

Item No. 1

**Application Reference Number** P/19/1898/2

<b>Application Type:</b>	Full	<b>Date Valid:</b>	07/05/2020
<b>Applicant:</b>	Callington Construction Ltd.		
<b>Proposal:</b>	Retrospective application for change of use to builders yard with plant hire (Sui Generis) and erection of associated buildings & earth bunding.		
<b>Location:</b>	Callington Construction Ltd. Anstey Lane Thurcaston Leicestershire		
<b>Parish:</b>	Thurcaston Cropston Anstey	<b>Ward:</b>	Anstey
<b>Case Officer:</b>	Deborah Liggins	<b>Tel No:</b>	07864 603401

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The application is reported to Plans Committee at the request of Councillor Taylor who is concerned about HGV vehicle journeys generated from the site and travelling through villages. Concern is also raised about the accuracy of the submitted information which accompanies the application.

**Description of Application site**

The site is approximately 1.6km to the south of Thurcaston and is located to the north of Anstey Lane. It is part of the former sewage works which closed in the 1990's and now known as Woodside Business Park. Since its closure, it is apparent that the site has been used by a variety of companies – mainly B2 employment uses as set out in the planning history section below. According to the submitted Design and Access Statement, the site is licensed as an operational base for HGV's and thus the applicant believed planning permission existed for the HGV activities, which have been the subject of complaint to the local planning authority. This retrospective application seeks to regularise activities at the site.

The access to the site is approximately 120m in length and varies in width between 7m and 9m. The site was regraded in 2018/2019 to provide a level surface and the bunds to the north and west were formed at the same time and these are starting to naturalise. Four small buildings are located on the southern boundary and these are used as a workshop, office and 2 storage containers.

To the south-east of the site is an adjoining company which supplies fencing and who received planning permission under reference P/13/0224/2 for the change in the use of the land from sewage works to a wood yard (B2 use) (this includes the southern portion of the current application site) – further development of the wood yard site to the east was granted under reference P/16/0773/2 for the erection of a portal framed building on the site to provide additional storage/manufacturing space and an ancillary office.

The application site lies in an area of Green Wedge between the settlements of Cropston and Thurcaston and lies in Flood Zones 1 and 2 as defined on the Environment Agency Flood Map for Planning and is part of a former sewage works.

## **Description of the Proposal**

The existing use of the site is described by the applicant as 'B2 light industrial use' on the application form, but B2 is still classed as a General Industrial Use as per the Town and Country Planning (Use Classes Order) 1987 (as amended) and updated on the 1 September 2020. The proposal is in fact a retrospective application for change of use to builder's yard with plant hire (a Sui Generis use) and erection of associated buildings & earth bunding. This includes the on-site maintenance of plant used in connection with the business.

In addition to the proposed builder's yard and plant hire use of the site, the application includes a number of new buildings:

- A workshop (existing) measuring 12m x 12.15m x 5.36m high located to the southern boundary of the site.
- Five adjacent container storage units (proposed) these are adjacent to the workshop with two of these being stacked to double height and two placed in tandem. Single containers have footprints of 6m x 2.4m with a double length unit being located to the western side of the workshop building. Single units are 2.4m high with the double stacked units being 4.8m high to the east of the workshop building.
- Office building (existing) – this is a single storey building measuring 8.3m x 4.5m x 2.65m high and positioned along the southern boundary of the site.
- Office building (proposed) to be positioned to the north-east of the site – this would measure 8.58m x 5.72m x 2.9m high
- 2 x caravans (existing) measuring 10.25m x 3.23m x 3.2m high – the agent confirmed by email dated 1<sup>st</sup> September 2021 that these are used for staff welfare facilities and lunch breaks.
- Workshop building (proposed) to be positioned to the north of the site – this would measure 12.15m x 12m x 5.36m high.
- An office (Building 1 - existing) measuring 9m x 7.2m x 3.45m high located to the north-east of the site.
- An office (Building 2 - existing) measuring 9m x 9m x 3.15m high positioned approximately central to the site
- An office (Building 3 - existing) measuring 12m x 6m x 3.2m high positioned along the southern boundary of the site.
- The use of the land for ancillary outside storage of materials and associated equipment

In addition, the proposal includes the retention of the earth bunds which have been created to the northern and western site boundaries which added material to achieve additional graduated bunds of between 24cm and 40cm on top of previous ground levels at these perimeters of the site.

A revised site layout plan received on 25<sup>th</sup> June 2020 shows the provision of a bank of 25 car parking spaces and a formally laid out HGV turning area.

The applicant holds a licence to operate 5 HGV's and 5 trailers from the site with other vehicles and trailers operated from another location. According to the submitted Transport Assessment, it is understood the business hours of the site are typically 07:00-18:00 hours Mon-Fri and 07:30-12:30 hours on Saturdays.

The initial application forms completed in 2019 indicated that the site provided 10 full time jobs although information received in connection with the Transport Assessment indicate that by January 2021, this had increased to 20 full time members of staff.

The application is supported by the following documents:

- Design and Access Statement
- Transport Statement
- Flood Risk Assessment
- Biodiversity Impact Assessment

### **Development Plan Policies**

The Development Plan for Charnwood currently consists of the Charnwood Local Plan Core Strategy 2011-2028, Saved Policies of the Borough of Charnwood Local Plan (2004), the Leicestershire Minerals Core Strategy and Development Control Policies Document (2009), and the Leicestershire Waste Core Strategy and Development Control Policies document (2009). The Thurstaston and Cropston Neighbourhood Plan (made 2016) also forms part of the development plan although the application site falls outside of that Plan area.

Development Plan policies relevant to the determination of this planning application are set out below.

#### Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 – Development Strategy – sets out a growth hierarchy for the Borough that sequentially guides development towards the most sustainable settlements. Anstey is identified as a 'Service Centre' and a settlement that has access to a good range of services or facilities compared to other settlements and where small scale development within and adjacent to settlement limits may be appropriate.

Policy CS2 – High Quality Design – requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

Policy CS6 – Employment and Economic Development – sets out how the economic needs of the community might be met, including the provision of opportunities for manufacturing businesses to develop, re-locate and expand and the provision of small-scale, high-quality business units and offices.

Policy CS10 – Rural Economic Development – sets out how the Borough Council will seek to maximise the potential of the rural economy. This involves the provision of new employment land and supporting the sustainable growth and expansion of businesses in rural areas both through the conversion of existing buildings and well-designed new

buildings and where the proposal is small scale and would not cause harm to the character and appearance of the countryside.

Policy CS11 – Landscape and Countryside - seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements. The Policy advises that it is intended to protect the predominantly open and undeveloped character of Areas of Local Separation unless new development clearly maintains the separation between the built-up areas of these settlements.

Policy CS12 – Green Infrastructure – sets out how the Council will seek to protect and enhance green infrastructure assets for their community, economic and environmental values and sets out how the National Forest Strategy and the Charnwood Forest Regional Park can be protected and enhanced. Proposals that enhance leisure and tourism opportunities within the River Soar and Grand Union Canal Corridor will also be supported.

Policy CS13 – Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to recognised features.

Policy CS16 – Sustainable Construction and Energy – encourages sustainable design and construction and the provision of renewable energy including supporting developments that reduce waste, provide for the suitable storage of waste and allow convenient waste collections.

Policy CS17 – Sustainable Transport – sets out how the Council will seek to achieve a 6% shift from travel by private car, to walking, cycling and public transport.

Policy CS18 – The Local and Strategic Road Network - seeks to maximise the efficiency of the local and strategic road network by network by delivering sustainable travel.

Policy CS 24 Delivering Infrastructure – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

Policy CS25 – Presumption in Favour of Sustainable Development – echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

#### Borough of Charnwood Local Plan - Saved Policies

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 – this policy sets out limits to development for settlements within Charnwood.

Policy CT/1 – General Principles for Areas of Countryside, Green Wedge and Local Separation – This policy defines which types of development are acceptable in principle

within areas of countryside and seeks to prevent significant adverse environmental impact.

Policy CT/2 – Development in the Countryside – Sets out how development that is within the countryside will be assessed to ensure there is no harm to the rural character of the area.

Policy CT/3 sets out that in Green Wedge Area, development acceptable in principle will be permitted where it would:

- i. Protect the predominantly open and undeveloped character of the area and;
- ii. Be consistent with safeguarding the area's function to provide strategically important separation between settlements; and
- iii. Maintain or enhance public access for walkers, cyclists and horse-riders compatible with land use activities; and
- iv. Secure landscape improvements usually in the form of tree groups and woodland.

### **Material considerations**

#### The Charnwood Local Plan Pre-Submission Draft (July 2021)

The Pre-Submission Draft Charnwood Local Plan (July 2021) was consulted upon from 12<sup>th</sup> July 2021 to 23<sup>rd</sup> August 2021 and submitted to the Secretary of State on the 3<sup>rd</sup> December 2021. The Plan will now proceed to an examination hearing in summer 2022 with forecast adoption in very early 2023. Accordingly, at this stage in its production, the emerging Local Plan can only be afforded limited weight in decision making as hearing sessions have not yet commenced and it is not clear if there is any unresolved dispute in relation to its policies or if they require modification by the Inspector to make the plan sound.

#### National Planning Policy Framework (2021)

The NPPF sets out the government's view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless policies within the NPPF give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. The NPPF policies of particular relevance to this proposal include:

Section 2: Achieving Sustainable Development – This sets out that the purpose of the planning system is to contribute to the achievement of sustainable development which has 3 key elements:

- An economic objective – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation
- A social objective – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future

generations, and by creating a high quality built development with accessible local services;

- An environmental objective – contributing to protecting and enhancing our natural, built and historic environment.

Section 3: Plan Making - This section of the NPPF also sets out that the planning system should be genuinely plan-led and that succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities and a platform for local people to shape their surroundings. It also clarifies that development plans should set out the contributions expected from development and that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

Section 4: This sets out that planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing. The section also describes how planning conditions and planning obligations should be used. Paragraphs 84 and 85 set out how planning policies and decisions should support a prosperous rural economy and that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances, it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist.

Section 9: Promoting Sustainable Transport - All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments, key facilities should be located within walking distance of most properties (paragraph 106). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 111).

Section 12: Requiring well-designed places - The NPPF recognises that good design is a key aspect of sustainable development and that high quality and inclusive design should be planned for positively (paragraph 124).

Section 14: Meeting the challenge of climate change, flooding and coastal change - New development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 153). It should also take account of layout, landform, building orientation, massing and

landscaping to minimise energy consumption (paragraph 157) and renewable and low carbon energy development should be maximised (paragraph 158).

Section 15: Conserving and enhancing the natural environment – this states that planning policies and decisions should contribute to and enhance the natural and local environment and sets out how this might be achieved including the distinguishing of a hierarchy of important landscape designations when assessing impacts. Development proposals should minimise impacts on and provide net gains for biodiversity.

#### National Planning Practice Guidance (PPG)

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 travels plans, supporting the policy framework as set out in the NPPF.

#### National Design Guide (2019)

This document sets out the Government's design guidance to support the NPPF and seeks to inspire higher standards of design quality in all new development.

#### The Community Infrastructure Levy Regulations 2010 (CIL) (as amended)

The Regulations set out the process and procedure relating to infrastructure requirements. Regulation 122 states that it must relate in scale and kind to the development. The Community Infrastructure Levy (CIL) places the Government's policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests: 1. necessary to make the development acceptable in planning terms; 2. directly related to the development; and 3. fairly and reasonably related in scale and kind to the development

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

The Environmental Impact Assessment Regulations set out the parameters, procedures and Regulatory detail associated with the screening, scoping and preparation of an Environmental Statement and consideration of significant environmental impacts of development. As this application is for a site of less than 5 hectares it does not stand to be screened for an Environmental Impact Assessment.

#### Conservation of Habitat and Species Regulations 2010 (as amended)

These Regulations contain certain prohibitions against activities affecting European Protected Species, such as bats.

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.

#### Leicestershire County Council Local Transport Plan (LTP)

This sets out Leicestershire County council's strategy for delivering improvement to accessibility, connectivity and for promoting social inclusion and equality.

#### The Leicestershire Highways Design Guide (2018)

The Leicestershire Highways Design Guide deals with highways and transportation infrastructure for new developments. It replaces the former 6C's Guidance. 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 required to be provided in new housing development.

#### The Leicester and Leicestershire Strategic Growth Plan 2018

This document is a non-statutory plan but has been prepared and adopted by 10 partner organisations in Leicester and Leicestershire to provide a vision to address the challenges of the region until 2050. It identifies broad locations where development should take place and the infrastructure needed to deliver it which is envisaged to be delivered through local plans.

#### Landscape Character Assessment (2012)

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.

The application site is located within the Charnwood Forest Landscape and Settlement Character Area. The highly distinctive upland character contrasts with the lower lying nature of the surrounding landscape character areas. It is a landscape of mosaic pasture, frequent woodland and exposed hilltops of acidic grassland with rocky outcrops of ancient Precambrian volcanic and plutonic rocks with bracken and heath land. It is the most densely wooded area of the Borough with coniferous and deciduous woods and includes many wildlife areas and ancient semi-natural woodlands. Field boundaries of stone walls and large free growing hedges and there are strong rectilinear patterns of parliamentary enclosure fields and straight roads. Scattered settlements are often of local stone with steeply angled slate roofs.



## Green Wedges, Urban Fringe Green Infrastructure Enhancement Zones and Areas of Local Separation ARUP (Main report March 2016 and Addendum May 2019)

The report was commissioned by Charnwood Borough Council to review the locations and boundaries of Green Wedges and Areas of Local Separation in the borough. The report reviewed Green Wedge 1 (in which the application site is located) as covering land between Leicester (Beaumont Leys), Birstall, Cropston, Thurstaston, Anstey, Glenfrith and Groby (GW-1) noted that its designation derived from the 2004 Borough of Charnwood Local Plan. The assessment of the Green Wedge concluded that it still performed all 4 green wedge functions but to varying extents but performed moderately with respect to preventing the merging between settlements and as a 'green lung'. The Green Wedge directly abuts and Area of Local Separation to the north and thus shares a functional and visual relationship with the primary role of maintaining the narrow physical gap between Cropston and Thurstaston.

## The Charnwood Strategic Flood Risk Assessment (2014)

This was the update report following the publishing of the original document in 2008. The 2014 update reports on the work that was included in the original SFRA and states that since that document there have been a number of changes to the planning system, including the Localism Act (2011) and the 2012 NPPF with the accompanying Planning Practice Guidance (March 2014). In addition, the provisions of the Flood and Water Management Act (2010) have been substantially commenced under a programme that was initiated by Defra in April 2010 and the Flood Risk Regulations came into force in December 2009 (these regulations transposed the EU „Floods Directive“ into UK law).

The purpose of this SFRA update is to:

- provide information on the changes to planning, policy and guidance since the previous SFRA;
- provide a detailed assessment of the flood hazard within the Flood Zones;
- provide information on existing defences and flood risk management measures;
- allow a sequential approach to site allocation to be undertaken within a flood zone; and
- allow development of the policies and practices required to ensure that development in Flood Zones 2 and 3 satisfies the requirements of the Exception Test.

## Supplementary Planning Document - Charnwood Design (January 2020)

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. The document is a material consideration in the determination of planning applications.

### **Relevant Planning History**

<b>Ref.</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
P/00/2476/2	Change of use from sewerage works to material recycling plant	Refused	13/03/2001
P/01/1989/2	Existing use of workshop and adjacent land for B2 industrial purposes	Withdrawn	03/10/2001

	(Certificate of Lawfulness)		
P/01/2754/2	Change of use of existing workshop to Class B2 (General Industrial)	Allowed on Appeal	30/08/2002
P/04/0760/2	Removal of Condition 2 to allow outside storage in service yard north of industrial unit (Appeal decision P/01/2754/2 refers)	Withdrawn	30/04/2004
P/04/1509/2	Change of use of enclosed yard area to south and east of industrial unit for the storage of finished timber products manufactured at the premises (Retrospective application)	Granted conditionally	20/07/2004
P/04/1510/2	Change of use of land for outside storage	Appeal Dismissed	09/05/2005
P/12/2374/2	(Unit 2) Change of use of land from sewage works (Sui Generis) to wood yard (B2)	Refused	16/01/2013
P/13/0224/2	(Unit 2) Change of use of land from sewage works (Sui Generis) to wood yard (B2) (Revised scheme P/12/2374/2 refers)	Granted conditionally	28/03/2013
P/14/2067/2	(Unit 1) Erection of a steel portal framed building with ancillary office accommodation	Refused	28/09/2015
P/14/2094/2	Change of use from sewage treatment works to surfacing and planning contractors yard	Refused Appeal dismissed	27/07/2015 21/03/2016
P/16/0773/2	(Unit 1) – Erection of a steel portal framed building with ancillary office (Revised scheme P/14/2067/2 refers)	Granted conditionally	02/09/2016
P/17/2266/2	Proposed single storey shower block (Certificate of Lawful proposed use or development)	Refused	20/12/2017

## Consultation Responses

The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website.

Consultee	Responses
The Environment Agency	The Environment Agency initially objected to the proposal on the basis that the originally submitted Flood Risk Assessment did not meet the usual requirements for site-specific assessments as there it took no account of the existence of the ordinary watercourse to the north of the site in terms of flooding risk. This was particularly concerning to the Environment Agency as bund earth works are proposed along this boundary. However, the Environment Agency reviewed a revised Flood Risk Assessment on 24 <sup>th</sup> September 2021 and concluded that floodplain compensation was not required for the development falling within Flood Zone 2 and it now has no objection to the proposal.
Thurcaston and Cropston Parish Council	Objects to the proposal and is concerned about heavy goods vehicles accessing the site through Thurcaston and Cropston to avoid the heavily congested Anstey. Anstey Lane has only a narrow footway and passing people whilst also socially distancing would entail walking in the road which would be dangerous. Local village roads are totally unsuitable for heavy goods vehicles. The Parish Council contends that HGV traffic endanger pedestrians using the footway and school children making their way to the Richard Hill School in Anstey Lane and also cyclists.
Anstey Parish Council	Objects to the application stating the proposal increases traffic along country roads and through the villages of Anstey, Thurcaston and Cropston, contrary to weight limitations. The Parish Council considers that the proposal would affect air quality in Anstey and there are concerns that on-site staff welfare facilities may become residential accommodation. The Parish Council considers the site has grown substantially and queries whether porta-cabins which were brought to the site had planning permission. The footway between Anstey and Thurcaston was constructed as a safe walking route to schools and this has become damaged from HGV activity. The Parish Council also consider that the submitted transport information relating to accident data cannot be relied upon.
Charnwood Borough Council Environmental Health Service	Comments that the Environmental Protection Team has received no complaints/notifications or service requests in relation to the site or the businesses operating from it. It considers there are no adverse Environmental Health representations to the proposal and no objections are raised.

Leicestershire County Council Highways	Comments that in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the imposition of conditions relating to the vehicular access, car parking and turning facilities.
The Lead Local Flood Authority	Notes that the site is located largely within Flood Zone 1 being at low risk of fluvial flooding. Smaller areas, along the north-eastern boundary are within Flood Zone 2 (medium risk of fluvial flooding) and Flood Zone 3 (high risk of fluvial flooding). The site is at low risk of surface water flooding. Since the combined roof area of the buildings is 260 sq.m. and the site has mostly a gravel surface, no positive surface water drainage is proposed and the site will utilise existing soakaways and infiltration to drain the site. In summary, the LLFA concludes the proposal would not have any impact on surface water drainage and refers the local planning authority to its standing advice.
Charnwood Borough Council – Ecology	The applicant has worked with the Council's Senior Ecologist and although the initial BIA indicated a net loss of -4.38 habitat units, some modification was required given the evidence around the condition of the site prior to the occupation of the applicant. Accordingly, a revised baseline was agreed and this showed the development to result in a net loss of -3.56 units, requiring an off-site contribution of <b>£138,223</b> to off-set this impact. This would be secured through a developer contribution in the form of a unilateral undertaking and would be spent on habitat creation on land between Thurcaston and Anstey or on a scheme for biodiversity enhancement within the Rothley Brook corridor.

### Other Comments Received

15 Objections have been received from the interested third party residents in Anstey, Thurcaston, Cropston and Birstall and 5 objections received that provided no address. Please note that resident's comments can be read in full on the Council's website. The residents raise the following areas of concern with regard to the application:

- Cropston Road Anstey has a 7.5-ton weight restriction on it and HGV's are using it
- Large housing developments have caused gridlock at The Nook which is unsuitable for use by HGV's.
- Local roads are unsuitable for large low loader and HGV traffic
- The development proposed is a 'fait accompli' as development already commenced
- HGV's exceed the speed limit
- The verge opposite the site entrance is being damaged by HGV's.

- The site access is inadequate
- The development is contrary to the Neighbourhood Plan.
- Wildlife would be damaged & loss of green spaces
- Cropston Road residents suffer noise, dust and fumes from HGV's
- The site should be returned to open fields
- Multiple businesses appear to be operating from the site.
- Planning application P/04/1510/2 for the use of the land for outside storage was refused and dismissed on appeal as it was contrary to countryside policies
- The fencing around the site is unsightly
- Caravans on the site being used for overnight accommodation
- The buildings are an eyesore
- Contempt for planning laws & development by stealth

Ward Councillor Taylor has concerns about the operation of the site and the length of time it has taken to submit an application whilst the site continues to operate. In that time, Councillor Taylor has been contacted by several residents with concerns about the large numbers of HGV vehicles using the site which is in a rural location with many of these vehicles travelling through local villages. Councillor Taylor mentions The Nook junction in Anstey has been reformed which makes it difficult for large vehicles to negotiate the roundabout. Councillor Taylor also believes that the supporting information submitted is inaccurate or is out of date due to changes in the local highway network and nearby housing development which have been more recently completed. There have also been complaints about bonfires in the area.

### **Consideration of the Planning Issues**

The key issues in considering this application are considered to be:

- The Principle of the Development
- Design/Visual impact/Street Scene/Character of the Countryside
- Highway Considerations
- Residential Amenity
- Ecology
- Flooding and Drainage
- Developer Contribution
- Other matters

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development 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 Charnwood Local Plan 2011-2028 Core Strategy (2015), those "saved" policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy. It is acknowledged that the Core Strategy and the saved Local Plan are over 5 years old; therefore, 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 considered to be up to date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them.

## The Principle of the Development

The application site is located outside the Development Limits to the settlements of Anstey and Thurcaston, as established under “saved” Policy ST/2 of the Borough of Charnwood Local Plan 1991-2026. For land outside these Development Limits policies CT/1 and CT/2 apply which seek to control development in the countryside outside of a relatively narrow set of criteria.

The site is located in open countryside within an area designated as a Green Wedge as designated by “saved” local plan policies CT/1 and CT/3 and indicated within Policy CS12 of the Core Strategy. Both policies CS12 and CT/3 seek to protect and enhance green infrastructure but lend support to development in Green Wedges that meet the following criteria:

- Retains/protects the open and undeveloped character of the Green Wedge;
- Retains and creates green networks between the countryside and open spaces within the urban areas; and
- Retains and enhances public access to the Green Wedge, especially for recreation.
- Safeguards the area’s function to provide strategically important separation between settlements
- Secures landscape improvements usually in the form of tree groups and woodland

Green Wedges therefore have a dual purpose of retaining separation between settlements and protecting the character and appearance of the landscape.

Saved policy CT/1 does allow for certain types of development within the countryside. The policy states that in all cases, it should be demonstrated that the proposed development could not reasonably be located within the or adjacent to an existing settlement.

Policy CS10 lends support to the proposal in that the sustainable growth and expansion of businesses both through the conversion of existing buildings and well-designed new buildings is supported provided the scale and character of the development is designed and operated so as to not cause detriment to the character and appearance of the countryside.

The site is contained within a compound set back from Anstey Lane and is accessed via the original sewage works access which is believed to have been improved as a consequence of a subsequent planning permission allowed on appeal (under reference P/01/2754/2) and the land lies between the settlements of Cropston and Thurcaston in an area outside any development limits for the settlement.

The application proposes the the use of the land as a builder’s yard with plant hire (Sui Generis) and erection/retention of associated buildings and earth bunds to the perimeter and does not extend beyond the boundaries of the original sewage works site. It is acknowledged the proposed use would see a higher intensification of activity and additional structures on the site compared to its previous use as sewage treatment works. Policy CS12 supports development within Green Wedges that retain the open and undeveloped character of the Green Wedge. The proposed bund and the level changes within the site and the limited height of the proposed structures would limit the visibility of the site and use within the wider landscape, this is discussed further below. Additional landscaping secured by condition would further limit the visibility of buildings and the use

of the site, therefore limit the impact upon the open and undeveloped character of the area from public vantage points.

Due to this it is considered that the separation between settlements is preserved and the function of the Green Wedge is maintained.

Therefore, it is considered that the proposal is contrary to policy CT/1 as it does not meet any of the 4 stated types of development acceptable in the countryside. However, it is considered that the proposal would satisfy policy CT/3 and CS12 as the function and undeveloped character of the Green Wedge will be maintained. The proposal is supported by policy CS10, provided that no detriment is caused to the character and appearance of the countryside.

The NPPF is a material consideration. The advice within the NPPF is that proposed development within the countryside should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognise the intrinsic character and beauty of the countryside, particularly where landscape importance is recognised by special designations such as National Parks, AONBs (paragraph 174). The NPPF supports the sustainable growth and expansion of all types of business in rural areas, and supports the use of previously developed land. The NPPF recognises that some rural businesses need to be located outside of settlements and states that such developments should not have an unacceptable impact on local roads and be sensitive to its surroundings (paragraphs 84-85).

The planning history of the site is a material consideration. There is a history of planning refusals and permissions at the site.

An appeal was lodged against the refusal of planning permission (under reference P/04/1510/2) relating to a proposed use of the land for outside storage. The Inspector considered the main issues of the appeal were the impact of the proposal on the countryside and to highway safety. The Inspector concluded the use would likely result in an untidy appearance which would be harmful to the character and appearance of the countryside and which would also harm the openness of the Green Wedge. The Inspector considered whether the development could be made acceptable with a condition to restrict the height of stored items, but concluded that it would not, particularly given the views of the site from the elevated position on Thurcaston Lane. The Inspector also concluded that, in the absence of evidence to the contrary, the proposal would create significant danger to highway safety in relation to the junction of Anstey Lane with Cropston Road and at the crossroads in Thurcaston village. In this case, it is considered the proposal, with additional landscaping required by condition, would not be harmful to the character and appearance of the countryside and would not reduce the functional separation provided by the Green Wedge designation. It is also material to note that the local highway authority does not object to the current proposal and would not support a reason for refusal on highway or traffic impact grounds.

The appeal lodged under application P/01/2754/2 which related to a refusal of planning permission for the re-use of a workshop and amenity block for class B2/B8 use considered the main issue to be the effect of the proposed use on highway safety. The subsequent decision to allow the development found the access, (with improvements to be secured by planning condition) to be acceptable. The Inspector also considered the landscape impact of the proposals and amenity impacts and concluded that the proposal would not materially detract from highway safety or the character and appearance of the area or lead to significant pollution.

More recently in 2013, (under application reference P/13/0224/2) planning permission was granted for the change in the use of part of the application site to a wood yard (Use Class B2). This planning permission was subject to conditions which limited the type of items which could be stored within the open areas of the site and the area to which storage should be limited. It is therefore material to note that outside storage has been acceptable in principle on around a third of the current application site.

In 2014 (under application reference P/14/2067/2) planning permission was refused for the erection of a portal framed building with ancillary office amid concerns about the negative impact the proposal would have on the rural landscape. The reason for refusal included reference to the applicant not demonstrating the proposal could not be reasonably accommodated within an existing settlement and that the type of development being applied for did not meet policies which sought to promote sustainable development and which also protects the character and appearance of the countryside. It is clear that the operational requirements of the current proposal cannot be reasonably operated within a nearby settlement, due to the size of vehicles being used and the land necessary for this, and it is considered that the design and small scale of the proposed buildings on the site are acceptable.

In 2015, an appeal was dismissed (under application reference P/14/2094/2) in respect of the proposed use of part of the former sewage treatment works to a surfacing and planning contractors yard. The principal issue considered under the appeal was the effect of the development on highway safety with the Inspector finding the site was sustainably located but that the proposal would result in severe highway safety concerns. To concur with the findings of the Inspector, it is considered that the site is still within reasonable walking distance of Anstey and Thurstaston, and whilst there would be an increased reliance on the private car, this would be no less the case in its previous use as a sewage treatment works. However, the appeal decision contrasts with the current proposal in that the local highway authority does not object and considers the traffic and highway impacts of the proposed development to be acceptable.

In conclusion, policy CT/1 does not support this type of development in the countryside. However, whilst the development does not strictly comprise a scheme achieving rural diversification (supported by policy CT/1), it is acknowledged that the site is 'brownfield' land having previously been used for B2 employment uses (involving HGV tankers) and that the operations and vehicle movements associated with the use could not be reasonably accommodated within a settlement without more severe amenity impacts. The proposal is considered to accord with policy CS12 and CT/3 and maintain the function and undeveloped character of the Green Wedge. The proposal is also supported by policy CS10 provided that no detriment is caused to the character and appearance of the countryside. The NPPF also supports rural economic development, where it is sensitive to its surroundings and does unacceptably impact local roads. It is therefore considered, on balance, that the proposed development is acceptable in principle subject to the proposal causing no detriment to the character and appearance of the countryside and local roads and subject to the consideration of other relevant development Plan policies and material considerations.

#### Design/Visual impact/Street Scene/Character of the Countryside

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 uses materials appropriate to the locality. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is considered that there is no need to reduce the weight that should be given to the policies in this regard.

Policy CS11 seeks to protect the character of the Borough's landscape and countryside by requiring new development to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of local Landscape Character Assessment. This policy is consistent with national planning policy and is considered to attract significant weight.

The application is supported by a Design and Access Statement prepared by HSSP. This sets out that the applicant's purchased the site in 2018 and have been operating as a builder's contractors yard with plant hire. Two porta-cabins and a steel frame workshop have been brought to site and earth bunds have been formed to the northern and eastern boundaries. In addition to hiring out plant, the document explains that the applicant undertakes groundworks for the construction industry and the site is a storage yard for associated plant and machinery including rollers, dumpers, mini, midi and large excavators etc. which are available to both trade and public use.

The proposal involves the retention of the siting of a number of buildings on the site used for purposes ancillary to the business use as a builder's yard and plant hire business. These buildings are generally low level and are mostly sited around the perimeter of the site to the southern and eastern boundaries with 2 buildings, including a workshop towards the middle of the site. Workshop buildings are of galvanised steel and are utilitarian in design, having the appearance of small arched hangar buildings. Other single storey buildings are varied in appearance but all have flat roofs with varied finishes including off-white render and timber cladding.

The new earth bund works which have been carried out around the site and which are now naturalising, have the effect of visually containing the development within the landscape. Evidence shows that some bund works previously existed to the northern boundary and this appears to be partially removed to maximise available land, with new earth works being situated inside the western boundary of the site. Filtered views of the site are noticeable from the elevated Anstey Lane approach from Thurstaston where the site is largely screened by trees along the Rothley Brook. Views from the west, along Cropston Road Anstey are also reduced by the bund works and it is anticipated that additional landscaping along this boundary to reinforce gaps and to provide a continuous natural and appropriate screen to the site and would further reduce visual impact. A planning condition is therefore recommended to secure additional landscaping, particularly along this boundary.

In summary, the proposal would maintain the separation between settlements as required by policy CS11 but would be noticeable in the landscape setting of the settlement and this is a minor harm of the proposal to be considered in the overall planning balance. Mitigation in the form of a landscaping scheme, particularly requiring reinforcement of the western site boundary could be secured by planning condition. Although the structures on the site represent an eclectic mix of small buildings, their scale, position and material finishes are considered to be acceptable and would be largely screened from wider public views.

## Highway Considerations

Saved Policy TR/18 of the Borough of Charnwood Local Plan sets out parking standards in respect of development proposals. Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Anstey Lane is a Class classified road, subject to the National Speed Limit (60mph) and is weight restricted to 7.5t.

The application is supported by a Transport Statement prepared by M-E-C. This provides a description of existing transport conditions in the immediate vicinity of the site and a summary of the site's accessibility. It includes information on accident data and an assessment of the existing access and its junction with Anstey Lane. There is a 1m wide footway on the southern side of the carriageway, providing pedestrian connection between the villages of Anstey and Thurcaston. The document explains that the site is in operation between 0600 and 1800 hours Mondays – Saturdays. The report concludes that approximately 1 vehicle movement per hour is generated at the site over a 12 hour operating day. Movements account for staff, visitors and the delivery or collection of plant hire equipment. A survey carried out in February 2019 showed that HGV vehicle movements on Anstey Lane were low (average of 17 east bound and 10 westbound each day). It is therefore concluded in the report that, on this basis, vehicle movements associated with the proposed development do not result in detriment to the safety of Anstey Lane. A revised Transport Statement was received on 12th January 2021 and this provides additional information as requested by the local highway authority in its initial response to the application consultation.

In terms of the site access, the local highway authority is aware that the builder's yard and plant hire uses are currently operating without the benefit of planning permission and shares the existing access on Anstey Lane with E.L. Fencing. The access comprises a kerbed bell-mouth access with a bound surface, measuring approximately 7.0m in width at its junction with Anstey Lane, allowing for two-way vehicle movements. In consideration of Drawing No. 23948\_08\_020\_01 embodied within Appendix D of the revised Transport Statement, the local highway authority is satisfied that appropriate visibility splays of 2.4m x 120m can be provided under land within the ownership of the applicant or under the control of the local highway authority.

In terms of highway safety, the local highway authority has assessed Personal Injury Collision data for the surrounding highway network over the most recent 5 year period (01/01/2015-25/10/2020) and considers that the proposed development would not exacerbate the existing situation.

In terms of trip generation, the revised Transport Statement also considers the previous use of the site when it was operated by Severn Trent Water Authority when up to 10 staff reported to the site at any one time and tankers frequently calling at the site. Submitted information to support the application sets out that on an average week day 8 HGV vehicles (16 two way movements), 5 van deliveries (10 two way movements) and 20 full time members of staff (40 two way movements) would frequent the site. On the basis that 14 two-way vehicle movements would be made to the site during the morning and evening peak periods, the local highway authority considers that the trips associated with the

proposed development would have a negligible impact on the public highway network. It also considers that there is no requirement for further assessment of traffic impact.

In terms of the internal layout of the site, the local highway authority is content that the updated site plan and additional drawings plan No. 7725-03-02 Rev B (received 27 May 21) shows an acceptable arrangement for car parking and vehicle turning within the site. Subject to the imposition of recommended conditions, the local highway authority has no objection to the application.

In order to limit the repair of vehicles and machinery at the site as an ancillary activity to the business operations of the applicant, and in order to permit a future reassessment by the local planning authority of any proposal to widen this to general repairs, it is recommended that a planning condition be imposed to limit these activities to the applicant only in order to limit large vehicle journeys to and from the site.

It is therefore concluded that the application proposals are acceptable and in accordance with Paragraphs 110 and 111 of the National Planning Policy Framework and policy TR/18 subject to planning conditions as recommended by the highway authority.

### Residential Amenity

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 uses materials appropriate to the locality. These policies also require proposed developments to protect the amenities of neighbouring occupiers. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is considered that there is no need to reduce the weight that should be given to the policies in this regard.

The site is remote from the nearest residential dwellings within Anstey or Thurcaston villages and proposed buildings would not therefore have an amenity impact in terms of losses of light or privacy. Several residents have commented in relation to the amenity impacts of the use of local roads by heavy goods vehicles in terms of noise, dust and odour but these matters are outside the remit of this planning application to consider. The Environmental Health Officer advises that no complaints have been received regarding pollution in relation to the operation of the site. The site was previously used by HGV's in association with the sewage works and the site is already licenced to operate HGV's. The applicant has confirmed that the caravans on the site are not for residential occupation but are only used to provide welfare facilities for staff and there are therefore no amenity issues to consider in respect of their residential occupation. This can be secured by condition. In these ways, it is considered that the proposal accords with Policies CS2 and EV/1.

### Ecology

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The policy supports development that protects biodiversity and geodiversity and those that enhance, restore or re-create biodiversity. The loss of features of biodiversity and geodiversity will only be supported in exceptional circumstances where the benefit of the development clearly outweighs the impact. Where

there are impacts, the policy requires mitigation or compensation of equal or greater value, likely to result in a net gain in biodiversity.

The application is supported by a Biodiversity Impact Assessment prepared by Middlemarch Environmental. The report seeks to assess the condition of the site prior to the development in comparison to its existing state. An estimation of the habitats previously present on site was determined through aerial photography and the current habitats were mapped as part of a survey of the site in November 2020. An assessment was therefore made of biodiversity impact using the Warwickshire County Council BIA calculator. A revised Biodiversity Impact Assessment dated August 2021 was submitted exploring biodiversity off-setting at other land within Charnwood also within the applicant's control but this was not considered to be robust approach, given the distance from the application site.

The site lies to the west of the Rothley Brook which is a designated local wildlife site, with an ordinary watercourse running approximately east-west and parallel to the northern boundary. The site is currently dominated by hardstanding and contains several buildings, structures and areas of stacked materials. Earth bunds are present on the northern and western site boundaries and the bunds are becoming vegetated with a mixture of grass species, ruderal vegetation and scattered trees and shrub. Following the disuse of the sewage treatment plant, by 2002 records indicate that the area around the former filter beds had been levelled, and surfaced with stone and areas where former buildings had stood had become grassed over. The land to the north of the site was described as a 'bunded and wooded' area which formed a significant screen to the watercourse to the north.

The submitted Biodiversity Impact Assessment describes the present condition of the land and assesses whether the proposal would result in gains or losses of habitat against a variety of types and features. The report concludes that the proposal would result in a 4.38 unit loss in habitat value and this carries a monetary value of £189,389. However, this calculation was based on assumptions of the original condition of the land drawn from aerial photographs rather than detailed site surveys. The Council's Senior Ecologist has visited the site and, taking account of the pre-existing gravel beds and the fact the original calculation did not consider that part of the site which had been granted planning permission for use as a wood yard, the loss has been re-calculated following a more balanced assessment by the Council's and the applicant's ecologist. The result shows a net loss of 3.56 habitat units. This equates to a compensatory payment of £138,223 which the applicant has agreed to pay, and which can be secured through a unilateral undertaking. It is anticipated that land between Anstey and Thurcaston would make a suitable receptor site or, alternatively, mitigation works with habitat creation and enhancement opportunities within the Rothley Brook catchment area.

An appropriate on-site landscaping scheme can be secured by planning condition. Provided appropriate off-site mitigation is also secured, it is considered that the proposal would accord with Policy CS13 and that the developer's financial contribution to off-site mitigation would be CIL compliant.

### Flooding and Drainage

Policy CS16 of the Core Strategy seeks to ensure that new development is not at risk of flooding and that it does not cause flood risk elsewhere. This policy generally accords

with the NPPF. It is considered there is no need to reduce the weight afforded to this policy.

The application is supported by a Flood Risk Assessment prepared by AAH Planning Consultants. This explains that the site covers an area of 1.5ha, the majority of which is in Flood Zone 1 but that there are small areas within Flood Zones 2 and 3 to the east of the site, away from the existing buildings which may be susceptible to flooding from the Rothley Brook which passes to the north-east of the site and this is classed as a 'main river' by the Environment Agency. The report includes reference to the Council's Strategic Flood Risk Assessment which concurs with the Environment Agency mapping data with land to the east of the Rothley Brook forming Flood Zone 3b which is active washland. The north-eastern corner of the site lies within Flood Zone 2 with an ordinary watercourse forming the northern boundary of the site. The report concludes that the proposed development is of 'less vulnerable' classification and compatible with Flood Zone 1 and that existing surface water disposal measures are effective in ensuring adjacent property or the Rothley Brook are unaffected in flood risk or surface water disposal terms.

The site lies adjacent to 2 watercourses and the Environment Agency was consulted on the revised Flood Risk Assessment received by the local planning authority on 24<sup>th</sup> September 2021. The Environment Agency notes that whilst the site falls partially within Flood Zones 2 & 3, the buildings and earth bunds fall mostly within Flood zone 1 and it therefore has no objection to the proposal. The Lead Local Flood Authority raise no objections to the proposal.

It is concluded therefore that the proposed development can be accommodated on the site without causing or exacerbating flooding to other properties and the proposal is therefore considered to be compliant with Policy CS16 and the National Planning Policy Framework.

### Developer Contribution

Regulation 122 of the CIL Regulations introduced on 6 April 2010 prescribes the limitations on the use of planning obligations. Accordingly, it is unlawful for a planning obligation to be taken into account when determining a planning application for a development that does not meet all of the following tests:

1. It is necessary to make the development acceptable in planning terms;
2. It is directly related to the development; and
3. It is fairly and reasonably related in scale and kind to the development.

Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy requires 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 or impacts. This would be in accordance with the Framework and Community Infrastructure Levy (CIL) Regulations to mitigate the impact of the proposals. At the time of determination, the following contribution has been requested:

Organisation requesting	Amount	Location of Spend	CIL Assessment
Charnwood Borough Council - Ecology	£138,223	Within the vicinity of the site	This would provide mitigation for loss of biodiversity value units Recommendation: CIL compliant

### Other matters

Several respondents to the application mention the existing weight restriction on Cropston Road being exceeded and this results in pedestrian endangerment in addition to amenity concerns for residents and users of the facilities within Anstey village centre in particular. The use of weight restricted roads by heavier than permitted vehicles is not a matter for the local planning authority and is not an issue which can be considered in the determination of the application. Rather, this is a matter for which separate controls exist with powers granted to Leicestershire Police on behalf of Leicestershire County Council.

There are 2 types of constraint on the movement of HGV's. These are:

- Weight limits – a prohibition meaning that it is an offence for ANY vehicle over the weight displayed on the sign to pass. This type of constraint is usually used for a structural weight limit, for example, a weak bridge or other constraint where an overweight vehicle may cause damage and
- Weight restrictions – this is a prohibition for vehicles over a certain weight but carries exceptions. Sometimes known as an environmental weight restriction, these prohibitions are usually in the form of a zone, and are designed to prevent the regular passage of HGV's not requiring access for collection from or delivery to premises within the zone. Further enquiries about this can be made to the Leicestershire County Council Traffic Management Team.

### **Conclusion**

This application seeks to retain an employment use and associated buildings and infrastructure on a rural brownfield site and proposes the erection of further buildings.

The adopted Core Strategy and saved Policies of the Local Plan are the starting point for the consideration of this proposal. The proposal does conflict with policy CT/1 due to its countryside location, however, the proposal will accord with policies CS12 and CT/3 as the proposal will maintain the function and undeveloped character of the Green Wedge. The proposal is also supported by policy CS10 and policy CS13 as, subject to planning conditions to secure landscaping details, the proposal is considered to cause no harm to the character and appearance of the countryside. The supporting information and consultation responses have established that there are no technical reasons in relation to highways, flooding and biodiversity that indicate planning permission should be refused. A unilateral undertaking or agreement under Section

106 of the Planning Act would have the effect of mitigating impact on biodiversity in accordance with Policies CS16 and CS24 of the Core Strategy.

In addition, the NPPF is a material consideration in favour of the proposal as it supports rural economic development, particularly on brownfield, where it is sensitive to its surroundings and does unacceptably impact local roads.

The benefits of the scheme are that the uses on the site would become regularised and the site could continue in active employment use, at a time when post-pandemic economic recovery continues and this could bring small-scale local economic benefits to the Borough.

Accordingly, it is recommended that planning permission be granted conditionally and subject to a unilateral undertaking or agreement under section 106 of the Planning Act as set out in recommendations A and B below.

### **RECOMMENDATION A:**

That authority is given to the head of Planning and Regeneration and the Head of Strategic Support to enter into an agreement, or accept an Unilateral Undertaking, under section 106 of the Town and Country Planning Act 1990 to secure a contribution, on terms to be finalised by the parties, as set out in the table below:

<b>Organisation requesting</b>	<b>Amount</b>
Ecology	<b>£138,223</b> off-site contribution to mitigate for loss of biodiversity units within the vicinity of the site.

### **RECOMMENDATION B:**

That subject to the completion of the agreement in A above, planning permission be granted subject to the following planning conditions and notes:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
7725A-01 - Location Plan - Plan received 10/09/2019  
7725A-02 Rev A - Existing site plan - Plan received 30/09/2020  
7725-03-01 - Proposed Workshop and office - Plan received 14/10/2019  
7725-03-02 Rev B - Updates site plan and additional buildings - Plan received 27/05/21  
7725-03-03 - Caravan plans and elevations - Plan received 07/11/2019  
7725-03-05 - Office plans and elevations - Plan received 25/06/2020  
7725-03-06 - Workshop plans and elevations - Plan received 25/06/2020  
7725-03-07 - Office Plans and elevations - Building 1 - Plan received 27/05/21  
7725-03-08 - Office Plans and elevations - Building 2 - Plan received 27/05/21  
7725-03-09 - Office Plans and Elevations - Building 3 - Plan received 27/05/21  
23948\_08\_020\_01 - Access arrangements plan embodied within the revised Transport Assessment received 12/01/21

REASON: To define the terms of the planning permission.

2. Within 2 months of the date of this permission, the access arrangements shown on Drawing 23948\_08\_020\_01 shall be completed in full. Visibility splays once provided shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

3. Within 2 months of the date of this permission, the parking and turning facilities as shown on Plan No. 7725-03-02 Rev B received 27th May 2021. shall be fully provided and made available for use. Thereafter the onsite parking and turning 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 (2021).

4. Notwithstanding the submitted details, within two months of the commencement of development, a landscaping scheme, to include those details specified below, shall be submitted in writing to the local planning authority for approval:
  - i. the treatment proposed for all ground surfaces, including hard areas;
  - ii. full details of tree planting and planting particularly to the western boundary of the site
  - iii. planting schedules, noting the species, sizes, numbers and densities of plants;
  - iv. finished levels or contours;
  - v. any structures to be erected or constructed;
  - vi. functional services above and below ground; and
  - vii. all existing trees, hedges and other landscape features, indicating clearly those to be removed.

The Landscaping Scheme shall include a programme and timetable of implementation.

REASON: To make sure that a satisfactory landscaping scheme for the development is agreed in accordance with policies EV/1, CS2 and CS11.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the condition 4, in accordance with the programme and timetable previously agreed in writing by the local planning authority under condition 4. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the



following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings in accordance with Policies EV/1, CS2 and CS11.

6. The ancillary maintenance and repair activities carried out at the site shall be limited to plant, vehicles and equipment associated with the use hereby approved only and shall not extend to include the general maintenance and repair of such by others.

REASON: To ensure that the use remains compatible with the surrounding area and to ensure vehicle movements to and from the site are reduced as far as is possible in accordance with Policies EV/1, CS2 and CS1.

7. Only those materials specified in the application shall be used in carrying out the development hereby permitted.

REASON: To ensure the satisfactory appearance of the completed development and in order to accord with Policies CS2 and EV/1.

8. The 2 caravans situated to the south of the site as shown on drawing No. 7725-03-02 Rev B received on 27<sup>th</sup> May 2021 shall not be occupied overnight and shall only be used for staff welfare facilities.

REASON: To ensure the caravans permitted are used only for staff welfare purposes and to clarify no residential use of these caravans is permitted in accordance with Policy CS1 and CS25 of the Core Strategy.

The following advice notes will be attached to a decision

- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1, CS2, CS6, CS10, CS11, CS12, CS13, CS16, CS17, CS18, CS24 and CS25 of the Charnwood Local Plan (2011-2028) Core Strategy and saved policies ST/2, CT/1, CT/2, and CT/3 of the Borough of Charnwood Local Plan have been taken into account in the determination of this application. The proposed development complies with the requirements of these policies.
- 2 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.
- 3 The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process. This led to improvements to the scheme 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.

