

Plans Committee Date:	21st September 2023
------------------------------	----------------------------

Item No:

Application Reference Number: P/22/1728/2

Application Type:	Full	Date Valid:	20 th Sept 2022
Applicant:	The Prince Group		
Proposal:	Proposed erection of 21 industrial units (Class B2/B8 and E(g)) with associated site works incorporating access, parking, delivery vehicle turning areas and landscaping.		
Location:	Land South of Wymeswold Industrial Estate		
Parish:	Prestwold Wymeswold	Ward:	The Wolds
Case Officer:	Liam Ward	Tel No:	07808 844786

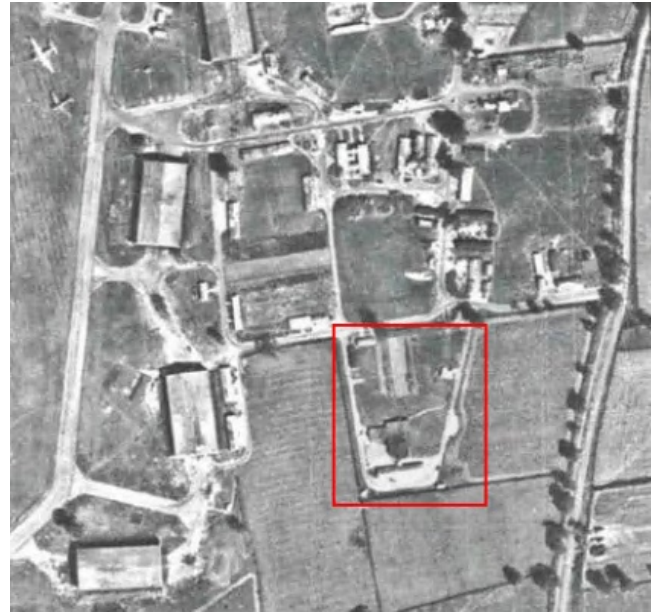
1 Background

- 1.1 This application is referred to Plans Committee as the development is a major application, set outside the Limits to Development, or Primary Employment Area as indicated on the adopted Proposals Map for the Local Plan 1991-2006 (2004). Therefore, it represents a departure from the development plan.

2 Description of the application site

- 2.1 The application site, extending to 1.72Ha, lies to the south-east of the industrial complex at the former Wymeswold airfield between Wymeswold and Burton on the Wolds. The airfield was opened in 1942 and used as a Royal Air Force base until 1957, and by private aircraft organisations until around 1968. In addition to the runways a complex of support structures were built, many of which have survived until today.

2.2 Aerial photography from sometime during its use as an airfield shows that the subject site was partially developed. Although there are no buildings standing today the concrete bases of buildings and roads are still visible.



The land immediately to the north of the site has previously been re-developed as Wymeswold Industrial Estate. The access road to that estate runs across the northern boundary of the application site. That road serves original and modern buildings across most of areas on the historic aerial photographs which accommodate buildings, including west of the application site.

Figure 1 - Aerial view of the site while development of the site to its west side was ongoing



2.3 Some of the remnants of the wartime development can be seen in contemporary aerial photography, together with portable buildings used as site offices during construction of the site to the west. The concrete roads and hard standing evident in the historic photograph can still be seen on the site today.

Approval was granted under P/20/1515/2 for the development of the field immediately west of the current application site for 4 industrial buildings comprised of 19 units for Class B2/B8 uses, including the access road which the current

application would share. That development is now largely complete, with most of the units now occupied.

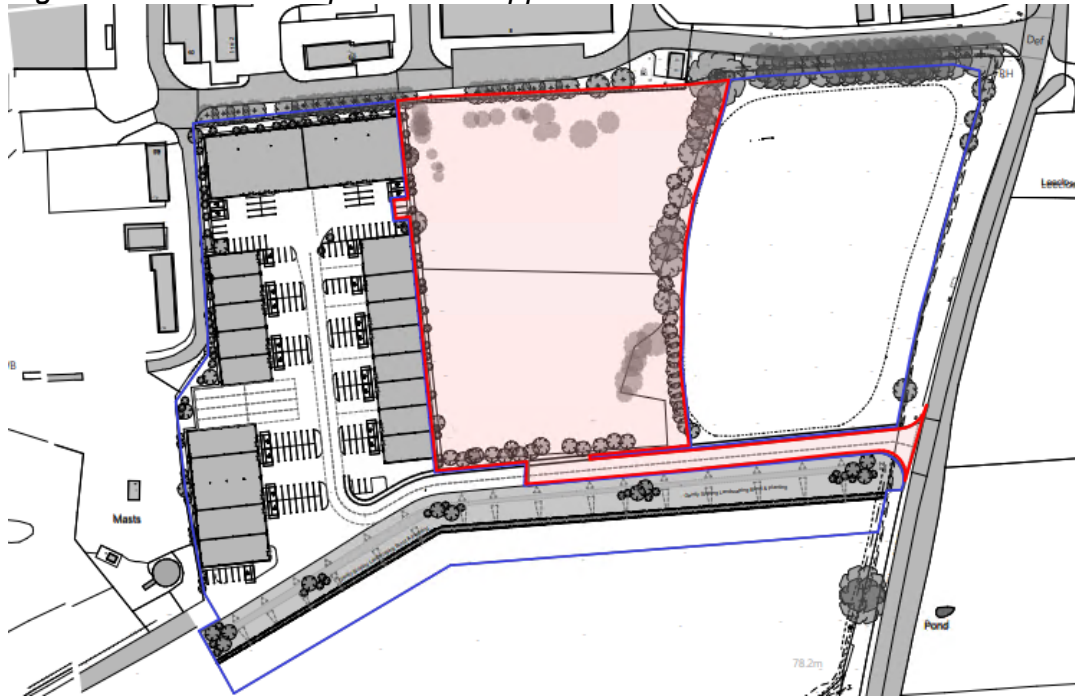
Figure 2 - Photo on site of P/20/1515/2 taken 9th May 2023



Figure 3 - Photo on site of P/20/1515/2 taken 9th May 2023



Figure 4 - Location map - Current application in red. P/20/1515/2 outlined in blue



2.4 The western boundary of the application site had been a field boundary hedge, but most of that had been lost before this application was made. The southern boundary is comprised of a hawthorn hedge. The northern boundary is a mature hedge. The eastern boundary is comprised of a row of mature Poplar trees, with an understorey of hawthorn and mixed species hedging. The roadside hedge within the blue line is low, and provides only modest screening.

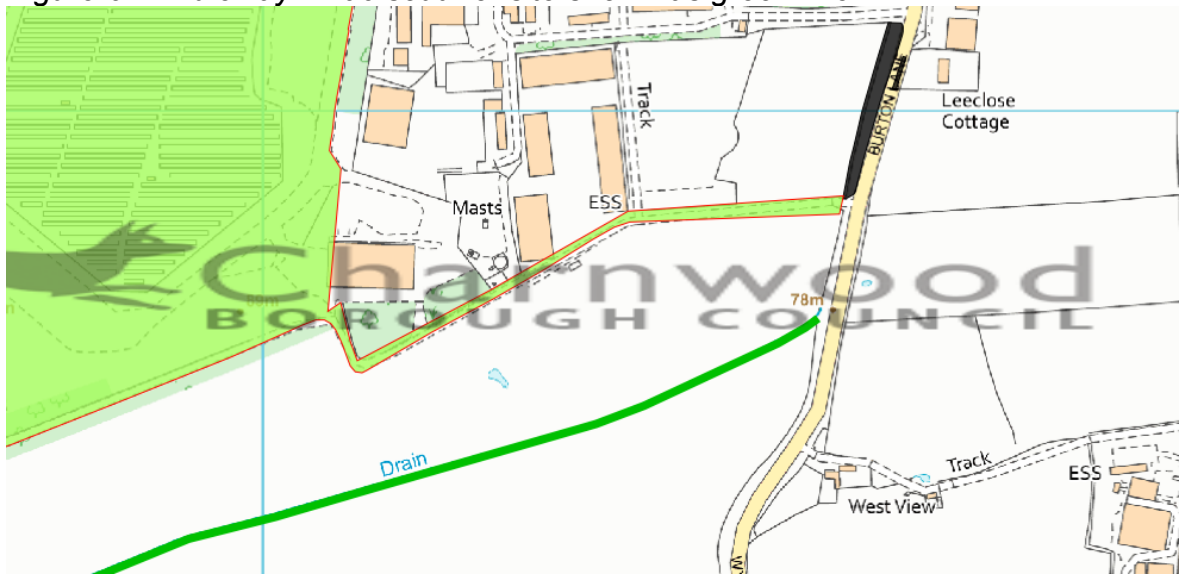
An earth bund extends from the road along the southern boundary of the access road, and the recently completed P/20/1515/2 site. The bund, and landscaping over it were conditions of the earlier approval. It is not yet completed, with a gap extending to perhaps 40m remaining incomplete.

Figure 5 - Incomplete earth bund along southern site boundary



- 2.5 The proposed access road is already formed. It was approved in the earlier application.

Figure 6 - Bridleway H106 south of site shown as green line



3 Description of the proposal

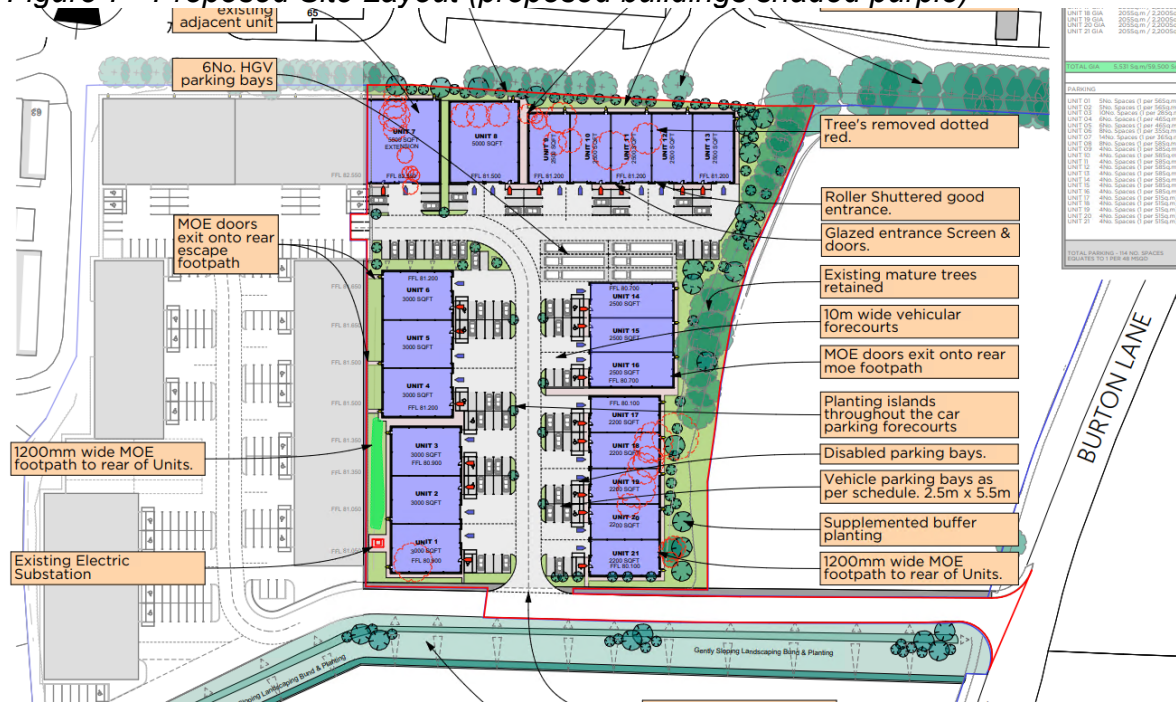
- 3.1 The proposal is for full planning permission for the erection of 21 industrial units across 7 buildings, ranging in floor area from 2,200sqft to 5,000 sqft, together with associated site works incorporating access, parking, delivery vehicle turning areas and landscaping.

The precise proposed uses have not been specified, but the use classes proposed are listed as:

- Class B2 General industrial - Use for industrial process other than one falling within class E(g) (excluding incineration purposes, chemical treatment or landfill or hazardous waste)
- Class B8 Storage or distribution - This class includes open air storage
- Class E(g) Uses which can be carried out in a residential area without detriment to its amenity, or the amenity of the area. These can include:
 - (i)an office to carry out any operational or administrative functions,
 - (ii)the research and development of products or processes, or
 - (iii)any industrial process

3.2 The proposed access would share the lane and point of access and egress with the previously approved neighbouring scheme. That access is now formed and in use.

Figure 7 - Proposed Site Layout (proposed buildings shaded purple)



3.3 The configuration of buildings on the site is in a U form, with a spine road and parking bays in front of the units. That spine road runs up to, but does not connect through to the recent development.

The buildings proposed are similar in appearance and use of materials to the recently completed scheme on the adjacent site. Walls are to be clad in corrugated metal sheeting of Khaki Green colour, with a similar material on the roof in Goosewing Grey colour. Rainwater goods, doors and window frames are to be in Anthracite Grey. Plinths are to be blue facing brick.

3.4 The gable walls are to be clad in vertically laid Kingspan composite trapezoidal panels. The front elevations are to be clad in horizontally laid Kingspan micro-rib panels.

Figure 8 - Typical Elevation of proposed buildings



3.5 The application documents include:

- Application Form
- Site Location Plan 7752/200 rev B
- Existing Site Plan 7752/201 rev B
- Proposed Site Plan 7752/202 rev D
- Boundary Landscape Proposals GL1715 01
- Units 1-3 Plans and Elevations 7752/203 rev A
- Units 4-6 Plans and Elevations 7752/204 rev A
- Units 7 Plans and Elevations 7752/205 rev A
- Units 8 Plans and Elevations 7752/206 rev A
- Units 9-13 Plans and Elevations 7752/207 rev A
- Units 14-16 Plans and Elevations 7752/208 rev A
- Units 17-21 Plans and Elevations 7752/209 rev A
- Proposed Site Sections 7752/211 rev A
- Proposed External Lighting 7752/212
- Private Drainage Layout WIEP-BSP-XX-XX-D-C-0240 P01
- Design & Access Statement
- Heritage Statement
- Planning Statement

- *Transport Statement (WIEP-BSP-ZZ-RP-D-0001-P01)*
- *Preliminary Ecological Appraisal Report (PEAR) (RSE_6392_R1_V1_PEAR) Oct 2022*
- Environmental Noise Assessment (Sept 2022)
- Flood Risk Assessment & Drainage Strategy (Sept 2022)
- Landscape Appraisal GL1717 Issue:2
- Combine Phase 1 Desk Study & Phase II Exploratory Investigation June 2022

Documents in grey and italic will not be referenced in the recommendation

3.6 During the consideration of the application additional information was submitted. In some disciplines there were several iterations of additional information.

A revised Transport Assessment was submitted dated 17th February 2023 in response to comments from Local Highways Authority requesting additional information. The revised submission was satisfactory to the Local Highways Authority

3.7 In order to inform the consideration of the relevance and weight to be applied to the historical use of the site the applicant submitted a narrative history of the airfield, and historic aerial photography and mapping. To demonstrate a need for the units proposed the applicant submitted a letter from a commercial estate agent which described the level of demand from potential tenants.

3.8 In response to commentary from Charnwood's ecologist revised proposals were submitted to demonstrate how the applicant could comply with the biodiversity net gain policy.

The revised submissions, which form the basis for the recommendation made in this report are:

- Transport Statement (WIEP-BSP-ZZ-RP-D-0001-P01)
- Preliminary Ecological Appraisal Report (PEAR) (RSE_6392_R1_V2_PEAR) July '23
- BIA Matrix July '23
- Great Crested Newt Licensing IACPC
- Tree Assessment Survey
- Boundary Landscape Proposals GL1715 01A

4 Development Plan Policies

4.1 The Development Plan comprises the Charnwood Local Plan Core Strategy (adopted 9 November 2015), the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies), the Minerals and Waste Local Plan (2019) and the Wolds Villages Neighbourhood Plan 2021.

The policies applicable to this application are as follows:

Charnwood Local Plan Core Strategy 2015

- Policy **CS1** Development Strategy
- Policy **CS2** High Quality Design
- Policy **CS6** Employment and Economic Development
- Policy **CS10** Rural Economic Development
- Policy **CS11** Landscape and Countryside
- Policy **CS12** Green Infrastructure
- Policy **CS13** Biodiversity and Geodiversity
- Policy **CS14** Heritage
- Policy **CS16** Sustainable Construction and Energy
- Policy **CS17** Sustainable Travel
- Policy **CS18** The Local and Strategic Road Network
- Policy **CS24** Delivering Infrastructure
- Policy **CS25** Presumption in favour of sustainable development

Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

4.2 Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

- Policy **ST/2** Limits to Development
- Policy **CT/1** General Principles for areas of countryside
- Policy **CT/2** Development in the Countryside
- Policy **EV/1** Design
- Policy **TR/18** Parking in New Development

4.4 The Wolds Village Neighbourhood Plan 2021

- Policy **WV1** Landscape Character and Locally Important Views
- Policy **W2** Green Infrastructure
- Policy **WV3** Trees
- Policy **WV5** Water Management
- Policy **WV7** Local Heritage Assets
- Policy **WV17** Wymeswold Industrial Park

Minerals and Waste Local Plan (2019)

- 4.5 This document includes the County Council's spatial vision, spatial strategy, strategic objectives, and core policies which set out the key principles to guide the future winning and working of minerals and the form of waste management development in the County of Leicestershire over the period to the end of 2031.
- 4.6 Policy M11 seeks to safeguard mineral resources including sand, gravel, limestone, igneous rock, surface coal, fireclay, brick clay and gypsum. The policy sets out that planning permission will be granted for development that is incompatible with safeguarding minerals within a Mineral Safeguarding Area provided certain criteria are met.
- 4.7 Planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it.

5 Other material considerations

The National Planning Policy Framework (NPPF 2023)

- 5.1 The NPPF policy guidance of particular relevance to this proposal includes:
- Section 2; Achieving sustainable development
 - Section 5: Delivering a sufficient supply of homes
 - Section 6: Building a strong, competitive economy
 - Section 8: Promoting healthy and safe communities
 - Section 9: Promoting Sustainable Transport
 - Section 12: Requiring well-designed places.

- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

Planning Practice Guidance

- 5.2 This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travel plans, supporting the policy framework as set out in the NPPF.

National Design Guide

- 5.3 This is a document created by government which seeks to inspire higher standards of design quality in all new development.

Housing and Economic Needs Assessment (HENA) – 2020

- 5.4 The HENA made an assessment of the employment land needs for each planning authority in the county, including Charnwood. That need was intended to inform the next series of local development plans, and some of its recommendations will have informed the emerging Charnwood Local Plan. However, given that the current proposal relies upon policies for the expansion of rural economic development areas the current proposal is not impacted by HENA's recommendations

Design Supplementary Planning Document (January 2020)

- 5.5 This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

Leicestershire Highways Design Guide

- 5.6 The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts

which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking expected to be provided in new housing development.

Landscape Character Appraisal

- 5.7 The Borough of Charnwood Landscape Character Assessment was prepared in July 2012. The purpose of the report was to assess the baseline study of the landscape character, at a sub-regional level that gives a further understanding of the landscape resource. The document 'provides a structured evaluation of the landscape of the borough including a landscape strategy with guidelines for the protection, conservation and enhancement of the character of the landscape, which will inform development management decisions and development of plans for the future of the Borough'.

Conservation of Habitat and Species Regulations 2010 (as amended)

- 5.8 The Council as Local Planning Authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

Equality Act 2010

- 5.9 Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

- 5.10 As the application proposals are for urban development on a site of more than 0.5 hectares, the proposals fall under Schedule 2 of the Town and Country Planning

(Environmental Impact Assessment) (England and Wales) Regulations 2017. Such projects only require an EIA if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Given the nature and location of the application proposals, it is not considered that the application would constitute EIA development.

The Draft Charnwood Local Plan 2019-37

- 5.11 This document sets out the Council's strategic and detailed policies for the Borough over the period 2021-37. The local plan was submitted for examination in December 2021 with hearings concluding in February 2023. It is anticipated that the Inspectors will issue a letter setting out the requirement for main modifications to be made to make the plan sound. These modifications will be published for six weeks of public consultation so that the responses can assist the Inspectors in preparing their final report. The precise timings of these events are dictated by the Inspectors although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in early 2024.

In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to;

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given),
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given),
- (c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

- 5.12 The following policies are considered applicable to this application, and the weight they can be assigned is addressed in the 'Planning Considerations' part of this report.

- Policy **DS1**: Development Strategy
- Policy **DS4**: Employment Allocations
- Policy **DS5**: High Quality Design
- Policy **C1**: Countryside.
- Policy **E1**: Meeting Employment Needs
- Policy **E2**: Protecting Existing Employment Sites
- Policy **E3**: Rural Economic Development

- Policy **T2**: Car Parking Standards
- Policy **CC1**: Flood Risk Management
- Policy **CC2**: Sustainable Drainage Systems (SuDS)
- Policy **CC4**: Sustainable Construction
- Policy **CC5**: Sustainable Transport
- Policy **CC6**: Electric Vehicle Charging Points
- Policy **EV1**: Landscape
- Policy **EV6**: Conserving and Enhancing Biodiversity and Geodiversity
- Policy **EV7**: Tree Planting
- Policy **EV8**: Heritage
- Policy **INF1**: Infrastructure and Development Contributions
- Policy **INF2**: Local and Strategic Road Network

Planning Guidance for Biodiversity (June 2022)

- 5.13 This planning guidance seeks to provide further clarification to Core Strategy Policy CS13 insofar as ensuring development proposals secure biodiversity net gain on-site to contribute towards the overall sustainability of development proposals.

6 Relevant Planning History

- 6.1 The site itself has not been subject to any applications but key history of relevant applications, and decisions is listed below:

Reference	Description	Decision & Date
P/20/1515/2 (adjacent site; recent extension)	The erection of 4No. new terraced industrial buildings comprising of 19. industrial units (Class B2/B8), and 2No. office units (Class B1) with associated site works incorporating access, parking, delivery vehicle turning areas and landscaping	Conditional grant 30 th June 2021
P/21/1496/2 adjacent site	Discharge of conditions 3, 4, 5, 6, 10, 14, 15, 17, 18, and 19 of P/20/1515/2	Granted 11 th February '22
P/21/1931/2 adjacent site	Non-material amendment to P/20/1515/2: - Offices moved to mezzanine level, window	Granted

	alterations to end elevations, entrance doors relocated to end bays, new canopies over entrance doors and translucent panel rooflights.	4 th November '21
P/22/0167/2 (application site)	Pre-application advice for 24 industrial/office/warehouse units (16 x 204sqm and 8 x 232sqm).	Unlikely to support due to policy conflict, scale, impact on trees and landscape 8th July '22

6.2 The development approved under P/20/1515/2 is now largely complete. Condition 15 of that permission required the applicant to submit a “landscaping scheme” and to have that agreed with the Local Planning Authority prior to commencement of development. That scheme was included in the application to discharge conditions (P/21/1496/2), which was approved in February '22.

The landscaping scheme included drawing 7480/114 rev A. It includes some components which are directly relevant to the current proposal. These include the landscaping bund which extends to Burton Lane.

6.3 Condition 16 of P/20/1515/2 requires that the landscape scheme “shall be fully completed” in the first planting and seeding season after the first occupation, or in accordance with an agreed programme. The programme showed completion of “external works” and “handover” in December '22. First occupation occurred in May '23. It is acknowledged that a great deal of the structural landscaping was completed during the winter months of 2022-23, but the works have not yet been “fully completed” The first tree planting season following first occupation will commence in October '23.

	<ul style="list-style-type: none"> • Require details of the surface water drainage scheme have been submitted to and approved by the LPA • Require a plan for the management of surface water during the construction phase • Prevent occupation of the development until the long-term maintenance of the surface water system has been agreed with the LPA.
<p>Leicestershire County Council – Highways 7th Mar '23</p>	<p>Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2023), subject to conditions and/or planning obligations</p> <p>These highway observations are in response to the following document which have been submitted to Charnwood Borough Council.</p> <ul style="list-style-type: none"> • Transport Assessment (TA) prepared by BSP Consulting, dated 17th February 2023 <p>Traffic Flows:</p> <p>For robustness, the Applicant has considered 2023 as the base year and 2028 as the assessment year. Therefore, TEMPro growth factors in the Charnwood 008 MSOA were applied to the observed traffic flows to estimate baseline 2023 and 2028 traffic flows. The growth factors are shown on flow diagrams 4a and 4b (2023) and flow diagrams 5a and 5b (2028) in Appendix C of the TA. The LHA consider the growth factors to be acceptable.</p> <p>The modelling, which includes existing traffic flows, committed development (from the previously approved development sharing the same access, now completed), and the traffic generated by the proposed development is considered to be acceptable by the Local Highways Authority.</p> <p>Junction Capacity:</p> <p>The Local Highways Authority have reviewed both the site access model and B676 Melton Road / Wymeswold Lane junction model and consider no further assessment</p>

	<p>is required as both junctions will operate with spare capacity in the future year scenario of 2028 + Committed Development + Development.</p> <p>The Local Highways Authority recommend planning conditions which would require submission and approval of a construction traffic management plan prior to construction; parking and turning to be laid out before the first occupation; and a Travel Plan has been submitted to and agreed by the LPA.</p> <p>The Local Highways Authority advises the following Contributions and Obligations to be secured through S106 Agreement.</p> <ul style="list-style-type: none"> a) Travel Packs £52.85 per pack per employee (LCC may be able to supply these at the developers cost). b) Six-month bus passes, one per employee (one application form to be included in Travel Packs (LCC may be able to supply these at the developers' cost - average cost of £510 per pass). c) The travel plan to be submitted will be monitored by LCC officers for the five-year duration of its life. Fees for this service are set at £6,000 for a full travel plan.
<p>LCC Mineral Planning Authority 7th Nov '22</p>	<p>No Objection:</p> <p>In addition, the site lies partially within a Mineral Safeguarding Area for gypsum, therefore Policy M11: Safeguarding of Mineral Resources of the Minerals and Waste Local Plan is relevant. However, while the proposed development may sterilise mineral, the nature, scale and location of the proposal does not raise significant safeguarding concern. A Minerals Assessment is not required in this instance and the County Council does not object.</p>
<p>Leicestershire County Council - Waste Management</p>	<p>No Objection:</p> <p>The County Council notes that the application site is located in close proximity to two safeguarded waste</p>

<p>7th Nov '22</p>	<p>transfer locations (C30 and C31 in the Leicestershire Minerals and Waste Local Plan).</p> <p>The County Council does not consider that the proposed development will adversely affect the operating of the adjacent waste transfer sites and it therefore satisfied Policy W9 and there is no objection to the proposal.</p>
<p>Charnwood Landscape</p> <p>16th December '22</p>	<p>Comments on plan GL1715 01A "Boundary Landscape Proposals"</p> <p>Landscape character effects:</p> <p>The proposal would intensively develop the site removing the understory and scrub vegetation which currently provides important filtered screening. This gives rise to landscape character harm and to cumulative effect as it advances industrial shed built form eastward while simultaneously reduces the screening.</p> <p>The mitigation falls short of effective landscape screening.</p> <p>This would result in demonstrable landscape and visual amenity harm, which is cumulative, coming as it does close on the 'heels' of a recently consented development west of the site. NPPF paras 130 and 174 and policy CS 11 are engaged. The proposal does not adequately <i>"protect landscape character and to reinforce sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments"</i>.</p> <p>The predicted harm could be mitigated either by reducing the <i>quanta</i> of built structures along the eastern and southern boundaries or by offsite woodland planting to the field to the east of the site and more intensive planting to the south of the access road. I</p> <p>Visual effects:</p> <p>The existing industrial estate is intensively used and there is little landscape relief to its edges or within. From the highway the site is partially screened by trees and understory. The understory is the principal vegetation actually screening the existing industrial sheds. Though</p>

	<p>vantages from PRow H106 to the south are more exposed with industrial sheds visually intruding and degrading the scenic quality of the landscape character. There is also some visual intrusion and degrading of the scenic quality of the landscape character as seen from the highway.</p> <p>Mitigation:</p> <p>Screening will be necessary to allow the landscape to absorb the development proposed. A 15m woodland belt is recommended along the eastern boundary. The bunding to the south is read as an artificial element in the local landscape. Its southern slopes might be more readily absorbed if gradients were more gentle. The matured outcome should mimic or reflect the typical natural screening within the receiving landscape.</p> <p>A later “Landscape Appraisal” was submitted on 25th Jan '23. Its response to consultee comments will be discussed later in this report</p>
<p>Charnwood Borough Council Environmental Health 10th November '22 24th August '23</p>	<p><u>Noise</u></p> <p>The Noise Assessment Report predicted that noise levels at the nearest noise sensitive receptor were likely to be excessive at night assuming operation of the units with roller shutter doors open, use of fork-lift trucks operating permanently in the yard area and heavy goods vehicles visiting the site. Mitigation measures were therefore recommended in Section 6.6 of the report if night-time operation (23.00-07.00 hours) of the industrial units were to be permitted. These measures included:</p> <ul style="list-style-type: none"> • No HGV arrivals/departures during this time (23.00-07.00 hours) • No forklift truck operations in the yard during this time; • Roller shutters to be kept closed <p>In addition erection of an acoustic barrier, in the form of a 2m closely boarded fence was recommended on the</p>

	<p>eastern side of the estate. The location and specification of this barrier was detailed in Appendix 7 of the report.</p> <p>Should permission be granted the above be conditioned.</p> <p><u>Contamination</u></p> <p>The BSP Combined phase 1 desk study & phase II exploratory Investigation findings and recommendations are satisfactory.</p> <p>If, during development, 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, and obtained written approval from the Local Planning Authority, detailing how this unsuspected contamination shall be dealt with.</p>
<p>Charnwood Biodiversity 4th August '23</p>	<p>The BIA is acceptable and the proposal for offsite compensation on land adjacent to the application site appears to be deliverable.</p> <p>The delivery of offsite compensation should be secured by a S106 agreement, and it is important that the agreement specifically references the BIA and associated plans submitted on 14th July 2023 rather than previous versions</p> <p>Other submissions on this date include a provisional Impact Assessment and Conservation Payment letter from Natural England in relation to District Level Licensing for Gret Crested Newts. The impacts to which this assessment relates are offsite and therefore separate to the BIA, and should not feature as compensation</p> <p>Conditions:</p> <ul style="list-style-type: none"> • Submission of lighting scheme showing how impacts on sensitive parts of the site have been avoided

	<ul style="list-style-type: none"> • Protective fencing of retained trees during construction • Submission of completed DLL, to include the submitted location plan, prior to commencement
--	--

Ward Councillor and Parish Council Response	
Burton on the Wolds, Cotes & Prestwold Parish Council 7th Dec 22	The Parish Council would like to request that construction traffic is directed via the B676 and the A46 rather than through the surrounding villages.
Responses to publicity	
From	Comments
32 neighbouring addresses consulted	None received.

8 Consideration of the Planning Issues

8.1 Section 70(2) of the Town and Country Planning Act 1990 requires the decision taker to have regard to the development plan, so far as it is material to the application. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015), "saved" policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028), the Minerals and Waste Local Plan (2019) and the Wolds Villages Neighbourhood Plan (2021).

8.2 The Core Strategy and Charnwood Local Plan are over 5 years old, and it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy., The relevant policies listed above are up to date

and compliant with national guidance. There is no reason for these to be given reduced weight.

Amongst the material considerations are the emerging Charnwood Local Plan 2021-37 (ELP) and the National Planning Policy Framework (NPPF).

8.3 The main planning considerations applicable to this application are considered to be:

- Principle of development
- Flooding and drainage
- Landscape & Visual Impact
- Impact on trees
- Ecology and biodiversity
- Land contamination
- Design & Layout
- Employment
- Heritage and Archaeology
- Highway matters
- Planning Obligations/ S106 Contributions

Key Issues

8.4 NPPF paragraph 11 sets out a presumption in favour of sustainable development. 11d describes situations where the most important policies are out of date. Had this proposal relied upon wider employment land use policy, defined by Limits to Development then there may have been some consideration required about the efficacy of those limits. In this case however, the most important policies are those which relate to the expansion of businesses in rural areas. Paragraph 11d is not therefore engaged.

8.1 Principle of the Development

8.1.1 The principle of development is guided by Policy CS1 of the Charnwood Core Strategy (2015), which outlines the development strategy for the borough and the distribution of sustainable growth.

8.1.1.1 Policy CS1 defines a hierarchy of settlements for the Borough. After the Leicester Principal Urban Area Loughborough and Shepshed are expected to provide for the majority of the remaining growth. The Strategy aims to provide approximately 3,000 new homes to the west of Loughborough, plus sustainable development which

contributes towards meeting development needs, supports the strategic vision, makes effective use of land and is in accordance with the policies elsewhere in the Charnwood Core Strategy.

- 8.1.2 Saved Local Plan Policy ST/2 and Proposals Map of the Charnwood Local Plan identify Limits to Development for various settlements in the Borough. This site sits outside the limits of development for Wymeswold
- 8.1.3 Policies CT/1 and CT/2 allow development outside the limits defined by ST/2 in very limited defined circumstances. Industrial development is not one of those developments permitted by CT/1. The proposal is therefore in conflict with policies CT/1 and ST/2.
- 8.1.4 However, Policy CS10 of the Core Strategy provides for sustainable economic growth, including well designed new buildings in rural areas and provided that the scale and character of the development is designed and operated so as to cause no detriment to the character and appearance of the countryside. Whilst there would appear to be an inconsistency between the exceptions described in the saved policies discussed above and Policy CS10, those saved policies do not claim to be exhaustive. The Core Strategy was adopted at a later date, and so its policies, where there is any tension between development plans, should carry more weight. In this case there is no inconsistency, and so the applicant can have the benefit of the relaxations afforded by Policy CS10.
- 8.1.5 The proposals are tested against the second criterion in Policy CS10. Its support for “the sustainable growth of and expansion of businesses in rural areas” can be interpreted as being limited to expansions associated with a single business enterprise. It can also be read to mean the expansion of the number of businesses. Where doubt exists the applicant should have the benefit of the interpretation, in its plain understanding, which is most favourable to it.
- 8.1.6 Policy WV17 in the Wolds Villages Neighbourhood Plan (WVNP) identifies the subject industrial complex and provides for small-scale expansion of the industrial park. There is no definition of “small-scale” in the policy. The most recent examination of this policy was in application P/20/1515/2 which permitted an expansion of roughly 14% to the previously developed area. Now that the development of P/20/1515/2 is substantially complete, and all of its units sold to owner-occupiers or investors, the baseline for assessment is enlarged. The current proposal would represent a 12% increase in the built form. Expansion of that order of magnitude has previously be found acceptable in the 2020 approval, and so this proposal is considered to be compliant with this limb of the policy.

Figure 10- Existing Wymeswold industrial complex (blue) and proposal (red)



8.1.7 Policy WV17 also requires that proposals are supported by a “robust site selection process”. Given that the policy is largely about the expansion of Wymeswold industrial park that selection process is limited to the immediate environs of the existing complex. There is no sequential test described. The applicant, in its Planning Statement, has described the application site as the last remaining previously developed plot. It excludes lands to the west and north-east of the complex because they are in use for the solar park. Land to the north is heavily wooded and unsuitable.

Although the Neighbourhood Plan is more than two years old the relevant policy remains up to date. This application's proposal satisfies the tests on principle established by this policy.

- 8.1.8 The submitted Local Plan 2021-37 (ELP) is a material consideration. Policy DS1 defines a future development strategy for the Borough. At this date it carries limited weight due to the nature and extent of unresolved representations made during the Independent Examination. It is supportive of sustainable development within the defined Limits to Development and allocations defined in that plan. The application site is outside the Limits to Development, and in the Countryside. Policies for the Countryside include C1, which carries moderate weight. No further discussion of that policy is planned, and there are no unresolved representations. It is consistent with NPPF paragraphs 11, 16, 20, 23, 80, 84 and 174. Policy C1 aims to protect the largely undeveloped character of the countryside, whilst providing for some limited forms of development. The form of development proposed herein is not amongst those exceptions and is therefore in conflict with the policy.
- 8.1.9 Policy E3 in the Emerging Local Plan would support small scale sustainable growth of existing businesses in rural areas in terms similar to CS10. It has limited weight at this date but is consistent with NPPF paragraphs 84 & 85. The proposal would conform with the policy.
- 8.1.10 The NPPF paragraph 219 guides decision makers give due weight to policies, according to their degree of consistency with the Framework. The most important policies for determining the application are up-to-date, and consistent with the NPPF
- 8.1.11 The proposed development is therefore acceptable in principle under the guidance of the above Policies.

8.2 Flood risk and drainage

- 8.2.1 Core Strategy Policy CS16 and the NPPF direct development away from areas at highest risk of flooding. The site is within Flood Zone 1 and therefore it is in compliance with Policy CS16.
- 8.2.2 Emerging Local Plan Policy CC1 (Flood Risk Management) and Policy CC2 (Sustainable Urban Drainage Systems) require that development proposals are assessed for their risk of being flooded, and the risks arising from the proposals themselves. The application proposals are compliant with these policies. Policy CC1 can be afforded limited weight at this date. The Examination Inspectors have requested further submissions following publication of the PPG on Flood Risk and

Coastal Change published in August 2022. The discussions on representations to that policy have concluded, and the policy is consistent with NPPF paragraphs 167 and 169. Policy CC2 can be afforded moderate weight.

8.2.3 The Lead Local Flood Authority was consulted about the application, and were content that the site is not at risk of flooding, and that it would not displace flood waters to other locations. They accept that the proposals for long term surface water drainage are broadly acceptable, subject to planning conditions.

8.2.4 The proposal is therefore in compliance with Core Strategy policy CS16, and CC1 and CC2 of the emerging Local Plan.

8.3 Landscape and Visual Impact

8.3.1 The application is supported by a Landscape Appraisal, and by a drawing GL1715 01A “Boundary Landscape Proposals.” At a national level Natural England’s National Character Areas profiles identifies the site located within NCA 74 Leicestershire and Nottinghamshire Wolds. The key characteristics include rolling hills, agricultural land use dominates, At a local level the Borough of Charnwood Landscape Character Assessment (2012) identifies the site within The Wolds LCA; see GL1715 03. The key characteristics of this LCA are identified as:

- Large scale rolling landscape with exposed ridges;
- Open countryside with mixed farming;
- Sheltered valleys;
- Extensive views from ridgeline roads;
- Tranquil remote atmosphere of the eastern area;
- New housing at the east of Barrow upon Soar and Sileby is extending the influence of these Soar Valley villages into the Wolds;
- Low woodland cover;
- Wide grass verges to minor roads;
- Prestwold Hall: Grade II Historic Park and Garden;
- Villages largely contained within the landscape setting (Wymeswold, Hoton, Burton on the Wolds, Walton on the Wolds, Seagrave).”

8.3.2 The CLCA acknowledges that: “Industry is a minor component of the area but there is an isolated concentration of businesses at the Wymeswold Industrial Estate and at the nearby former Hawker Siddeley Works at Burton on the Wolds.” This assessment concludes that The Wolds LCA has a moderate strength of landscape

character and is of moderate landscape condition. The guidelines for The Wolds LCA include recommendations for the Wymeswold Industrial Estate that state:

“Conserve and manage the existing woodlands that help assimilate the British Gypsum works and Wymeswold Industrial Park and Airfield into the landscape.”

Landscape Character

- 8.3.3 The applicant's submission is that the landscaping proposed would soften the appearance of the proposed buildings, and achieve a similar degree of containment as exists for the existing complex, so as to limit adverse impact to moderate and minor significance. It acknowledges that there will be short-term adverse landscape character impact, which they assess being moderate at site level and of “low magnitude” in the wider setting. Over a 15-year term the applicant argues that the structural landscaping proposed would reduce the adverse landscape effect to be of minimal significance.
- 8.3.4 Where tree cover exists within the Wolds landscape it is either confined to hedgerow or spinneys and coverts plantation, which present as isolated regular block. More extensive woodland plantations are associated with historic parks.
- 8.3.5 The proposal would seek to intensively develop the site, removing the understory and scrub vegetation which currently provides important filtered screening for the existing large structures to the west and north including, the recent development west of the proposed development. This gives rise to landscape character harm and to cumulative effect as it advances industrial built form eastward, while simultaneously reducing the screening vegetation. It would deplete and degrade the mature tree line along the east. The mitigation proposed falls short of effective landscape screening of the proposal.
- 8.3.6 This would result in demonstrable landscape and visual amenity harm, which is cumulative, coming as it does close on the ‘heels’ of the recently consented development west of the site. NPPF Sections 12 (paragraph 130) and 15 (paragraph 174) and Core Strategy Policy CS11 are engaged. The proposal does not adequately *“protect landscape character and to reinforce sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments”* or with the content of CS 10 *“the scale and character of the development is designed and operated so as to cause no detriment to the character and appearance of the countryside”*.

8.3.7 Emerging Local Plan Policy EV1 similarly requires new development to protect landscape character and to reinforce sense of place and local distinctiveness and maintain separate identities of settlements. Emerging Local Plan Policy C1 aims to manage development in areas of Countryside to protect its largely undeveloped character, and its intrinsic character and beauty. These policies are at an advanced stage and were discussed at the hearing sessions in June 2022 and are consistent with the NPPF so can be given moderate weight. Emerging Policy E3 , whilst essentially supportive, includes a caveat requiring protection of landscape character and appearance.

Visual Setting

8.3.8 The existing industrial estate is intensively used and there is little landscape relief to its edges or within. From the highway the site is partially screened by trees and understory. The understory is the principal vegetation which provides screening to the existing industrial sheds.

8.3.9 Though vantages from PRow H106 to the south are more exposed with industrial sheds visually intruding and degrading the scenic quality of the landscape character. Whilst the bund, when complete, and the existing hedge along the southern site boundary would provide some screening, there is a concern that the southern hedge would be compromised, or lost during the construction phase.

Figure 11 - View 4 from applicant's Landscape Appraisal



8.3.10 There is also some visual intrusion and degrading of the scenic quality of the landscape character as seen from the highway. View 3 in the Landscape Appraisal shows a view from the highway, across the open field, through the mature trees forming the application site's eastern boundary and through this application site to the recently completely development on P/20/1515/2.

Figure 12 - View 3 from applicant's Landscape Appraisal



8.3.11 Whilst the proposal illustrates some reinforcement of the site's eastern boundary hedge, the proximity of proposed buildings to this boundary would bring their visual impact closer to the viewer, so the mitigation proposed is inadequate.

Mitigation

8.3.12 The predicted harm could be mitigated by offsite woodland planting to the field to the east of the site and more intensive planting to the south of the access road. Ideally landscape character mitigation should be integrated with biodiversity requirements, wherever possible.

8.3.13 A minimum of 15m minimum wide woodland blocks would be required to mitigate the landscape harms. This would reflect the eastern tree belt dimensions of the nearby solar PV development north of the site which is bounded to the east by approx. 15m wooded belt and wooded block up to 36m width along its southern boundary. An acceptable compromise might be for extensive off-site mitigation planting east of the site within the blue line (land within the applicant's control) along the eastern boundary of the field which is adjacent to the public highway.

8.3.14 As a landscape engineering device, the bunding profile under construction is an unsatisfactory solution for screening, because it would be an alien structure and manifestly out of keeping with the characteristic natural landform of the Wolds. In order to marry this artificial land form modelling into the Wolds landscape character would a more gentle gradual build-up of the outer slopes with the inward slopes acceptable at steeper gradients. When landform modelling does work as an effective camouflage it is when it fully replicates the existing surrounding landform character such that on casual glance it is mistaken for the natural landscape. Any artificial screening device needs to reflect or mimic the typical natural screening within the receiving landscape. Screening and visual occlusion within this landscape naturally occurs by a combination of gentle rising landform, hedgerow, trees, groups of trees and coverts of tree or woodland

8.3.15 For suitable tree species the applicants should refer to the Borough of Charnwood Landscape Character Assessment page 131-132

Policy

8.3.16 As referred to above, Policies CS2 (Design) and CS11 (Landscape) of Charnwood Core Strategy and Emerging Local Plan Policies EV1 and C1 are concerned with protecting the landscape, its local distinctiveness and ensuring new development does not result in visual harm. These policies generally accord with the National Planning Policy Framework and do not directly impact on the supply of economic development projects. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

8.3.17 Development proposals should make a positive contribution to Charnwood, assessed across a range of design measures, including the appearance, mass and scale of buildings, and landscape. New developments should protect landscape character, having taken account of local Landscape Character Assessments. It is acknowledged that industrial buildings need to be large in scale in order to serve their purpose, which makes the mitigation of potential landscape harm more difficult.

8.3.18 Emerging Local Plan Policy DS5 (High Quality Design) can be afforded moderate weight, given that there are no unresolved representations, and its consistency with NPPF paragraph 130. Policy EV1 (Landscape) can be afforded moderate weight, given the nature and hearing of representations, and its consistency with NPPF paragraphs 20 and 130. These share objectives with CS2 and CS11 respectively and require new development to protect landscape character.

8.3.19 Policies CS10 of the Core Strategy and Neighbourhood Plan Policy WV17 would support small scale expansion of businesses, provided that the development causes NO detriment to the character and appearance of the countryside. Where the submitted Landscape Appraisal assesses the long term adverse visual impact as minor, or minimal, based upon the landscape proposals on GL1715 01a, that is not compliant with the policy test.

8.3.20 As well as the theoretical assessment of the current proposal we have the benefit of the completed P/20/1515/2 scheme on the adjacent to review as a comparator. The landscape mitigation at that site has not been wholly successful so far. Even when planting, as approved, has matured on that site the impact on landscape will still be greater than required by policy CS10.

- 8.3.21 Emerging Local Plan Policy E3 (Rural Economic Development) will succeed CS10. It supports small scale, sustainable growth and expansion of existing businesses in rural areas provided it is not detrimental to the character and appearance of the Countryside in terms of its scale, character or operational requirements. At the date of writing it has limited weight, given the nature of unresolved representations. E3 is consistent with NPPF paragraphs 84 and 85.
- 8.3.22 The proposal, as presented, is in conflict with Core Strategy Policies CS2, CS10 and CS11, Emerging Local plan policies DS5 and E3, and EV1 and Neighbourhood Plan Policy WV17, but with more robust landscape mitigation, controlled by planning conditions, it could become compliant.

8.4 Impact on Trees

- 8.4.1 Policies CS2 and CS11 of the Core Strategy seek to ensure high quality design that reflects the character and context of the area. These policies generally accord with the National Planning Policy Framework and do not conflict the supply of housing.
- 8.4.2 Policy EV7 (Tree Planting) in the ELP seeks to retain existing trees where possible and the see new tree planting provided on site. The proposals, with mitigation, would comply with those policy objectives. Policy EV7 can be accorded moderate weight at this date, given the stage reached with representations to it, and that it is consistent with paragraphs 131 and 174 of the NPPF.
- 8.4.3 The Landscape Appraisal and planting plan illustrate a loss of self-seeded shrubs and trees on the site. It seeks to replace these losses with a large number of new plants. The mature trees along the eastern boundary serve an important landscape function. A number of these are leaning precariously. There is a risk that the construction works could exacerbate any instability, and potentially collapse. A detailed conditions survey of these trees should be undertaken, and measures agreed with the local planning authority for their protection during construction, and for their replacement in the event that they fall within a period of time following substantial completion of the development.
- 8.4.4 With mitigation, the proposed development would comply policies in the Core Strategy, particularly Policy CS11 (Landscape and Countryside) and Policy CS2 (High-Quality Design) and emerging Policy EV7.

8.5 Ecology and Biodiversity

- 8.5.1 Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats.
- 8.5.2 Policy EV6 (Conserving and Enhancing Biodiversity and Geodiversity) will succeed policy CS13 and shares its objectives. Policy EV6 can be accorded moderate weight at this date, given the stage reached with representations to it, and that it is consistent with paragraphs 131 and 174 of the NPPF.
- 8.5.3 The applicant has engaged with the Council's ecologist in order to prepare a suite of ecological information. The most recently submitted Biodiversity Impact Assessment (BIA), together with its proposal for off-site compensation are acceptable. That off-site compensation would be within the lands identified within the blue line on the Site Location Plan 7752/200 B. which allows sufficient space for both landscaping proposals and biodiversity compensation.
- 8.5.4 The delivery of offsite compensation should be secured by a S106 agreement, and it is important that the agreement specifically references the BIA and associated plans submitted on 14th July 2023 rather than previous versions.
- 8.5.5 Other submissions on this date include a provisional Impact Assessment and Conservation Payment letter from Natural England in relation to District Level Licensing for GCN. The impacts to which this assessment relates are offsite and therefore separate to the BIA, i.e.: the compensation provided by the applicant under this scheme should not be offset against compensation for on-site habitat loss. It is important that the complete and effective certificate is provided as evidence of compensation having been agreed with Natural England.
- 8.5.6 Subject to these provisions, the proposal complies with Policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy and emerging Local Plan Policy EV6

8.6 Land Contamination

- 8.6.1 A "Combined Phase I desk study and Phase II exploratory investigation" been submitted as part of the supporting information. The site is underlain by superficial drift deposits overlying bedrock of the Branscombe Mudstone Formation. The report records the wartime history of the site, partly on the basis of remaining physical features, and partly anecdotal evidence.
- 8.6.2 Boreholes yield records of a variety of substrata, including obstructions at shallow depth. These conditions may prove challenging for the design of foundations and floor slabs.

- 8.6.3 Based on the findings of gas monitoring undertaken the report records that no ground gas precautions are necessary for carbon dioxide, methane or radon. No coal mining precautions are required. No other risks to human health are recorded.
- 8.6.4 It recommends an arborist survey to identify the species and heights of trees and hedges, and consideration of how these might relate to proposed development works.
- 8.6.5 For surface water drainage soakaways are not appropriate due to the near surface strata and its permeability.
- 8.6.6 CBC Environmental Health have raised no objections subject to imposition of planning conditions for intrusive ground investigation and remediation strategy.
- 8.6.7 Consequently, the proposed development accords with relevant policies in the Core Strategy, particularly Policy CS2 and CS16 of Charnwood Core Strategy, Policy EV/1 of Local Plan and the NPPF.

8.7 Design and Layout

- 8.7.1 Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved policy EV/1 supports development that is of a design, scale, layout and mass compatible with the locality, and which uses materials appropriate to the locality. These policies generally accord with the NPPF and National Design Guide and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.
- 8.7.2 Policy DS5 (High Quality Design) in the ELP will require new developments to make a positive contribution to Charnwood. It lists six tests of quality, which are very similar to the policy tests in CS2. Policy EV1 (Landscape) in the ELP requires new development to protect landscape character and to reinforce a sense of place and local distinctiveness.
- 8.7.3 This application seeks permission to develop industrial sheds in a rural context. The principle has been assessed as being acceptable, subject to satisfactory design of buildings and landscaping. The palette of colours proposed for the materials to be used is appropriate for this location. The internal site layout is appropriate, and the presentation of building forms to the southern elevations will help to minimise the impact from southern vantage points.
- 8.7.4 However, the landscaping proposals are not adequate to offset the incongruity between the industrial complex and its rural setting. It is possible within the blue lands identified on the Site Location Plan to improve upon that landscaping mitigation, and

it is necessary to improve upon current proposals in order to make this development acceptable. Planning conditions which require the applicant to submit a revised landscaping scheme for the approval of the local planning authority prior to the commencement of development are reasonable, appropriate and necessary.

- 8.7.5 This application, as tabled, is in conflict with policies CS2, EV/1 of the adopted Plan and policies DS5 and EV1 of the emerging Local Plan, but with appropriate conditions controlled by planning conditions the obstacles can be overcome.

8.8 Employment

- 8.8.1 Charnwood is a centrally located borough, making it attractive as a place to live, and as a location for businesses to base themselves. There is a preference for new employment places to be sited in areas where travel is sustainable for workers, but there is provision in Policy CS10 for expansion of businesses in rural areas:

*Provided that in all cases the scale and character of the development is designed and operated so as to cause **no** detriment to the character and appearance of the countryside. (emphasis added)*

- 8.8.2 Policy E3 in the ELP would support small scale sustainable growth of existing businesses in rural areas in terms similar to CS10. It has limited weight at this date but is consistent with NPPF paragraphs 84 & 85. It too requires that new development:

is not detrimental to the character and appearance of the Countryside in terms of its scale, character or operational requirements.

- 8.8.3 Subject to the application of planning conditions which afford the applicant an opportunity to address the landscaping issues addressed elsewhere in this report, it is considered that the proposal could be made compliant with Core Strategy Policy CS10 and emerging Local Plan Policy E3.

8.9 Heritage Assets & Archaeology

- 8.9.1 Core Strategy policy CS14 (Heritage) seeks that development will conserve and enhance historic assets in the Borough for their own value and the community, environmental and economic contribution they make, developments are expected to not only protect the assets, but also their setting.
- 8.9.2 Emerging Local Plan Policy EV8 (Heritage) will succeed Core Strategy Policy CS14 and shares its objectives. Policy EV8 can be accorded moderate weight at this date,

given the stage reached with representations to it, and that it is consistent with paragraphs 20 and 190 of the NPPF.

- 8.9.3 The applicant has submitted information about the site's wartime development. The Charnwood archaeologist assesses that this historic ground disturbance, together with a paucity of evidence of archaeology in the vicinity of the site leads to low potential of discoverable archaeology.
- 8.9.4 The proposal is therefore compliant with Core Strategy Policy CS14 and emerging Local Plan Policy EV8.

8.10 Highway Matters

- 8.10.1 Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan seeks to ensure safe access is provided to new development and policy CS17 is concerned with encouraging sustainable transport patterns. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them. Paragraph 111 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network. Paragraph 112 of the NPPF seeks to promote sustainable travel choices.
- 8.10.2 Similarly, policies in the ELP which seek to promote high quality design (DS5 moderate weight), to deliver sustainable development appropriate car parking standards (T3) (limited weight), sustainable transport (CC5 moderate weight), contributions toward infrastructure costs (INF1 limited weight) and consideration of the local and strategic road network (INF2 limited weight) have not been satisfied.
- 8.10.3 The highway observations by Local Highways Authority are in response to the following document which have been submitted to Charnwood Borough Council.
- Transport Assessment (TA) prepared by BSP Consulting, dated 17th February 2023
- 8.10.4 *Site Access:*

This application seeks permission to intensify the use of the access approved under P/20/1515/2. The assessment, undertaken before the adjacent development had been completed, modelled the traffic flow on Burton Lane, the committed development site and the proposed site. The LHA was satisfied that the modelling inputs were appropriate. These considered 2023 traffic flows as the base year with

anticipated traffic growth to 2028 used as the assessment volumes. The result was that the site access would be operating well within capacity.

8.10.5 *Off-Site Junction:*

The Melton Road/ Wymeswold Lane junction was also modelled and found to be operating within capacity at the forward projected traffic flow rates.

8.10.6 The Local Highways Authority recommend the imposition of planning conditions and obligations which would address construction traffic planning, parking and turning, approval of a Travel Plan and provision of sustainable travel incentives to employees.

8.10.7 Consequently, the proposed development is considered to be in accordance with Policies with Core Strategy Policies CS2 (Design), CS17(Sustainable Travel), CS18(Road Network) and CS24 (Delivering Infrastructure) and saved policy TR/18 of the Local Plan and the emerging Local Plan policies referred to above.

8.11 Impact on mineral resources

8.11.1 The site lies partially within a Mineral Safeguarding Area for gypsum, therefore Policy M11: Safeguarding of Mineral Resources of the Minerals and Waste Local Plan is relevant. However, while the proposed development may sterilise mineral, the nature, scale and location of the proposal does not raise significant safeguarding concern. A Minerals Assessment is not required in this instance and the County Council does not object.

8.12 Waste

8.12.1 The National Planning Policy for Waste directs all planning authorities to ensure that the likely impact of proposed, non-waste related, development on existing waste management facilities, and on sites and areas allocated for waste management is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities. Policy W9 of the LMWLP states that planning permission will be granted for development which adjoins, is adjacent to or would locate a potentially sensitive receptor in closer proximity to an existing or permitted waste management facility where it is demonstrated that there would be no adverse effect upon amenity and the development would not prejudice the current and future operation of the facility. The County Council does not consider that the proposed development will adversely affect the operating of the adjacent waste transfer sites and has no objection to the proposal.

8.13 Sustainable construction and energy efficiency

8.13.1 The application plans are not sufficiently detailed allow for an assessment of the energy efficiency of the proposed buildings. Policy CS16 of Charnwood's Core Strategy would encourage developers to demonstrate how the need to be energy efficient has influenced the design of buildings. That has not been addressed in the supporting documents, but it could be secured by planning conditions.

8.13.2 Emerging Local Plan Policy CC3 (Renewable and Low Carbon Energy Installations) and CC4 (Sustainable Construction) can be afforded moderate weight. The discussions on representations to these policies have concluded Policy CC3 is consistent with NPPF paragraphs 152, 155, 16, and 158. Policy CC4 is consistent with paragraph 157 of the NPPF. Similarly, the requirements of these policies have not been addressed in the planning application but could be secured by conditions.

8.14 Planning Obligations/ S.106 Agreement

8.14.1 Policies CS13, CS17 and CS24 of the Core Strategy require the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. ELP Policies DS5 (moderate), CC1 (limited), CC2 (moderate), CC3 (moderate), CC4 (moderate), EV6 (moderate), EV7 (moderate), EV11 (moderate) and INF1 (limited) also require the delivery of relevant infrastructure.

8.14.2 As set out within related legislation such requests must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind. Consultation regarding the application resulted in the following requests to meet infrastructure deficits created by the development, with those which do not satisfy the Community Infrastructure Levy Regulations omitted:

Sustainable Transport	a) Travel Packs £52.85 per pack per employee (LCC may be able to supply these at the developers cost). b) Six-month bus passes, one per employee (one application form to be included in Travel Packs and funded by the developer). c) The travel plan to be submitted will be monitored by LCC officers for the five-year
-----------------------	--

	duration of its life. Fees for this service are set at £6,000 for a full travel plan.
Biodiversity	To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme. Where the provision of the Biodiversity Net Gain on site cannot be achieved to provide the mitigation measures off Site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme

8.14.3 These contributions would allow the necessary infrastructure to meet the requirements of policies listed above and meet the statutory tests contained in Regulation 122 of the Community Infrastructure Regulations, and the requirements of paragraph 57 of the NPPF.

9 Conclusion

- 9.1 The most important policies which inform the principle of development of the type proposed in this application do not limit the extent or scale of the development by reference to a need calculated some years ago, or by a line on a map defining the extent of expansion. Rather, Policy WV17 of the Neighbourhood Plan, Policy CS10 in the Charnwood Local Plan 2011-28 Core Strategy and Policy E3 of the draft Charnwood Local Plan 2021-37. They are wholly consistent with paragraphs 84 and 85 of the National Planning Policy Framework. Therefore, regardless of the year in which they were adopted these policies remain up to date.
- 9.2 The principle of the development is considered to be acceptable, subject to the satisfaction of other important policies.
- 9.3 The Local Highway authority is satisfied that the access is safe, and that the capacity of the access's junction with Burton Lane and down stream junctions on the public road can accommodate the traffic generated by the development now, and into the future. Subject to planning conditions and obligations secured in a planning agreement the proposals are compliant with the relevant highways policies.
- 9.4 The development of industrial buildings in the countryside has the potential to appear incongruous in the rural landscape. The proposed landscaping attempts to mitigate

that impact on landscape character by proposing planting in the understorey of the eastern boundary hedge, in addition to the earth bund previously approved. The landscaping approved at the adjacent site has not been implemented in full, and some of the screening vegetation which was to be retained has actually been removed. It is the opinion of the Council's landscape officer that the proposals are inadequate. Policy CS10 and Neighbourhood Plan Policy WV17 require that no detriment to the character and appearance of the countryside would arise from the development. The submitted Landscape Appraisal accepts that some detriment would arise.

9.5 The Site Location Plan includes a blue line to encompass lands beyond the application site, being other land in the applicant's control. In revised submissions the biodiversity net gain strategy is proposed to be implemented, in part, beyond the red line and within the blue line. It will be necessary, in order to make this scheme acceptable in landscaping terms, for the applicant to propose an improved landscaping solution. This will relate to the eastern and southern boundary treatments and will require that some of the landscaping components are delivered on land outside the red line, and inside the blue line. It is possible to secure a post-decision submission of a revised landscaping scheme, prior to construction, by application of planning conditions. The applicant has agreed to the imposition of such a condition.

10 RECOMMENDATION

Recommendation A:

10.1 That authority is given to the Head of Planning and Growth and the Head of Governance and Human Resources to enter into an agreement under section 106 of the Town and Country Planning Act 1990 to secure improvements, on terms to be finalised by the parties, as set out below:

Sustainable Transport	<ul style="list-style-type: none"> a) Travel Packs £52.85 per pack per employee (LCC may be able to supply these at the developers cost). b) Six-month bus passes, one per employee (one application form to be included in Travel Packs and funded by the developer).
-----------------------	--

	c) The travel plan to be submitted will be monitored by LCC officers for the five-year duration of its life. Fees for this service are set at £6,000 for a full travel plan.
Biodiversity	To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme. Where the provision of the Biodiversity Net Gain on site cannot be achieved to provide the mitigation measures off Site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme

Recommendation B:

- 10.2 That subject to the completion of the S106 agreement in recommendation A above, grant conditionally subject to the imposition of the following draft conditions and reasons and that the Head of Planning and Growth, in consultation with the Chair of the Plans Committee for amendments to the conditions and reasons, be given delegated authority to determine the final detail of planning conditions.

Recommended Conditions:

1. The development hereby permitted shall begin not later than 3 years from the date of this decision

REASON: In order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
 - Site Location Plan 7752/200 rev B
 - Existing Site Plan 7752/201 rev B
 - Proposed Site Plan 7752/202 rev D
 - Units 1-3 Plans and Elevations 7752/203 rev A
 - Units 4-6 Plans and Elevations 7752/204 rev A

- Units 7 Plans and Elevations 7752/205 rev A
- Units 8 Plans and Elevations 7752/206 rev A
- Units 9-13 Plans and Elevations 7752/207 rev A
- Units 14-16 Plans and Elevations 7752/208 rev A
- Units 17-21 Plans and Elevations 7752/209 rev A
- Proposed Site Sections 7752/211 rev A
- Proposed External Lighting 7752/212
- Private Drainage Layout WIEP-BSP-XX-XX-D-C-0240 P01
- Environmental Noise Assessment (Sept 2022)
- Flood Risk Assessment & Drainage Strategy (Sept 2022)
- Combine Phase 1 Desk Study & Phase II Exploratory Investigation
June 2022
- Transport Statement (WIEP-BSP-ZZ-RP-D-0001-P01)
- Preliminary Ecological Appraisal Report (PEAR)
(RSE_6392_R1_V2_PEAR) July '23
- BIA Matrix July '23
- Great Crested Newt Licensing IACPC
- Tree Assessment Survey

REASON: To provide certainty and define the terms of the permission

3. No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - A planting belt at least 15m wide along the eastern boundary, and
 - Proposals to make the appearance of the southern landscaped earth bund, together with its over-planting assimilate with the receiving landscape.
 - Boundary treatments
 - An implementation programme.
 - Details of soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting

species, plant supply sizes and proposed numbers/densities where appropriate

- A survey of existing trees along the site boundaries to include species, condition, trunk girth, crown spread, and estimated extent of root systems

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme and thereafter shall be retained and maintained for the lifetime of the development.

REASON: To ensure that an appropriate landscaping scheme is provided that is of good quality and achieves the aims of mitigating harm to landscape character and visual setting, such that no detriment to the character and appearance of the countryside would arise. This is to make sure the development would comply with Core Strategy policies CS2, CS10, CS11, CS13, and CS16, Policies WV1 and WV17 of the Wolds Villages Neighbourhood Plan, and Policies DS5, E3, CC1, EV6 and EV7 of the emerging Charnwood Local Plan 2021-37

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To ensure that an appropriate landscaping scheme is provided that is of good quality and achieves the aims of mitigating harm to landscape character and visual setting, such that no detriment to the character and appearance of the countryside would arise. This is to make sure the development would comply with Core Strategy policies CS2, CS10, CS11, CS13, and CS16, Policies WV1 and WV17 of the Wolds Villages Neighbourhood Plan, and Policies DS5, E3, CC1, EV6 and EV7 of the emerging Charnwood Local Plan 2021-37

5. The existing hedges and trees located within the application site boundaries, other than those required to be removed to enable the access road and pedestrian accesses hereby approved, shall be retained and maintained at all times. Any other part of the existing hedge removed, dying, being severely damaged or becoming seriously diseased shall be

replaced, with hedge plants of such size and species as previously agreed in writing by the local planning authority, within one year of the date of any such loss.

REASON: To ensure that an appropriate landscaping scheme is provided that is of good quality and achieves the aims of mitigating harm to landscape character and visual setting, such that no detriment to the character and appearance of the countryside would arise. This is to make sure the development would comply with Core Strategy policies CS2, CS10, CS11, CS13, and CS16, Policies WV1 and WV17 of the Wolds Villages Neighbourhood Plan, and Policies DS5, E3, CC1, EV6 and EV7 of the emerging Charnwood Local Plan 2021-37

6. No development shall take place until the existing trees and all existing hedgerows to be retained have been protected in accordance with a Tree and Hedgerow Protection Plan that has been submitted to and approved in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground level within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

REASON: To ensure the continued health of retained trees and hedgerows to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with policies CS2, CS10, CS11 and CS13 of the Charnwood Local Plan Core Strategy 2015 and policy EV/1 of the Charnwood Local Plan 2004, Policies WV1 and WV17 of the Wolds Villages Neighbourhood Plan, and Policies DS5, E3, CC1, EV6 and EV7 of the emerging Charnwood Local Plan 2021-37

7. Before the development is occupied a landscape and ecological management strategy, including long term design objectives, management responsibilities and maintenance schedules for all on site public open spaces, ecological mitigation areas, landscape features and surface water drainage system to achieve the scheme for the offsetting of biodiversity impacts shall be submitted to and approved in writing by the Local Planning Authority. The landscape and ecological management strategy shall be carried out as approved in accordance with an agreed timetable.

REASON: To ensure that public open spaces and proposed habitats are maintained so that they are of good quality and achieve their aims of mitigating habitat loss and that drainage systems retain full function. This is to make sure the development remains in compliance with Core Strategy policies CS2, CS10, CS11 and CS13 of the Charnwood Local Plan Core Strategy 2015 and policy EV/1 of the Charnwood Local Plan 2004, Policies WV1 and WV17 of the Wolds Villages Neighbourhood Plan, and Policies DS5, E3, CC1, EV6 and EV7 of the emerging Charnwood Local Plan 2021-37.

8. Prior to Occupation of the development a lighting scheme shall be submitted to the local planning authority, approved and implemented. That scheme shall illustrate how impacts on sensitive parts of the site have been avoided and mitigated in accordance with best practice (Institute of Lighting Professionals – Guidance Note 08 – Bats and artificial lighting)

REASON: In order to mitigate impact on bats, in order to comply with Policy CS13 and emerging Local Plan Policy EV6

9. Prior to commencement of the development a completed District Level License for Great Crested Newts shall be submitted to the local planning authority.

REASON: In order to comply with Policy CS13 Charnwood Local Plan Core Strategy 2015 and Policy EV6 of the emerging Charnwood Local Plan 2021-37.

10. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

REASON: In order that potential contaminants are removed from the site in the interests of the health and safety of future occupiers of the development and to meet the requirements of Policy EV11 of the of the emerging Charnwood Local Plan 2021-37. which permits new development only where there will be no adverse effects arising from sources of pollution.

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

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

12. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Plan, drawing no. 7752/202. Rev D. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

13. No part of the development hereby permitted shall be first occupied until a full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework

14. Prior to commencement of the development a schedule of energy efficiency measures to be used in the development shall be submitted to, and approved by the local planning authority. The development shall proceed only on the basis of the agreed proposals.

REASON: In order to demonstrate that the development is to be delivered in accordance with principles of sustainable construction and energy, in

accordance with Policy CS16 of the Core Strategy and Policies CC3 and CC4 in the emerging Local Plan 2021-37.

15. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with policy CS16 of the Core Strategy and policies CC1 and CC2 of the submitted Charnwood Local Plan 2021-37

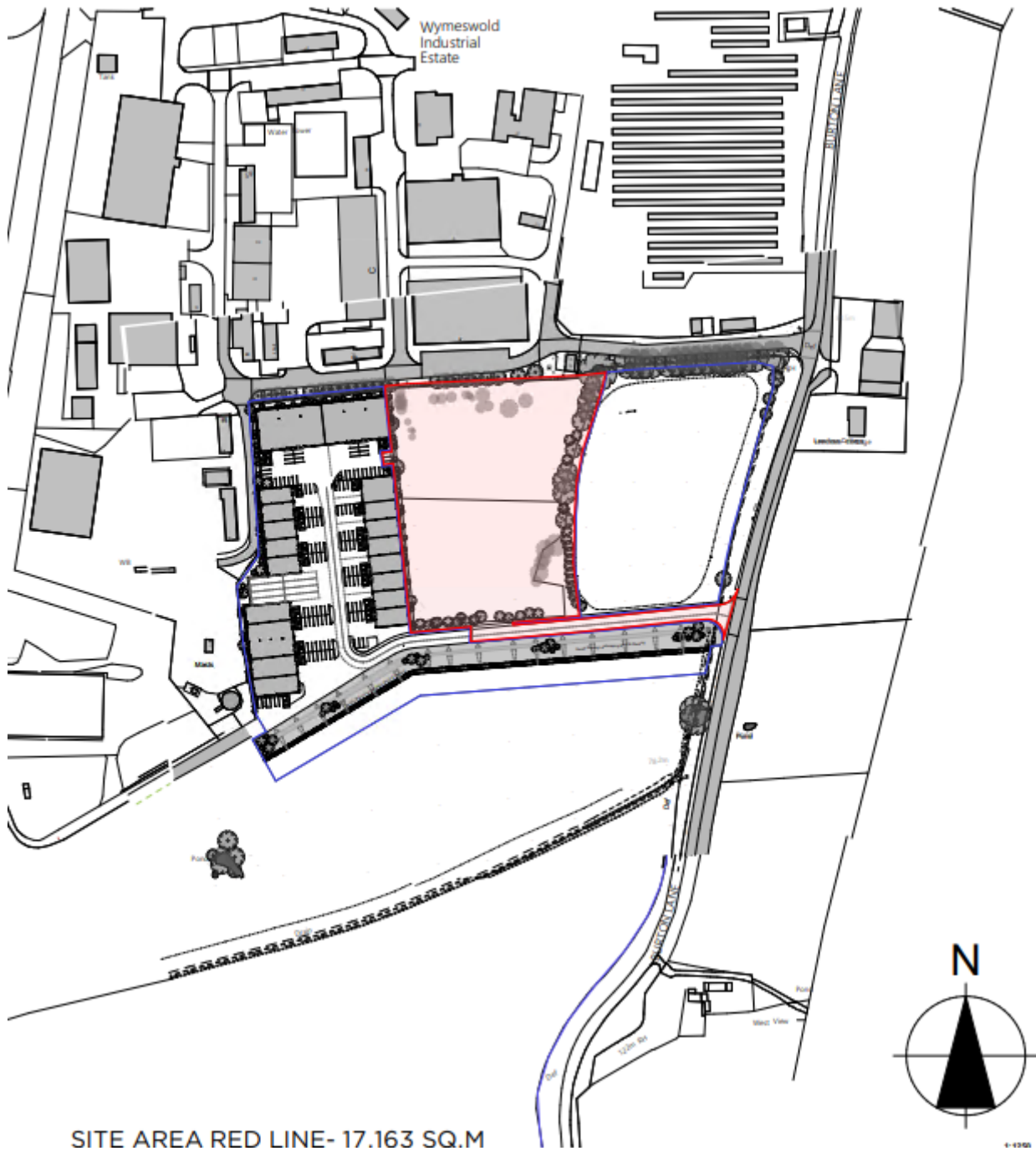
16. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

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 CS16 of the Core Strategy and policies CC1 and CC2 of the submitted Charnwood Local Plan 2021-37

17. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

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 CS16 of the Core Strategy and policies CC1 and CC2 of the submitted Charnwood Local Plan 2021-37.

APPLICATION SITE



SITE AREA RED LINE- 17.163 SQ.M