed to a retaining wall. While it is considered a full, detailed drawing of the proposals is still necessary and it is disappointing such a drawing has not been provided with the revised information, on the basis the Applicant considers an appropriate footway design is achievable the LHA does not object to the scheme on these grounds.
- 8.29. Subject to suitably worded conditions requested by the local highway authority, and an electric vehicle charging point scheme it is considered that the proposal is acceptable in highway terms and satisfies Policies DM17, DM18 and DM10(g) of the SADMP DPD 2016 and the requirements of the NPPF.

Flooding and Drainage

- 8.30. 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.
- 8.31. 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.
- 8.32. The site is located within flood zone 1 (land at lowest probability of flooding). The HBBC Drainage Officer and the LLFA initially raised some concerns. Specifically, the submitted Drainage Strategy did not incorporate sufficient proposals to address issues of water quality in accordance with the CIRIA SuDS Manual (C753). The appropriate level of treatment for industrial areas should be incorporated before discharging into the downstream system.
- 8.33. The Environment Agency initially raised an objection to the proposal. They were of the view that insufficient information was submitted to satisfactorily demonstrate

that the risk of pollution to controlled waters is acceptable. They noted that the previous use of the proposed development site is unknown and a depot is shown on the site. Limited information was provided within the original application details about the current site use and this presented a high or medium risk of contamination that could be mobilised during construction to pollute controlled waters. A historic landfill is located to the immediate east of the site which may be a source of contamination to controlled waters at the site. Controlled waters are particularly sensitive in this location because the site is located upon a Secondary B Aquifer and within 50m of a surface water River Slate Brook.

- 8.34. The Parish Council have also raised drainage as a concern within their consultation response.
- 8.35. Subsequently further information was submitted by the applicant and a re-consultation took place with the flooding and drainage consultees. The previous historical site use was identified as agricultural land, a depot and industrial uses involving storage and use of organic/inorganic substances such as fuels, lubricants, solvents, acids, alkalis etc, known to be associated with such historic site use. The current use of the site includes storage of bulk fuel in an above ground storage tank, servicing and maintenance of HGVs and servicing of welding equipment. These all present risks which need to be mitigated. Conditions need to be imposed to ensure that risks to controlled water receptors are appropriately assessed and mitigated: Subject to specifically worded conditions as required by the EA, they no longer object to the proposal. The LLFA was also re-consulted and their latest response states that they no longer object subject to the provision of final construction level details being provided. Subject to these conditions, this application is considered to be acceptable and accords with Development Plan Policy with respect to flooding and drainage considerations.

Ecology

- 8.36. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation and ecological value.
- 8.37. Section 15 of the NPPF states that when determining planning applications local planning authorities should refuse an application if significant harm to biodiversity resulting from a development can be avoided or adequately mitigated.
- 8.38. The area of land adjacent to the existing depot, contains remnant grassland of a type now rare in Leicestershire (it is of Local Wildlife Site (LWS) quality but too small to qualify as a SSSI). On a site visit the Ecologist identified the presence of betony, pignut and bluebell which indicates that this is ancient grassland. If it was a larger area this grassland would be worthy of SSSI status. The Ecologist noted however that the land is in imminent danger of being completely lost to bramble and other more common grasses due to a lack of grazing.
- 8.39. The initial application details included the provision of landscaping on site however, the Ecology Team requested further information in respect of Biodiversity Net Gain calculations and how the Local Wildlife Site would be appropriately dealt with/managed. A meeting with the agent/applicant was held on site with the LCC Ecologist to ascertain how biodiversity net gain could be achieved and to inspect the LWS.
- 8.40. The Ecologist identified the presence of betony, pignut and bluebell (all relatively abundant in that small area) which indicates that this is ancient grassland. However

it was also noted that the land is in imminent danger of being completely lost to bramble and other more common grasses due to a lack of grazing.

8.41. The applicant subsequently provided additional information including the following:

- Drawing Number ATC 1120.07h - This illustrates the area of identified rare grassland. This area is offered, as agreed at the site meeting, to be set-aside and retained for a period of 30 years and managed.
- Fence Plan - The area defined on the attached plan will be fenced with a post and rail fence. This is noted on the plan
- Initial works to the LWS area - Part of the identified land slopes and would be quite difficult to mow. It is proposed therefore, that the area will be cleared of the bramble, and some of the trees and scrub etc by hand, and removed from the area by wheelbarrow.
- Initial Works to the adjacent field - This will be lightly harrowed to remove the thick grass hatch. Harrowing is best carried out when conditions are becoming slightly warmer; i.e. from March onwards and will be done when the weather is dry.
- A Management plan to illustrate the detailed management of the LWS are and the whole of the field.
- Stock Limits - It is proposed that the field and the LWS area will be grazed by horses. The British Horse Society recommend one horse per 0.4 to 0.6 hectares. A rotation management plan will be prepared and submitted to demonstrate how the entire field and the LWS area will be grazed.
- We have a request from a local horse owner for immediate access to the land for grazing. They are willing to enter into a Management Plan as a part of their grazing licence.
- The Applicant will nominate a suitably trained person from their organisation to carry out annual bramble and scrub checks, and to monitor the condition of the entire area. This will coincide with the annual renewal of the grazing licence to help ensure that the person holding the grazing licence correctly adheres to the terms of the grazing licence

8.42. LCC Ecology are satisfied with the above measures and have confirmed that subject to conditions for a Biodiversity Enhancement Management Plan to cover a 30 year period a (BEMP) and a Construction Environment Management Plan for Biodiversity (CEMP) the application is acceptable with respect to ecological considerations and accords with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

National Forest and Charnwood Forest

8.43. The site area amounts to 2.45ha and in accordance with the National Forest Planting Guidelines and Policy 21 of the Hinckley and Bosworth Core Strategy, 20% of this area or 0.5ha needs to be provided as dedicated woodland planting. There is a substantial block of woodland to the south of the site which provides a connection with Martinshaw Wood to the south west and applicant proposes to plant additional trees here.

- 8.44. Policy 22 (Charnwood Forest) of the Core Strategy states that proposals will be supported that:
- Maintain the traditional working landscape of the forest including rural diversification and green tourism
 - Provide new recreational facilities
 - Provide access to and from the rural areas into and within the regional park by non-vehicular mean provided they retain local character, enhance open spaces, enhance woodland and manage and enhance the cultural heritage
- 8.45. The National Forest Company were consulted on the application and have commented to say that the application details show this woodland as being within the ownership of the applicant and is denoted as 'Area D – Area of existing Tree and Brush Growth to be subject to a Landscape Management Plan. The notes also describe area D as being inaccessible and in need of woodland management 'and details will be submitted in due course to include access to the public for parts of it for recreational purposes.' A smaller block of woodland 'Area C' is proposed to be planted between Area D and the development site to the north. The NFC would welcome the aspiration of the applicant to manage the existing woodland and enable access to Area D and provide additional planting in Area C. However, in the absence of a Woodland Management Plan, we would request that this is conditioned and it would be beneficial to have details of the size and species of trees to be planted in Area C. These would fulfil the planting requirements and adhere to local planning policy.
- 8.46. The Tree Officer at LCC has commented to say that they neither object to nor support the application but confirms that there are no TPOs on site.
- 8.47. The applicant has agreed to a condition relating to a Woodland Management Plan and is making ecological enhancements and mitigation across the site. Therefore, subject to suitably worded conditions in respect of a landscaping scheme and woodland management plan this application is considered to be acceptable and in accordance with the requirements of Policy 21 of the Core Strategy and the requirements of the NPPF with respect to the National Forest.

Other Matters

- 8.48. Policy DM7 of the SADMP states that adverse impacts from pollution will be prevented by ensuring that development proposals demonstrate that appropriate remediation of contaminated land in line with minimum national standards is undertaken. The Environmental Health Team have been consulted on this application on a number of occasions since the initial submission of the application. They have responded to say that the Phase 1 land contamination report submitted as part of the application details recommends a further intrusive investigation. If the investigation report is not submitted prior to decision, conditions are recommended if the application is approved. These include contaminated land conditions, landfill gas and also lighting details. These conditions are all set out within the Conditions and Reasons section of the report should Members be minded to approve the application.
- 8.49. Subject to conditions, this application is considered to be acceptable with respect to contamination issues and in compliance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

Planning Balance

- 8.50. 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.
- 8.51. This application site lies outside the settlement boundary of Groby but is an existing employment site and therefore comprises Brownfield land. The scheme proposes the replacement and refurbishment of the site to provide B2 employment uses for existing users/tenants of the site.
- 8.52. Groby is a key rural centre relating to Leicester and plays an important supporting role for local services and facilities. Policy 8 of the Core Strategy states that additional employment provision will be supported to meet local needs.
- 8.53. The rural context of the Borough means it is difficult to identify new sites for employment particularly beyond settlement boundaries, the Borough Council therefore seek to ensure the most efficient and prudent use of employment land. This proposal seeks to optimise and improve an existing employment site and make considerable ecological and landscape enhancements.
- 8.54. As such, subject to a number of conditions as set out below, the proposal is considered to be acceptable and there are no material considerations to warrant refusal of this application. Therefore this application is recommended to Members for approval.

9. Equality implications

- 9.1 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.

- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this 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. Recommendation

10.1 Grant planning permission subject to the following conditions:

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 only be carried out in accordance with the following amended plans:

- ATC 1110.01a Site Plan showing Land Ownership
- ATC 1120.01b Existing Site Location Plan
- ATC 1120.02b Existing Location Plan showing land contours
- ATC 1120.3b Topographical Survey
- ATC 1120.05p Proposed Block Plan
- ATC 1120.07k Proposed Block Plan showing Landscaping
- ATC 1120.08j Improvements to Public Footpath
- ATC 1004.07c Westermans Workshop and Offices Proposed Ground Floor Plan
- ATC 1004.08c Westermans Workshop and Offices Proposed First Floor Plan
- ATC 1004.09 Westermans Workshop and Offices Proposed Elevations
- ATC 1015.03 Keltruck Workshop and Offices Existing Ground Floor
- ATC 1015.06 Keltruck Workshop and Offices Existing Elevations
- ATC 1015.04a Keltruck Workshop and Offices Proposed Ground Floor
- ATC 1015.05a Keltruck Workshop and Offices Proposed First Floor
- ATC 1015.07 Keltruck Workshop and Offices Proposed Elevations

Reason: To ensure the development is carried out in accordance with the agreed, amended details.

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials 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).

4. No development shall take place until a scheme which makes adequate provision for waste and recycling storage of containers and collection across the site has been submitted in writing to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided to facilitate collection of waste via a registered waste carrier.

Reason: To ensure the bin storage on site is not detrimental to the character and appearance of the area and waste can be collected satisfactorily in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

Reason: To help protect the amenity of neighbouring residential properties in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016.

6. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

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

7. Development shall not begin until a scheme to provide a sustainable surface water drainage system in accordance with the Drainage Strategy Report (Revision 05) received October 2023 has been submitted in writing to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The drainage system shall incorporate the appropriate level of treatment trains to improve water quality before discharging into the downstream system.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the

Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

8. Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted in writing to, and approved in writing by, the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

9. Prior to commencement of development details in relation to the long term maintenance of the sustainable surface water drainage system on the development shall be submitted in writing to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include responsibilities and schedules for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

10. No development shall take place until a scheme of hard and soft landscaping works including suitable boundary treatments for the site 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 details. The soft landscaping scheme shall include details of the species mix and density of the proposed woodland and all landscaping on site will be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the local planning authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

11. Prior to commencement of development a Woodland Management Plan including long term objectives, management responsibilities, replacement planting details and maintenance schedules for identified Areas C and D of

the application site shall be submitted in writing to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Woodland Management Plan details.

Reason: To ensure that the woodland is conserved and protected and any work carried out within a reasonable timeframe and thereafter appropriately maintained in accordance with Policy 21 of the Core Strategy and Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

12. No external lighting of the site shall be installed until details have been submitted in writing to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). 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 DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. Prior to development above slab level a scheme for the installation of electric vehicle charging points will be submitted in writing to and approved in writing by the local planning authority. The scheme shall identify the number of units to benefit from electric charging points, together with full detail of the location and fitting of the units.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 112 (e) of the National Planning Policy Framework.

14. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted in writing to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

15. No part of the development hereby permitted shall be first used until such time as the access arrangements shown on A.T.C. Design and Build drawing number ATC.1120.07 Rev.K have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

16. Notwithstanding A.T.C. Design and Build drawing number ATC.1120.05 Rev P, the development hereby permitted shall not be first used until such time as a drawing detailing all off street car and HGV parking provision with turning facilities has been submitted in writing to and agreed in writing by the Local Planning Authority. The approved parking areas shall then be provided, hard surfaced (and demarcated) prior to first use of the development. Thereafter the onsite parking (and turning) provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

17. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

18. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 20 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

19. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless the existing vehicular access on the A50 Markfield Road that becomes redundant as a result of this proposal has been closed permanently and reinstated in accordance with details first submitted in writing to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

20. The development hereby permitted shall not be occupied until such time as secure cycle parking shall be provided in accordance with details first submitted in writing to and agreed in writing by the Local Planning Authority.

Thereafter the onsite cycle parking provision shall be kept available for such use(s) in perpetuity.

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

21. No development shall take place until a scheme for the treatment of the Public Right of Way R37 has been submitted in writing to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, drainage, width, structures, signing and landscaping, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

22. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, walls, fences or other means of enclosure shall be erected within 1 metres of the Public Right of Way (name, number etc.) surface unless in accordance with details first submitted in writing to and agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with the National Planning Policy Framework (2021).

23. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted in writing to and approved in writing by the LPA. The CEMP shall include the following details:

- A) Identification of potentially damaging construction activities
- B) Identification of biodiversity protection zones (i.e. grassland area to be retained)
- C) Practical measures and sensitive working practices to avoid or reduce impacts during construction
- D) Timing of works to avoid harm to nesting birds
- E) Responsible persons for overseeing sensitive works
- F) Use of protective fencing where required

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

Reason: In order to protect wildlife and plant species and their habitats in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

24. Prior to occupation of the development, a Biodiversity Enhancement Management Plan (BEMP) shall be submitted in writing to and approved in writing by the LPA. The BEMP shall include the following details:
- A) Description and plan of the features to be created/managed
 - B) Aims and objectives of management
 - C) Appropriate management options for achieving aims and objectives (inc grazing management plan)
 - D) Prescriptions for management actions
 - E) Work schedule
 - F) Tree/hedgerow species to be planted
 - G) Ongoing monitoring and remedial measures and timetable for monitoring

The approved plan will be implemented in accordance with the approved details and carried out for a 30 year period from the occupation of the development hereby approved.

Reason: In order to protect wildlife and plant species and their habitats in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

25. No development approved by this permission shall be commenced until a scheme for the monitoring of landfill gas on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any landfill gas shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure public safety and monitor risk in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

26. Land Contamination
- a) No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with.
 - b) The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the SADMP 2016.

27. Land Contamination Found Later

a) If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with.

b) Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the SADMP 2016.

28. Prior to commencement of development a site investigation scheme, based on the preliminary risk assessment report to provide information for an additional detailed assessment of the risk to all receptors that may be affected, including those off site shall be submitted in writing to and approved in writing by the local planning authority.

Based on the results of the site investigation and the detailed risk assessment referred to, an options appraisal and remediation strategy giving full details of the remediation measures is also required at the pre commencement stage setting out how they are to be undertaken. As part of these remediation measures, the risk posed by ground structural changes should also be addressed. This shall include a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete, fit for purpose and identify any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

29. No occupation of the development hereby approved shall take place unless and until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted in writing to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. in accordance with Policy DM7 of the Site Allocations and

Development Management DPD 2016 and the requirements of the National Planning Policy Framework.

30. If, during development, water contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted in writing a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: The site is located above a Secondary B Aquifer and the above conditions will ensure that the risks to the aquifers and surface water are adequately assessed and mitigated and to ensure that the development does not contribute to, or put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

31. Prior to commencement of development the existing and proposed ground levels of the site and proposed finished floor levels shall be submitted in writing to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and is appropriate with respect to health and safety in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

INFORMATIVES

1. In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted proactively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
2. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed.
3. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further

information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

4. The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: networkmanagement@leics.gov.uk
5. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
6. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
7. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
8. The Public Right(s) of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
9. The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
10. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
11. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
12. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
13. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

14. There is a pumping station close to the site and any new development must not restrict our access to the Sewage Pumping Station (SPS). We will require free access to the SPS at all times in order to complete any programmed routine maintenance tasks and also for any emergency reactive visits in case of failure. Please note that due to the close proximity of the proposed new development the occupant may experience noise and/or smell pollution. In order to minimise disruption to any future occupant(s), we would advise that all habitable buildings are constructed a minimum of 15metres from the curtilage of the SPS compound.

15. Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed-on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. The Environment Agency recommends that developers should refer to our: Position statement on the Definition of Waste: Development Industry Code of Practice and; Website at <https://www.gov.uk/government/organisations/environment-agency> for further guidance.

16. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes: Duty of Care Regulations 1991, Hazardous Waste (England and Wales) Regulations 2005, Environmental Permitting (England and Wales) Regulations 2010 and The Waste (England and Wales) Regulations 2011. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency>