



Meeting: **Development Control and Regulatory Board**

Date/Time: **Thursday, 10 September 2015 at 2.00 pm**

Location: **Sparkenhoe Committee Room, County Hall, Glenfield**

Contact: **Mr E. Walters (Tel: 0116 305 6016)**

Email: **euan.walters@leics.gov.uk**

Membership

Mr. T. J. Pendleton CC (Chairman)

Mr. D. C. Bill MBE CC	Mr. W. Liquorish JP CC
Mrs. R. Camamile CC	Mrs. H. E. Loydall CC
Mr. M. H. Charlesworth CC	Mr. J. Miah CC
Mr. J. G. Coxon CC	Mr. L. J. P. O'Shea CC
Mrs. J. A. Dickinson CC	Mrs. C. M. Radford CC
Ms. K. J. Knaggs CC	Mr. D. A. Sprason CC

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AGENDA

Item

1. Minutes of the meeting held on 13 August 2015. (Pages 3 - 6)
2. Question Time.
3. Questions asked by Members under Standing Order 7(3) and 7(5).
4. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.
5. Declarations of interest in respect of items on the agenda.
6. Presentation of petitions under Standing Order 36.



Reports of the Chief Executive on Planning Applications - County Matter Applications.

7. 2014/1114/04 & 2014/1042/07: Hanson Building Products Ltd. - (Pages 7 - 28)
Variation of conditions nos. 2, 10, 25 and removal of condition no. 51 of planning permissions nos. 2003/0513/04 & 2003/0697/07 to allow continuation of clay extraction and export of clay from Odstone Hill Quarry without the former brickworks being operational - Odstone Hill Quarry, Station Road, Heather.
8. 2015/0604/07 (2015/CM/0166/LCC): Ibstock Brick Ltd. - Proposed (Pages 29 - 56)
extension to Ibstock Brickworks and related developments - Ibstock Brickworks, Leicester Road, Ibstock.

Reports of the Chief Executive on Planning Applications - County Council Applications.

9. 2015/1297/02 (2015/REG3Mi/0168/LCC): Cossington Church of (Pages 57 - 74)
England Primary School - Replacement of mobile classrooms with a new building, to include 2 classrooms, IT suite, group room, hall, kitchen, toilets, store, and plant room - Main Street, Cossington.
10. Any other items which the Chairman has decided to take as urgent.
11. Chairman's announcements.



Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield on Thursday, 13 August 2015.

PRESENT

Mr. T. J. Pendleton CC (in the Chair)

Mr. D. C. Bill MBE CC

Mr. G. A. Boulter CC

Mrs. R. Camamile CC

Mr. M. H. Charlesworth CC

Mr. Max Hunt CC

Mr. D. Jennings CC

Mr. J. Miah CC

Mr. L. J. P. O'Shea CC

Mr. I. D. Ould CC

Mrs. C. M. Radford CC

Mrs. J. Richards CC

296. Minutes of the previous meeting.

The minutes of the meeting held on 16 July 2015 were taken as read, confirmed and signed.

297. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

298. Questions asked by Members.

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

299. Urgent items.

There were no urgent items for consideration.

300. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting. It was noted that all members who were also members of a Parish, Town or District Council had personal interests in those applications which related to areas covered by those authorities.

Mrs. R Camamile CC and Mr. I. D. Ould CC declared personal interests in item 9 on the agenda (application nos. 2015/0177/04 and 2015/0178/04) as members of the Cadeby Quarry Liaison Committee.

Mr. Ould CC stated that whilst he did not have an interest in item 10 on the agenda (application no. 2015/0639/01), he was the Cabinet Lead Member for Children and Families and the Cabinet had agreed the provision of a new school for the area. He had therefore decided not to vote on that item.

301. Presentation of petitions.

The Chief Executive reported that no petitions had been received under Standing Order 36.

302. Leicestershire County Council Ashby de la Zouch (Red House) Tree Preservation Order 1968 - Application to fell 2 Lawson cypress trees and a holly tree at 10 St Michaels Close, Ashby de la Zouch.

The Board considered a report of the Chief Executive, a copy of which marked 'Agenda Item 7', is filed with these minutes.

The Chief Executive reported that the Local Member Mr. J. G. Coxon CC supported the recommendations in the report.

RESOLVED:

That consent be granted to fell the 2 Lawson cypress trees T5 and T6 and the holly tree T7 at 10 St. Michael's Close, Ashby de la Zouch subject to a Cappadocian maple tree being planted as a standard (2.5 to 3.0m high and 8/10cm girth) replacement tree in the next planting season November 2015 to March 2016 and that if the replacement tree dies within 5 years a new tree of the same species must be planted in the next planting season.

REASONS FOR DECISION

The 2 Lawson cypress trees and the holly tree are significantly restricting natural light into the house reducing the Applicant's enjoyment of the property and have the potential to cause subsidence damage to the Applicant's house.

The removal of the trees will have a minor detrimental impact on the amenity of the area that will be mitigated by the remaining broadleaved trees in the area and by the planting of a replacement Cappadocian maple.

303. 2015/0786/03 (2015/CM/0141/LCC): Lafarge Tarmac Ltd - S73 Application for extension of time to enable the completion of importation operations, earthworks and final restoration under Planning Permission 2001/1637/03 - Husbands Bosworth Quarry, Welford Road, Husbands Bosworth.

The Board considered a report of the Chief Executive, a copy of which marked 'Agenda Item 8', is filed with these minutes.

RESOLVED:

- (a) That the application to vary condition no. 2 of permission no. 2001/1637/03 be permitted subject to the conditions nos. 1-4 as set out in Appendix A of the report;
- (b) That the Board confirms (as required by the Town and County Planning (Development Management Procedure) (England) Order 2010 (as amended) that in dealing with the application the County Council worked in a positive and proactive manner, taking account of paragraphs 186 and 187 of the National Planning Policy Framework.

304. (i) 2015/0177/04 (2015/CM/0059/LCC): Lafarge Tarmac Ltd - Extension of sand and gravel workings, construction of a field conveyor and subsequent restoration to agriculture and water - Cadeby Quarry, Naneby Hall Farm, Brascote Lane, Cadeby (ii) 2015/0178/04 (2015/VOCM/0060/LCC): Lafarge Tarmac Ltd- S73 application to enable the existing processing plant, clean water lagoon, settlement lagoons, pipes and conveyor system until 31st December 2021 - Land at Manor Farm, Newbold Verdon.

The Board considered a report of the Chief Executive regarding application nos. 2015/017704 and 2015/0178/04, a copy of which marked 'Agenda Item 9' is filed with these minutes.

In accordance with the procedure for making representations to the Board Mr. T. Deal (Tarmac) spoke as the applicant.

Members noted that with effect from 1 August Lafarge Tarmac had been sold to a company called CRH and would be known as 'Tarmac'.

The Local Member Mrs. R. Camamile CC stated that she supported the application and was particularly pleased that the proposal would result in an increase of hedgerows around the site and the retention of the mature trees. She also endorsed the proposed condition regarding the provision of a surfaced footway between Newbold Verdon and The Windmill Inn.

RESOLVED:

- (a) That the application no. 2015/0177/04 be permitted subject to the conditions nos. 1-42 as set out in Appendix A to the report;
 - (b) That the application no. 2015/0178/04 be permitted subject to the conditions nos. 1-37 as set out in Appendix B to the report;
 - (c) That the Board confirms (as required by the Town and County Planning (Development Management Procedure) (England) Order 2010 (as amended) that in dealing with the application the County Council worked in a positive and proactive manner, taking account of paragraphs 186 and 187 of the National Planning Policy Framework.
305. 2015/0639/01 (2015/REG3Mi/0137/LCC): Holmfield Primary School - Proposed new primary school on the site of the former school - Holmfield Avenue West, Leicester Forest East.

The Board considered a report of the Chief Executive, a copy of which marked 'Agenda Item 10' is filed with these minutes.

With regard to proposed condition no. 8 the Board was in agreement that as the County Council had overall responsibility for School Travel Plans condition no. 8 should refer to the "County Planning Authority" rather than the "Local Planning Authority".

Some Members of the Board expressed concern regarding pedestrian access to the site, the provision of the 'drop-off' turning area, and the removal of trees to construct the boundary fence. The Chief Executive undertook to discuss those issues with the applicant.

RESOLVED:

- (a) That the application be permitted subject to the conditions nos. 1-13 and the Notes to Applicant as set out in the Appendix to the report, subject to amendment to the wording of condition no. 8 to state:
- “Prior to the first use of the development hereby permitted an updated and revised School Travel Plan shall be submitted to and agreed in writing by the County Planning Authority.”
- (b) That the Chief Executive be requested to make enquiries with the applicant regarding the possibility of creating an additional pedestrian access point to the school premises;
- (c) That the Board confirms (as required by the Town and County Planning (Development Management Procedure) (England) Order 2010 (as amended) that in dealing with the application the County Council worked in a positive and proactive manner, taking account of paragraphs 186 and 187 of the National Planning Policy Framework.

(Mr. Ould CC abstained from voting on this item)

306. Chairman's announcements.

The Board was informed that the Government had directed that local planning authorities should fast-track shale gas (fracking) planning applications and make decisions within the 16-week statutory timeframe.

2.00 - 3.10 pm
13 August 2015

CHAIRMAN



DEVELOPMENT CONTROL AND REGULATORY BOARD

10TH SEPTEMBER 2015

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT

APP. NOS. & DATE:	2014/1114/04 & 2014/1042/07 – 30 th October 2014.
PROPOSAL:	Variation of Conditions 2, 10 and 25 and removal of Condition 51 of Planning Permissions 2003/0513/04 & 2003/0697/07 to allow the continuation of clay extraction and export of clay from Odstone Hill Quarry without the former brickworks being operational and the creation of a replacement internal site access.
LOCATION:	Odstone Hill Quarry, Station Road, Heather, Leicestershire (North West Leicestershire District and Hinckley and Bosworth Borough).
APPLICANT:	Hanson Building Products Limited
MAIN ISSUES:	Sterilisation of permitted brickclay reserves, traffic impacts
RECOMMENDATION:	PERMIT subject to conditions as detailed in the appendix to the main report.

Circulation Under the Local Issues Alert Procedure

Mr. I. D. Ould CC
Miss H. Worman CC

Officer to Contact

Jennifer Saunders (Tel. 0116 305 7054).
Email: planningcontrol@leics.gov.uk

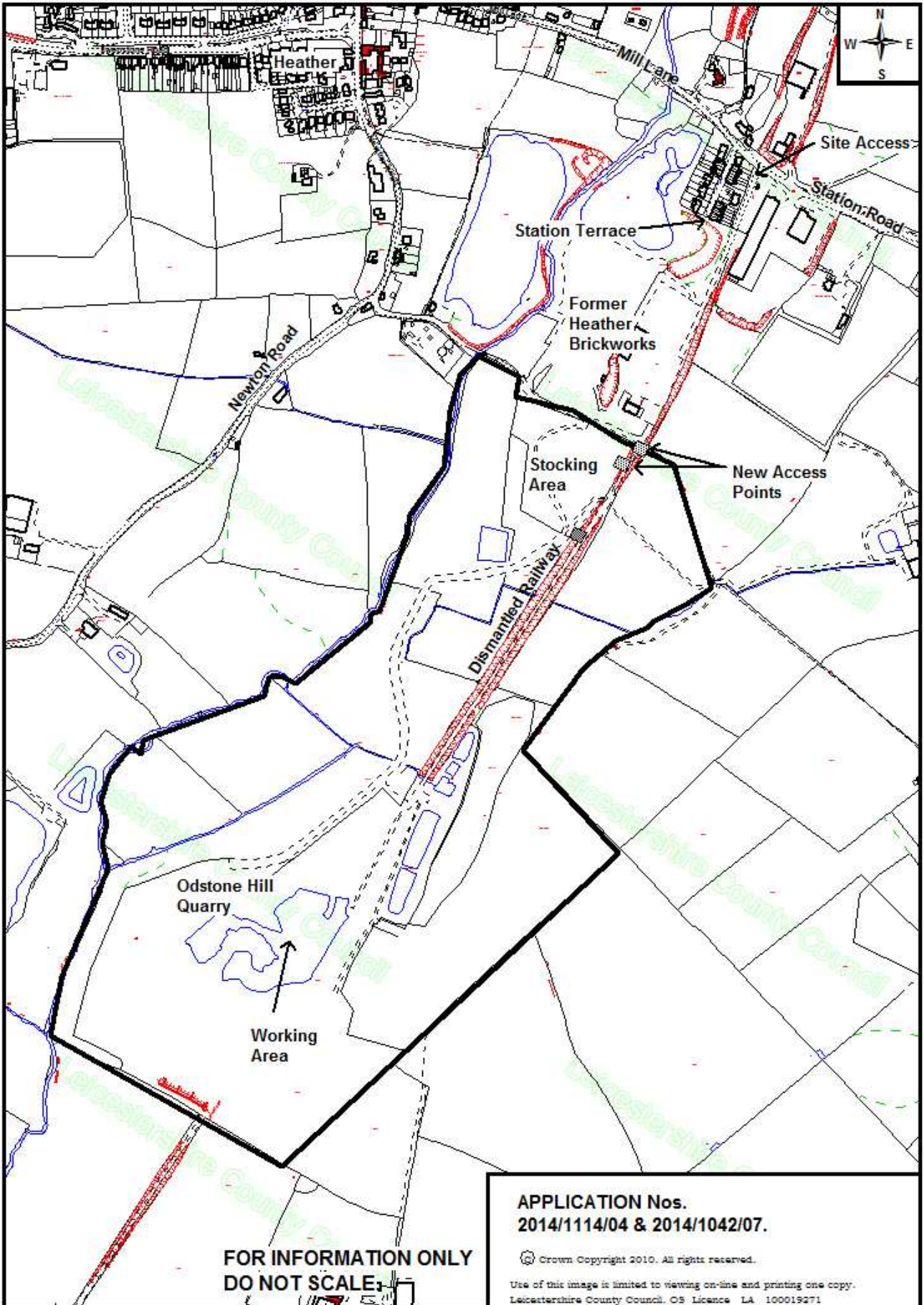
PART B – MAIN REPORT

Background and Planning History

1. Heather Brickworks was operational at the site from the early 1960s. In 2004 the brickworks produced approximately 32 million bricks per year and required approximately 43,000 cubic metres (cu.m) of clay per annum from the quarry. Due to market forces, the applicant stopped production at the brickworks in October 2006 and the production building was demolished in 2012. The applicant has now sold the former brickworks site, albeit with the retention of a right of access along the eastern boundary to provide access to the quarry.
2. Heather Quarry operates under a schedule of planning conditions which were submitted under the provisions of the Environment Act 1995 for the periodic review of mineral planning permissions, and approved in August 2004 (ref nos. 2003/0697/07 and 2003/0513/04). It includes a number of conditions which:
 - requires the clay extracted at the quarry to be processed at the adjacent brickworks (condition 2);
 - requires details of any fencing to be agreed in writing with the Mineral Planning Authority (condition 5);
 - prohibits the export of clay except via the adjacent brickworks (condition 10);
 - requires all existing trees and hedges to be protected, retained and managed for the duration of mineral extraction and subsequent restoration operations (condition 25); and
 - links extraction operations at the quarry to the production operations at the (former) adjacent brickworks, thereby requiring mineral extraction at the quarry to cease as and when production processes at the brickworks cease (condition 51).
3. Following closure of the brickworks, planning permission was granted in October 2009 (ref nos. 2007/1514/07 and 2007/1162/04) to enable the applicant to export clay to other brickworks operated by the applicant for blending purposes. At the time of these applications, it was anticipated that the brickworks would be opened when market conditions improved; planning permission for the exportation of clay without being used in the brickworks was therefore granted for a temporary period only, until 29th October 2014, which has now expired.
4. The 2009 permissions were accompanied by a Section 106 of the Town and Country Planning Act Legal Agreement ('the legal agreement'), which covers traffic routeing from the site to the applicant's other premises at Desford Brickworks and Kirton Brickworks in Nottinghamshire. It also covers provisions for: the routeing of commercial vehicles not operated by the applicant; wheel cleaning; and removal of mud or detritus in the event it is deposited on the highway.

Description of development and site

5. Heather Quarry is situated due south of the village of Heather and approximately 6km south-southeast of Ashby-de-la-Zouch. The quarry has a main road access onto Mill Lane/Station Road (the B586 Heather to Ibstock road). The quarry is situated in a wide and shallow valley, with the River Sence forming the western boundary of the site.



APPLICATION Nos.
2014/1114/04 & 2014/1042/07.

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6. The original planning permissions reviewed under the Environment Act (ref nos. 2003/0513/04 & 2003/0697/07) for the quarry linked clay extraction with brick production at Heather Brickworks. Following the closure and subsequent demolition of the brickworks, the applicant is seeking to vary a number of planning conditions to prevent the sterilisation of remaining clay reserves.
7. It is proposed to continue clay extraction in accordance with the scheme of working which was approved under the Environment Act Review (ROMP) in 2004 (ref nos. 2003/0513/04 & 2003/0697/07). This scheme allows clay to be worked on a "campaign" basis, where earthmoving contractors are used once or twice a year to excavate clay and place it in a stockpile in the northern part of the quarry.
8. As has been taking place under the previous 2009 permissions, clay would be exported from the site and transported to the nearby Desford Brickworks, approximately 7 miles south east of Heather, and Kirton Brickworks in Nottinghamshire. The annual rate of export has been approximately 10,000 tonnes per annum (tpa) and has been taken out in two or three short campaigns each year. The Applicant is also considering supplying clay to other brickworks operated by the Applicant and other manufacturers on a regular basis (located at Shepshed and Measham).
9. However, the limited period of the previous permissions has restricted this process since other works would need long-term certainty of supply before altering production processes. Conclusion of negotiations with other brickworks is reliant upon securing planning permission for the continued exportation of clay. Therefore, the Applicant is seeking planning permission to allow the continued exportation of clay until 21st February 2042, which is the permission expiry date given previously to the former brickworks.
10. The previous 2009 permissions restricted the number of HGV movements generated by the export of clay to 400 per week, subject to a total of 9,480 per year. These movements were agreed with the Highway Authority and calculated by looking at the amount of traffic that would have been generated when the brickworks was fully operational.
11. Clay exported from the site would continue to turn right onto Station Road, which takes vehicles to the A447 at Ibstock. Returning vehicles would use the same route. The existing legal agreement would be updated to ensure that vehicle routing, and the other elements outlined in paragraph 4, are carried forward as part of these permissions.
12. Planning permission is also sought to remove 1no oak tree and associated vegetation to create a replacement internal site access. The applicant no longer owns the land of the former brickworks and as such a revised access is required as the previous one ran through the brickworks. A right of access has been retained along the eastern boundary of the former brickworks. The proposed access would continue to cross Footpath Q57.
13. Restoration proposals for the site include the creation of two lakes in the centre of the extraction area and the creation of two small settlement ponds in the south western part of the site. The water level within the large southern lake would be controlled by a new outfall ditch to the River Sence. The two settlement ponds would be allowed to regenerate naturally with reed beds and would be connected to

2014/1114/04 & 2014/1042/07 - continued

the main lakes via an overflow pipe. The low lying ground around the lakes would be restored to existing levels and lie within the floodplain of the River Sence. The higher ground to the east of the lakes would lie above the floodplain and would be restored to either agriculture or to nature conservation/amenity uses (hay meadow grassland). In addition, it is proposed to plant areas of wet woodland and species-rich hedgerow in a number of locations across the site.

Planning PolicyNational Policy

14. The *National Planning Policy Framework* (NPPF) provides the government's policies for the delivery of sustainable development through the planning system. It advocates a presumption in favour of sustainable development.
15. The NPPF recognises the essential role that minerals play in supporting sustainable economic growth and quality of life. It seeks to ensure that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. The NPPF also acknowledges that minerals are a finite resource and can only be worked where they are found. It also contains policies to safeguard minerals to ensure that they remain available for use (paragraph 146).

Development Plan

16. The Development Plan for the application site comprises the Leicestershire Minerals Core Strategy and Development Control Policies (2009), the North West Leicestershire Local Plan (2002) and the Hinckley and Bosworth Local Plan (2001).
17. Policy MCS3 of the Leicestershire Minerals Core Strategy aims to ensure an adequate supply of brickclay resources within the County. The strategy for brickclay is to provide permitted reserves to support the levels of capital expenditure required to maintain and improve existing brick-making plant and equipment. Policy MCS10 seeks to safeguard deposits of brickclay that are of current or future economic importance. The Strategy also contains policies concerned with the protection of the environment (MCS11) and transportation of minerals (MCS16).
18. The Minerals Development Control Policies contain a number of policies for use in determining planning applications for minerals developments. These include the following: MDC1 (sustainable mineral development); MDC12 (health and amenity); and MDC14 (transportation of minerals).
19. The North West Leicestershire Local Plan includes Policy E3 (residential amenities) and T3 (highway standards), which are of relevance. The Hinckley and Bosworth Local Plan includes Policy NE5 (development in the countryside), which is of relevance.

Consultations**North West Leicestershire District Council (Planning)**

20. Raises no objection, subject to all statutory consultees being satisfied that the proposal would not cause significant impacts upon North West Leicestershire.

Hinckley and Bosworth Borough Council (Planning)

2014/1114/04 & 2014/1042/07 - continued

21. Raises no objection to the application, subject to the proposals being in accordance with national and local mineral and waste planning policies.

Heather Parish Council

22. No response received within the prescribed timescale.

Ibstock Parish Council

23. No response received within the prescribed timescale.

Shackerstone Parish Council

24. The Parish Council kindly requests that transport routes are limited to using major roads only and all local villages, Heather, Swepstone, Newton Burgoland and Odstone be avoided.

Environment Agency

25. No response received within the prescribed timescale.

Highway Authority

26. Raises no objection, subject to the attachment of four conditions to any permission covering means of access, vehicle movements, routing and provision of wheel cleaning facilities.

Leicestershire County Council – Landscape Advice

27. Raises no objection.

Leicestershire County Council - Public Rights of Way Advice

28. Raises no objection. The proposed development will not have any significant impact upon the situation currently prevailing on the ground in relation to public footpaths Q56, Q57 and Q94. The Company will be responsible for ensuring that the official routes of these footpaths which are located within the boundaries of the application site continue to be clearly signed, maintained in a satisfactory condition for pedestrians to use at all times and are not affected by any operations associated with the development. This is particularly important in the case of the location where public footpath Q57 is crossed by the haul road.

Publicity and Representations

29. The application has been advertised by site notices and neighbour notification letters posted on 4th November 2014. The application has also been advertised by a site notice on 4th August 2015 following the receipt of further information.

30. One representation has been received raising an objection to the proposal on the following grounds:

- The application cannot be considered as an extension of the existing variation to the original application as no clay has been extracted from the quarry for more

2014/1114/04 & 2014/1042/07 - continued

than two years. Under the terms of the last planning consent, restoration should have been started.

- No clay has been extracted from the quarry since the brick yard closed more than five years ago. There have been no changes in the profile of the void nor in the tracks to or from the void and the water level in the quarry has always remained high.
- In the period that the site has not been operating wildlife such as deer, wildfowl, swans, herons, badgers, foxes, hares, rabbits and butterflies have colonised the area. Any resumption of quarrying would cause considerable disruption to the habitats of this wildlife.
- The area has always been used for walking. After the brickworks and the quarry closed, the whole site has been regularly walked on. It was understood that the area was to be returned to public open access, indeed this is outlined on a plaque at the edge of Heather Brickyard woods. As the area has been used in this way for a number of years it should now be regarded as open access. The path through the brickyard and along the old railway has been used as a public footpath for at least twenty eight years.
- The Applicant has shown no regard for neighbours and the sensitivity of the area as part of the National Forest. A large section of security fencing has been erected along both sides of a previously attractive public footpath. This fencing has no utility, as it would not prevent access to the areas on either side of the fence. It also runs, in part, along a very thick thorn hedge which has never been crossed by anyone. The fence is so long and high that it must constitute a structure, but no planning approval has been sought or consultation undertaken. The fence blocks a previously well used access route. No commitment exists beyond reference to the now ugly footpath to maintain public access or restore the site.
- Concern is raised in relation to the extremely high numbers of lorries accessing the site. This is equal to a supposed maximum at a time when far fewer other vehicles are using the road past the brickyard. The length of time the quarry is permitted for means that this could continue for decades.

Assessment of Proposal

31. The important role that bricks and related products play in determining the appearance and quality of our built environment is widely recognised. The variety of brick products contributes significantly to the rich regional and local architectural heritage of mainland Britain as well as the repair of traditional brick built structures. In order to satisfy consumer demand, remain competitive and meet increasingly stringent environmental controls, the industry requires continued access to a range of clay resources.
32. Modern brickmaking technology requires a high capital investment. Due to declining market forces, production was stopped at Heather Brickworks in October 2006 and the factory was subsequently demolished in 2012. Without the adjacent brickworks, the existing planning conditions prevent the exportation of clay from the site and the remaining clay reserves would be sterilised, which are estimated to be 530,000cu.m. The proposed development would provide for the remaining reserves to be worked

2014/1114/04 & 2014/1042/07 - continued

and is therefore considered to be acceptable in principle, subject to there not being any unacceptable environmental impacts as a result of this.

33. One of the key environmental issues for consideration in relation to the acceptability of the proposed development is the potential impact of HGV vehicles exporting clay onto the local highway network. During the determination of the 2009 permissions, vehicle movements for the brickworks and quarry were calculated to provide an indication of the number of HGV movements that would have been generated when the brickworks was operating at full capacity. Based on these figures, a condition was imposed requiring the number of HGV movements generated to not exceed 400 per week, subject to a total of 9,480 per year. On the basis that the trips generated by the exportation of clay replace the traffic generated by the sales of bricks from Heather, the Highway Authority continue to raise no objection to the proposed development.
34. The 2009 permissions required vehicles travelling from Heather to Desford Brickworks to turn right towards Ibstock and then travel south on the A447 before turning onto the B582 towards Desford. Vehicles travelling to Kirton Brickworks would also turn right towards Ibstock, but then travel north on the A447 towards Coalville. The applicant is now also proposed to send material to brickworks at Shepshed and Measham; vehicles travelling to these brickworks would similarly use designated lorry routes. The applicant should be required to update the previous legal agreement to reflect these changes, to ensure controls remain on the routing of vehicles for the remainder of the development.
35. The extraction of brickclay from Odstone Hill quarry is controlled under a modern set of planning conditions (2003/0513/04 and 2003/0697/07). The closest residential properties to the site access are those located on Station Terrace. It is considered that conditions are already in place to ensure that the amenities of these residents are protected throughout the life of the development; these conditions can be carried forward to the new permissions. Requiring the legal agreement to be updated will also provide continued protection in the form of vehicle routing and requiring the highway to be kept free from mud and detritus as a result of site activities. Conditions can also be placed on the new permissions to ensure the site is restored to a satisfactory.
36. A local resident has made a number of comments in relation to the application (provided at paragraph 30 of this report); those which have not been addressed previously are assessed below:
- *Winning and working of minerals* – this has taken place in both 2012 and 2013. The Applicant is intending to carry out further extraction of clay in 2015, should these applications be permitted. As such, it is not considered that a ‘permanent cessation’¹ has occurred.
 - *Ecology* – existing planning conditions are in place to ensure that ecological surveys are carried out at regular intervals for protected species. In the event that any of these species are found in habitats due to be removed, the condition requires mitigation schemes to be prepared and submitted for approval to the Mineral Planning Authority. These conditions can be carried forward to the new permissions.

¹ Paragraph 3 of Schedule 9 of the Town and Country Planning Act

2014/1114/04 & 2014/1042/07 - continued

- *Rights of Way* – there are no legal rights of way within the quarry. Following restoration of an area to the east of the quarry void, the only public access is through permissive routes within the planted wood area.
- *Unauthorised fencing* – the Mineral Planning Authority is aware of, and currently investigating, the unauthorised fencing that has been erected by the applicant.

Conclusion

37. The continued exportation of clay from Odstone Hill Quarry will ensure that permitted mineral reserves are not sterilised following the demolition of Heather Brickworks. The proposal will not generate any additional vehicle movements above those that would have been associated with the former brickworks. Planning conditions can be imposed and the legal agreement updated to ensure that the residents of nearby residential properties are protected and only designated routes are used to transport the clay.

Recommendation

1. PERMIT applications nos. 2014/1114/04 and 2014/1042/07 subject to the conditions set out in Appendix A and the prior completion of a legal agreement covering the following matters:
 - lorry routing between Odstone Hill Quarry and the non-restricted road network;
 - use of wheel cleaning equipment at the site; and
 - cleaning of the public highway from mud and detritus as and when required.
2. To endorse, as required by The Town and Country Planning (Development Management Procedure) Order 2015, a summary of how Leicestershire County Council worked with the applicant in a positive and proactive manner:

In dealing with the application and reaching a decision account has been taken of paragraphs 186 and 187 of the National Planning Policy Framework.

2014/1114/04 & 2014/1042/07 - continued

Conditions

Scope of Development

1. This permission shall expire on 21 February 2042 by which date the winning and working of minerals and the depositing of mineral waste shall have ceased and the site restored in accordance with the relevant conditions herein specified.
2. This permission relates only to the extraction of brickmaking clay from, and the subsequent restoration of, the land edged red on Drawing Nos. 2014/1114/04/M1 & 2014/1042/07/M1 attached to and forming part of this permission.

Approved Details

3. The development hereby permitted shall be carried out in accordance with the following details:
 - The development and restoration proposals as detailed in the Environment Act Review submission reference 2003/0513/04 & 2003/0697/07 dated 30 April 2003 and accompanying Environmental Statement, as amplified and amended by the Phase 2 Ecological Survey dated December 2003 and submitted on 6 February 2004;
 - Report Reference R210:HBk-53 dated 28th October 2014; and
 - Report Reference R210:HBk-53 ADDENDUM

Availability of Plans

4. From the date it comes into force, a copy of this schedule of conditions including all documents referred to in it and any further submission to and approvals by the Mineral Planning Authority under the approved conditions shall be kept available on site for inspection at any time when the site is operating.

Restriction of Permitted Development Rights

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended),
 - a. No fixed plant or machinery, buildings, structures and erections shall be erected, extended, installed or replaced at the site without the prior approval in writing of the Mineral Planning Authority; and
 - b. No lights, gates or fences shall be installed or erected at the site unless details of them have been submitted to and agreed in writing by the Mineral Planning Authority.

Working and Phasing Details

6. The progress of mineral extraction, site restoration and all other ancillary operations shall be the subject of regular formal reviews. Each review shall be prepared by the operator in the form of a five year operational programme (or such other period as may have been agreed beforehand in writing by the Mineral Planning Authority), shall be set out in a written statement and accompanied by appropriate plans, specifications and technical data and any other information reasonably required in writing by the Mineral Planning Authority, and shall include information relating to:

2014/1114/04 & 2014/1042/07 - continued

- a. Location, timescale and phasing of the removal of topsoils and subsoils
- b. Location of storage of topsoils and subsoils
- c. Removal of raw material
- d. Disposal of mineral waste
- e. Carrying out of landscaping/ameliorative works
- f. Undertaking of surface water drainage works
- g. Location, timescale and phasing of restoration works

The first five year operational programme shall be submitted for the written approval of the Mineral Planning Authority within 3 months of the date of this permission and thereafter any subsequent reviews shall be undertaken and submitted for the written approval of the Mineral Planning Authority at intervals of not more than five years.

In the event of the operator being unable to comply with any approved five year programme, the restoration of the site shall be adjusted and subsequently carried out in accordance with a revised restoration scheme (including revised timescales) which shall be submitted for the written approval of the Mineral Planning Authority.

Stockpile Heights

7. The height of any clay stockpiles shall not exceed 8 metres.

Hours of Operation

8. Except in the case of emergency or for essential pumping and maintenance work, no working shall be carried out on the site except between the hours of:

06:30-18:00 Mondays to Fridays, and
06:30-14:30 on Saturdays.

For the avoidance of doubt no working shall be carried out at any time on any Sunday or Public or Statutory Holiday.

Access and Traffic

9. Clay extracted from the site shall only be transported via the adjoining site of the former Heather Brickworks onto Station Road as shown on Drawing No. HBk-53/12 rev. A. No clay shall be transported via the access to Newton Road.
10. The number of HGV movements generated by the export of clay from the site shall not exceed 400 per week, subject to a total of 9,480 per year. The operator shall keep a record of all heavy goods vehicles accessing and leaving the site. Back records shall be kept for a minimum of 24 months and access to these records shall be afforded to the Mineral Planning Authority on request.
11. No heavy goods vehicles shall access or leave the site except during the permitted hours of operation.
12. Wheel cleaning facilities shall be used as necessary to ensure that no mud or detritus is carried onto the highway by vehicles leaving the site.
13. All heavy goods vehicles shall enter the site by turning left from Station Road and all such vehicles leaving the site shall turn right onto Station Road.

Noise

14. The noise levels arising from the development (with the exception of temporary operations identified in Condition 15 below) shall not exceed the following:

49 dB LAeq (1 hour) at Valley Farm
50 dB LAeq (1 hour) at Odstone Hill Farm
55 dB LAeq (1 hour) at any other noise sensitive property

measured 1 metre from the most exposed window or door in the facade of Valley Farm, Odstone Hill Farm or any other noise sensitive property (as applicable) over any one hour period.

15. Noise levels from temporary operations, defined as soil stripping, and the construction and removal of soil/overburden mounds, shall be minimised as far as is reasonably practicable and shall not exceed 70db (LAeq) (1 hour), freefield at any noise sensitive property. Temporary operations which exceed the normal day to day criterion set out in Condition 14 above shall only be carried out between the hours of 0800 and 1800 Monday to Friday and 0800 and 1200 Saturday, and shall be limited to a total of 8 weeks in any 12 month period. Advanced notice of the commencement of such temporary operations shall be given to the Mineral Planning Authority.
16. In the event of any complaint about noise being made and considered to be reasonable by the Mineral Planning Authority, the operator shall carry out a noise survey to establish whether or not the noise limits set out in Conditions 14 and 15 above are being exceeded. The survey shall be for one-hour duration in the vicinity of the noise sensitive property nearest the current working area and shall exclude so far as possible extraneous noise from passing traffic. The measurements shall be carried out in accordance with the provisions of BS4142:1997 and the LA90,T and LAeq,T noise levels shall be reported, together with the weather conditions and the sources of audible noise. In the event that the LAeq,T noise level is exceeding any of the limits set in Conditions 14 and 15 above, the Mineral Planning Authority shall be informed within 7 days of the receipt by the operator of the noise report together with the measures proposed to be taken to remedy the breach.
17. All equipment, vehicles and plant used in connection with the development shall be fitted with silencers of an appropriate type and specification and at all times the best practicable means shall be employed to prevent or counteract the effects of noise emitted by equipment, vehicles and plant.
18. All audible warning devices fitted to vehicles, plant and machinery operating within the site, whilst affording suitable safety, should be of a design that does not cause unreasonable noise intrusion to residential properties.

Dust

19. All operations shall be carried out in a manner to minimise the emission of dust from the site. In order to control dust from internal traffic movements, all haul roads shall be maintained in a good condition and shall be kept moist in dry and windy conditions as necessary. Any dry exposed area/material shall be watered as necessary in windy conditions to prevent dust becoming airborne. Dust filters shall be fitted where appropriate on all plant and machinery.

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20. At such times as operations on site give rise to unacceptable levels of dust leaving the site such as during adverse weather conditions, operations shall be temporarily suspended until such time as they can be resumed without causing nuisance either by a change in conditions or by taking additional measures.

Surface Drainage and Pollution Protection

21. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bunded walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses shall be located within the bund or have separate secondary containment. The drainage system shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from the accidental damage. All filling points and tank and vessel overflow pipe outlets shall be directed to discharge downwards into the bund.
22. There shall be no discharge of foul drainage from the site into either groundwater or any surface water, whether direct or via soakaways.
23. No removal of the turf, excavation, tipping, deposit of excavated spoil or raising of ground levels shall take place within 30 metres from the top of the bank of the River Sence.
24. No extraction of clay shall be carried out beyond the area and depth limits shown on the approved plans and documents submitted with the Environment Act Review submission dated 30 April 2003 or subsequently submitted as part of any five year review as detailed in Condition 6 above.
25. There shall be no interruption to the surface water drainage system of the surrounding land as a result of the works on site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.
26. Monitoring of water levels in the River Sence and the dewatering of the site shall be carried out in accordance with the approved Water Monitoring Scheme dated July 2005 and the discharge of condition letter dated 13th February 2007.

Other Environmental Protection

27. Monitoring of the water level in the fishing lake to the west of the extraction area shall be carried out in accordance with the approved Water Monitoring Scheme dated July 2005 and the discharge of condition letter dated 13th February 2007.

Ecology and Landscaping

28. Other than the 1no. tree and associated vegetation, shown to be removed on Drawing No. HBk-53 / 22 and outlined in paragraphs 2.5, 2.9 and 3.6 of Report Reference R210:HBk-53 ADDENDUM, all existing trees and hedges around the perimeter of the site and any tree and hedges lying within the site shall be protected, retained and managed to the satisfaction of the Mineral Planning

Authority for the duration of the mineral extraction and subsequent restoration operations. Maintenance shall include the cutting and trimming of hedges at the appropriate season and the replacement of any tree or shrub that may die or become seriously damaged or diseased with a plant of similar species within the next planting season to the reasonable satisfaction of the Mineral Planning Authority. No soil stripping, storage of any material or regrading shall take place within two metres of any hedge or within five metres of any tree that is to be retained.

29. Any soils stripped from areas of marshy grassland shall be kept in a separate stockpile and subsequently be used in the restoration of those areas of low-lying areas of grassland which have been the subject of mineral extraction.
30. No trees or hedgerows in which bats or other protected species are present or which have been identified as having potential for bat roosts shall be removed until any bats or other protected species found in or near them have been removed by a suitably licensed person. Notwithstanding the above, no trees or hedgerows shall be removed during the nesting season (March to August inclusive).
31. Prior to the removal of any trees, hedgerows, ditches or other vegetation or habitat or the stripping of any soils on the site, the following mitigation measures shall be taken as appropriate:
 - a. Temporary and permanent soft bare clay habitats with seepages shall be created in locations to be agreed with the Mineral Planning Authority to replace those areas of significant invertebrate interest within the quarry which will be lost as a result of the development;
 - b. The seed bank and soil from grasslands G1 and G2 and the higher quality seed bank and soil of grasslands G3 to G5 inclusive, as shown on drawing no. P2215 ECOL 3, dated November 2002 and forming part of the Environmental Statement submitted with the Environment Act Review submission reference 2003/0513/04 & 2003/0697/07 dated 30 April 2003, shall be relocated to locations to be agreed with the Mineral Planning Authority prior to mineral extraction operations in these areas;
 - c. Prior to the relocation of grasslands G1 and G2, seed from these areas shall be harvested each summer and stored for re-use for grassland creation on the site. Initial grassland creation shall take place on the area of currently improved grassland adjacent to the River Sence and to the north of the extraction area;
 - d. Dead wood from trees to be removed shall be appropriately stacked to create invertebrate habitats;
 - e. Nest boxes shall be erected on selected trees remaining in situ;
 - f. Surveys shall be carried out at regular intervals for bats, badgers, otters, water voles, and white clawed crayfish. In the event that any of these species are found in habitats due to be removed, appropriate mitigation schemes shall be prepared and submitted for the written approval of the Mineral Planning Authority. The relocation of these species shall be carried out by suitably licensed persons;

- g. Within 3 months from the date on which these conditions come into effect, a detailed environmental monitoring programme shall be submitted for the written approval of the Mineral Planning Authority, and thereafter implemented as approved.

Soil Stripping, Handling and Storage

32. Prior to the commencement of the stripping of soils and extraction of clay from any part of the site, a detailed plan of the whole site to a scale not less than 1:2500 showing the existing contours relative to ordnance datum at vertical intervals not exceeding one metre and the position of all hedges and trees over five metres in height shall be submitted to the Mineral Planning Authority.
33. Prior to any part of the site being
 - a. excavated;
 - b. traversed by heavy vehicles or machinery (except for the purpose of stripping topsoil from or stacking topsoil on that part of the site);
 - c. built on;
 - d. used for the stacking of subsoil, soil making material or overburden; or
 - e. used as a machinery storage area or plant yard as for the construction of a road;

all available topsoil shall be separately stripped from that part of the site and shall be kept separate from other materials.

34. Storage mounds for topsoil, subsoil and soil making material shall be constructed with only the minimum amount of compaction necessary to ensure stability and, unless otherwise agreed in writing by the Mineral Planning Authority, they shall not exceed three metres in height. Any storage mounds shall be located and formed in accordance with details contained in the Environment Act Review submission reference 2003/0513/04 & 2003/0697/07 dated 30 April 2003 and accompanying Environmental Statement, as amplified and amended by the Phase 2 Ecological Survey dated December 2003 and submitted on 6 February 2004. Any storage mounds that are to remain in place in excess of 12 months shall be seeded with a suitable grass seed mixture and the sward shall be managed throughout the period of storage, to the reasonable satisfaction of the Mineral Planning Authority.

Overburden Handling and Storage

35. Following the stripping of soil from any part of the site, all available subsoil shall be separately stripped from the following areas within that part of the site:
 - a. all areas that are to be excavated;
 - b. all areas that are to be used for roads, buildings, plant storage yards, the storage of overburden or any other purpose that would cause damage to the subsoil, and
 - c. all areas that are to be traversed by heavy vehicles and machinery. Sufficient subsoil shall be stripped to provide for a minimum combined depth of topsoil and subsoil of one metre to be replaced on the site following mineral extraction.

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36. All turf, topsoil and subsoil shall be retained on the site for use in restoration and following stripping and formation of storage mounds the quantities of the different materials shall be measured and recorded on a plan which shall be made available to the Mineral Planning Authority on request.
37. No movement of any soil shall be carried out except when the full depth of soil to be stripped or otherwise moved is in a suitably dry soil moisture condition such that the topsoil can be separated from the subsoil without difficulty and the ground is sufficiently dry that the soil will not be damaged by machinery passing over it.
38. During the course of mineral working operations on the site, any suitable soil making material occurring within the overburden shall be recovered for use in the restoration of the site.
39. Any overlap of soil types or units within any storage mound shall be kept to a minimum necessary for the effective formation of that mound. The interface between soils shall be defined on the site and recorded on the plan prepared under condition no. 32 above, in order that it can be easily located when the mound is removed.
40. All operations involving soil replacement, subsoiling and cultivation treatments shall only be carried out when the full volume of soil involved is in a suitably dry soil moisture condition to minimise damage and to maximise the effects of the subsoiling operations.
41. Measures shall be taken to ensure that no mixing of topsoil, subsoil and overburden takes place during restoration operations.

Archaeology

42. Prior to any further soil stripping in the Phase 1 and any succeeding phase, the development shall take place in accordance with the approved Written Scheme of Investigation dated October 2007. A suitable, qualified body acceptable to the Mineral Planning Authority shall carry out the archaeological works.

Restoration

43. Any areas that have been taken out of agricultural use to enable mineral extraction to be carried out and which have been restored, and any areas which are not the subject of mineral extraction, restoration or associated operations, together with all topsoil, soil making material and overburden mounds, shall be kept free from weeds. Measures shall be taken to destroy weeds at an early stage of growth to prevent seeding, to the reasonable satisfaction of the Mineral Planning Authority.
44. All trees and shrubs planted in accordance with the approved restoration and landscaping schemes shall be maintained to the reasonable satisfaction of the Mineral Planning Authority for a period of at least five years following the date of planting; such maintenance shall include the replacement of any tree or shrub that may die or be seriously damaged or diseased with a plant of similar species in the next planting season.

45. Following extraction of clay from any part of the site, the overburden shall be replaced and regraded to levels that conform generally with the final levels shown on the approved restoration drawing such that those levels will be achieved following the replacement of subsoil and topsoil, to the satisfaction of the Mineral Planning Authority.
46. Following the replacement of overburden and prior to the replacement of subsoil on any part of the site, the upper layers of the overburden shall be subsoiled (rooted) with a heavy duty subsoiler to ensure that, within 400mm depth or such depth as ensures a total depth of 1200mm below the surface of the topsoil so treated, there is:
- a. no material injurious to plant life;
 - b. no rock, stone, boulder or other material capable of preventing or impeding normal agricultural or land drainage operations including mole ploughing or subsoiling;
 - c. no wire rope, cable or other foreign objects;
 - d. no excessively compacted zone;
 - e. a reasonably level, but uncompacted, surface suitable to receive subsoil.

Stones and other deleterious material shall be removed from the site or buried on the site at a depth of 1200mm or greater.

47. Within one year of the completion of restoration of the site, all buildings, plant, structures and machinery used in connection with the mineral extraction and restoration operations hereby permitted shall be removed and, unless required to be retained for the purpose of the agricultural use of the land, all haul roads shall be removed, and the land shall be restored in accordance with the approved restoration scheme.

Aftercare

48. Following the final restoration of any part of the site in accordance with the restoration conditions above the land shall be managed for a 5 year period in accordance with an approved aftercare scheme. Such aftercare scheme shall:
- a. Be submitted for the written approval of the Mineral Planning Authority not later than 3 months prior to the date on which it is first expected that the replacement of topsoil or final restoration of each restoration phase shall take place;
 - b. Provide an outline strategy in accordance with guidance contained in the National Planning Policy Framework and National Planning Practice Guidance (or any superseding Government guidance on the reclamation of mineral sites) for the five year aftercare period for each restoration phase, specifying the steps to be taken and the period during which they are to be taken;
 - c. Provide for a detailed annual programme of works for each restoration phase in accordance with the National Planning Policy Framework and National Planning Practice Guidance (or any superseding Government guidance on the reclamation of mineral sites). The programme for the first year shall be submitted for the written approval of the Mineral Planning Authority not later than 3 months prior to

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the date on which it is expected that the final restoration of the appropriate phase or area of the site shall be completed. In respect of subsequent years, programmes shall be submitted not later than 2 months prior to the annual aftercare meeting;

Provide a detailed management plan which aims to enhance the ecological interest of the site and include provision for regular monitoring and revision.

49. Aftercare of the site shall only be carried out in accordance with the approved scheme.
50. The five year aftercare period relating to each restoration phase of the site shall be the subject of annual review meetings. The first of such meetings shall be held within 1 year of the commencement of aftercare in the restoration phase to which they relate. The meetings shall take place at the site on a date arranged by the operator and shall be attended, as appropriate, by the operator, the landowner, the occupier and the Mineral Planning Authority. The review shall have specific regard to the following matters:
 - a. any aftercare issues that have arisen during the previous year;
 - b. the programme of management to be adopted during the following year.

The operator shall annually, beginning within 12 months from the date of commencement of aftercare in each restoration phase, but in any event at least 5 working days prior to each review meeting, provide the Mineral Planning Authority with a record of management and operations carried out on the restored land during the period covered by the review.

Cessation

51. In the event of a cessation of winning and working of minerals prior to the achievement of completion of the approved restoration and aftercare schemes, which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised restoration and aftercare scheme shall be submitted to the Mineral Planning Authority for approval within 6 months of the cessation. The approved revised scheme shall be completed in all respects within 2 years of the written approval.
52. Notwithstanding the requirements of Condition 51 above, and only if agreed in writing by the Mineral Planning Authority, the winning and working of mineral may be suspended temporarily for an agreed period of time which may be longer than that set out in paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended). In the event of such an agreement, the site operator shall submit a written scheme of interim restoration measures for the approval of the Mineral Planning Authority. Such a scheme shall contain details of interim restoration measures to be carried out following the suspension of operations at the site (including a timetable for their implementation) and management operations to be undertaken during the time of the temporary suspension. During the period of temporary suspension the site shall at all times be managed in accordance with the approved scheme. Following the end of the agreed period of temporary suspension, the provisions of Condition 51 above shall come into effect.

Reasons

1. To provide for the completion and progressive restoration of the site within a specified timescale in the interest of the amenities of the area
2. For the avoidance of doubt, and to ensure that the development is carried out in a satisfactory manner
3. For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner in the interests of amenities in the area
4. For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner in the interests of amenities in the area
5. To retain control of these matters which may have an effect on the amenities of the area.
6. To enable the Mineral Planning Authority to monitor the progress of mineral extraction and restoration of the site.
7. In the interests of visual amenity.
8. In the interests of local amenity.
- 9,10, In the interests of highway safety.
11,12
&13.
- 14,15, To minimise the impact on local residents of noise generated by the operations.
16,17
&18.
- 19&20 To minimise the adverse impact on local residents of noise generated by the operations.
- 21&22 To prevent pollution of the water environment.
23. To safeguard the effectiveness of the floodplain in the vicinity of the site.
24. To prevent adverse impacts on ground water resources in the local area
25. To protect the surface water drainage systems in the local area
26. To ensure that dewatering operations at the site do not give rise to flooding in the vicinity or downstream of the site.
27. To prevent adverse impacts on ground water resources in the local area and water tables in adjacent lakes.
28. In the interests of visual amenity.
29. To ensure that adequate soil resources are available for restoration.

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30&31 In the interests of local amenity.

32. To facilitate soil stocktaking and monitoring of resources.

33,34, To protect the soil resource and to aid the final restoration of the site
35&36.

37. To avoid damage to the soils caused by their movement when wet

38&39 To protect the soil resource and to aid the final restoration of the site

40. To prevent damage to soils by avoiding movement whilst soils are wet or excessively moist.

41. To prevent loss or damage of soil, or mixing of topsoil with subsoil, or subsoil with overburden, or mixing dissimilar soil types.

42. To ensure satisfactory archaeological investigation and recording.

43. To prevent a build-up of weed seeds in the soil that would prejudice the restoration aims of the site.

44. To protect and enhance the visual amenity and ecological aspects of shrubs and trees.

45. To ensure that the agreed restoration levels will be achieved following the replacement of subsoil and topsoil, to the satisfaction of the Mineral Planning Authority.

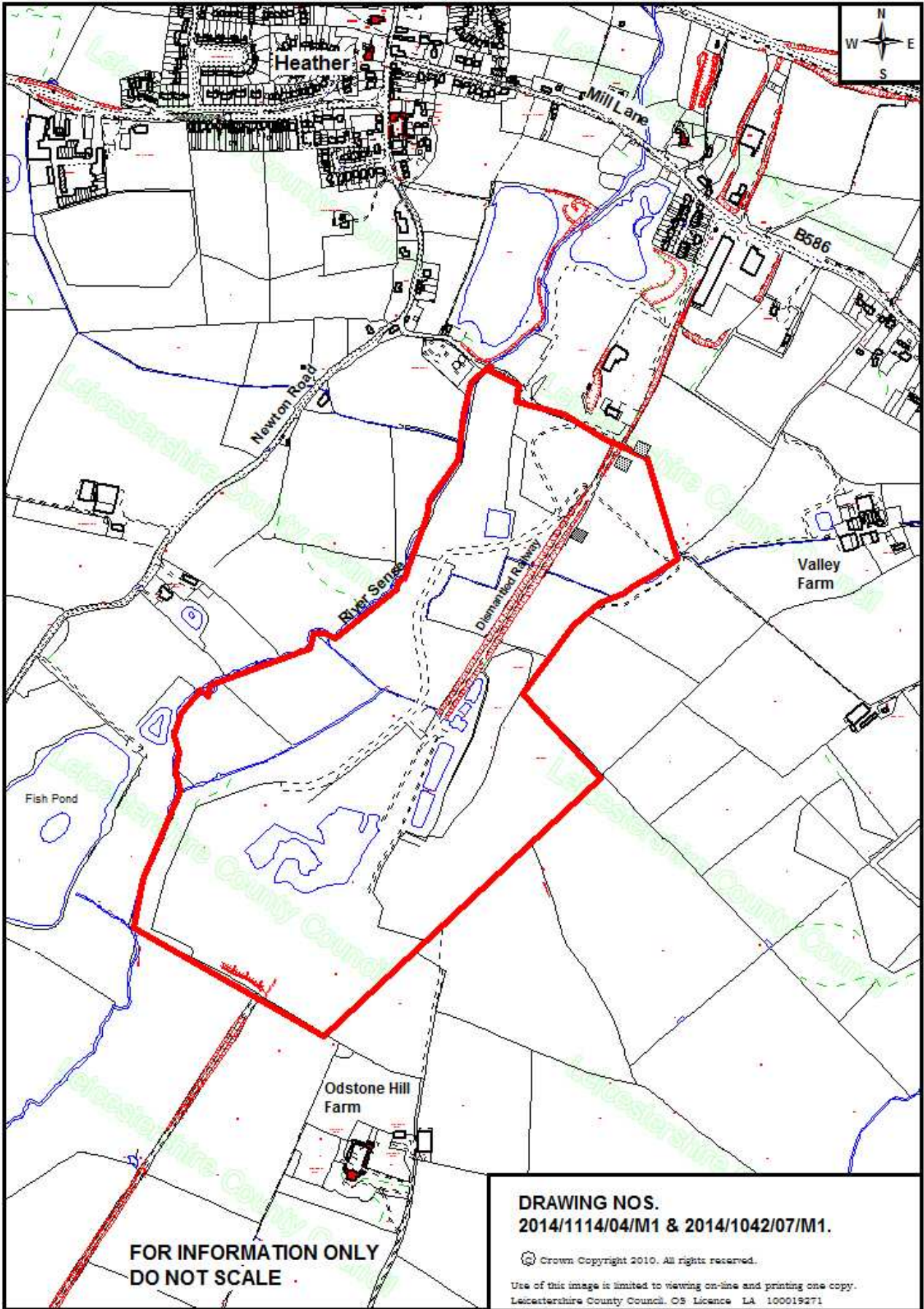
46. To remove compaction caused by equipment used for the levelling of soil and to remove foreign objects capable of impeding normal agricultural and land drainage operations.

47. In the interests of satisfactory restoration of the site.

48,49 To ensure the site is restored to a condition suitable for long-term beneficial use.
&50

51. To enable the Mineral Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial afteruse.

52. To provide for the completion and restoration of the site within an agreed timescale in the interest of the amenities of the area.



DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all the preceding applications.

EQUALITY AND HUMAN RIGHTS IMPLICATIONS

Unless otherwise stated in the report there are no discernible equality and human rights implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act 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."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices;
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.

**DEVELOPMENT CONTROL AND REGULATORY BOARD****10TH SEPTEMBER 2015****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

- APP.NO. & DATE:** 2015/0604/07 (2015/CM/0166/LCC) –
29th May 2015
- PROPOSAL:** Proposed extension to Brickworks and related
developments, Ibstock Brickworks, Leicester Road,
Ibstock.
- LOCATION:** Ibstock Brickworks, Ibstock
- APPLICANT:** Ibstock Brick Ltd
- MAIN ISSUES:** The effects of the development on the local
environment, the amenity of the nearest residential
properties, particularly in relation to noise and dust.
- RECOMMENDATION:** PERMIT subject to the conditions as set out in the
appendix to the main report.

Circulation Under the Local Issues Alert Procedure

Miss. H. Worman CC.

Officer to Contact

Mr. P. Larter (Tel. 0116 305 7292)
Email: planningcontrol@leics.gov.uk

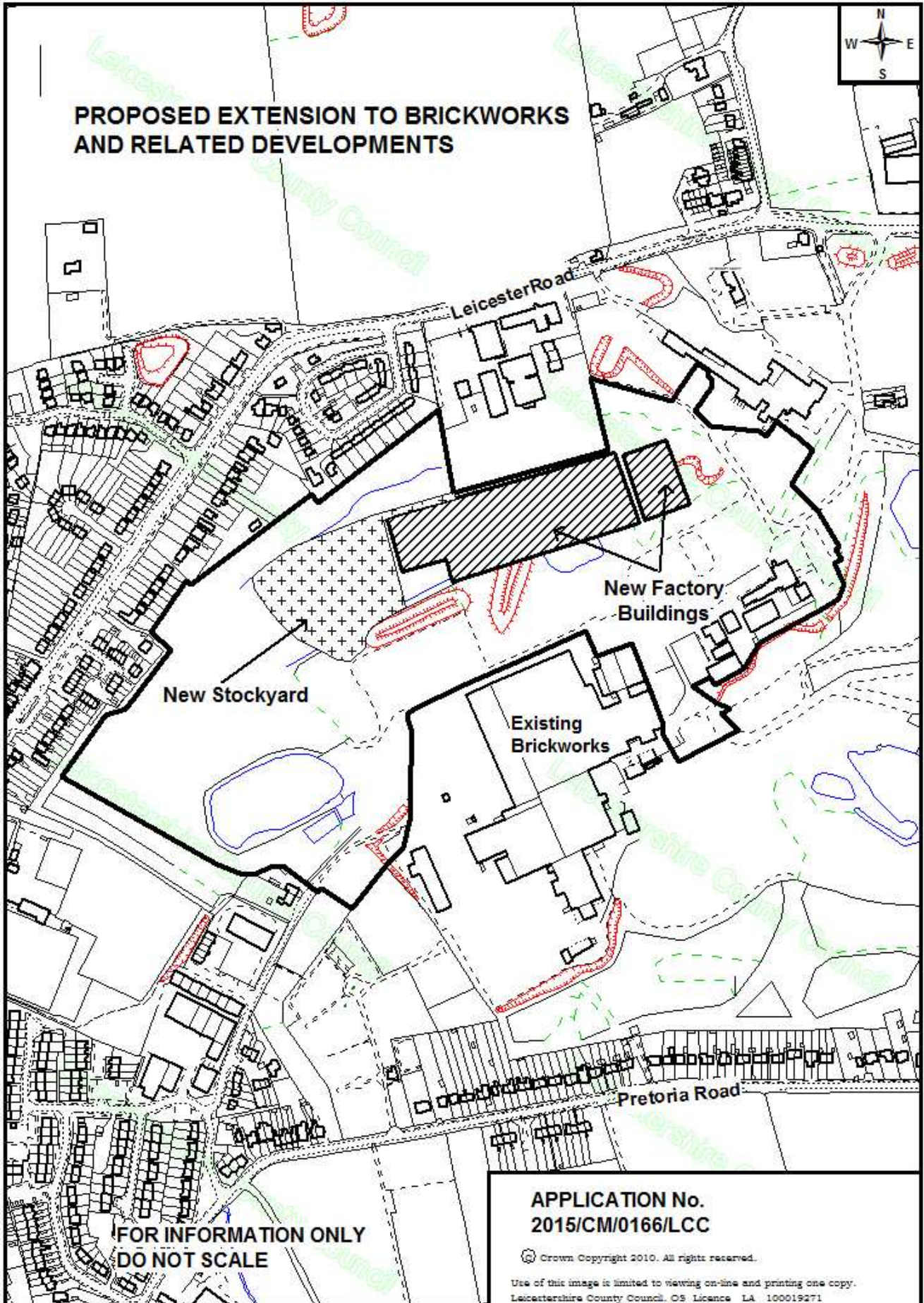
PART B – MAIN REPORT

Description of site

- 1 Ibstock Brickworks lies immediately north east of Ibstock and west of Ellistown, and approximately 1.5 kilometres south of Coalville. To the immediate east of the brickworks is the quarry from which the clay for the brickworks is extracted. Planning permission for the extraction of clay at Ellistown was first granted in 1947 under an Interim Development Order (IDO) and the conditions related to the operating of the quarry were reviewed earlier this year (planning reference 2015/0262/07). The brickworks complex consists of one large factory building (which contains two production lines), head offices for the Ibstock Group, laboratory, a number of ancillary buildings and open areas of hardstanding used for the stocking of bricks.
- 2 To the immediate north and west of the brickworks is an area of, principally, grassland with tree belts on the edges of the current stockyard and along the site boundary. This area was formerly the north quarry which was restored in the 1990s and completed by 2000. In the southern section of the restored area two areas have been identified as potential and candidate local wildlife sites - an area of grassland and a pond, respectively. Substantial numbers of residential properties are present to the south and west/north-west of the brickworks with a small cluster around the site's access. Footpath N64 runs along the northern and western boundary of the site, within land in Ibstock Brick's ownership.

Description of Proposal

3. The proposal is to construct a new brick factory, an overhead conveyor with box feeder building, further stocking areas, an office building, additional parking areas and a screening bund. Alongside, this there are proposals for significant further tree planting both within the vicinity of this proposal and in the wider Ibstock site. The factory would produce some 100 million bricks a year which is the equivalent to the building of 10,000 detached homes and garages.
4. The application contains an environmental statement which covers the topics of air quality, contaminated land, cultural heritage, ecology, hydrology, landscape, noise and vibration, socio-economics, and transport. The environmental statement includes an assessment of other sites for the proposal within the Ibstock site owned by the applicant and the reasoning for selecting the application site. The description of the development that follows includes the environmental statement's conclusions on impacts.



2015/0604/07 (2015/CM/0166/LCC) - continued

Buildings and Layout

5. The bulk of the development is the buildings related to the production of bricks, that is the clay preparation and production buildings. These buildings would lie side by side to the north of the existing brickworks. The production building would be 223.5 metres long, 86 metres wide and 17.4 metres high whilst the preparation building would be 78 metres long, 45 metres wide and 17.4 metres high. These two buildings would be physically detached but connected by a conveyor about 6 metres from the ground. A kiln exhaust stack to the south of the production building would be 30 metres high. New hardstanding would surround the buildings with land to the west and south utilised for the stocking of bricks and that to the east for lorry parking. The existing topography of the land is such that substantial quantities of material will need to be excavated to achieve a level landform. This would be utilised in the formation of a bund to the immediate north and west of the new stockyard nearest to residential properties. The topography of the site is such that the land drops away to the south and the design makes use of this so that the kiln stack sited to the south of the production building only protrudes 11.2 metres above the 17.4 metre high building.
6. The existing clay stocking area is to the east of the existing factory building and to transport clays stored here to the new clay preparation building a box feeder building, lime silos and overhead conveyor would need to be constructed. The conveyor would stretch for 165 metres across the site. The lime silos would be 13 metres in height, with the conveyor being a maximum of 8 metres in height, raised 6 metres above ground level.
7. New parking would be located near to the access road in to the site. Further tree planting is proposed along the northern and western boundaries, between adjacent properties and the new development, around the access road and head offices and Whitehill Road.
8. The nearest residential property to the nearest part of the factory is a property on the Redlands Estate and there is some 83 metres between the two buildings. The curtilage of this property is closer (about 71 metres to the factory building). Part of the proposed stockyard is closer, around 67 metres to the nearest residential building.

Air Quality

9. The assessments of air quality include the effects of dust, stack emissions, and additional road traffic on amenity and nearby designated sensitive habitat sites. The designated habitat is the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) with a conclusion that the proposal would contribute a change to nitrogen, sulphur, and hydrogen fluoride deposition to this habitat that would be insignificant. The assessment concludes that with the use of best practice management for dust emissions the development would not have a significant effect on dust deposition and would not lead to any new exceedances of the environmental assessment levels set for the protection of human health relating to nitrogen dioxide, and small particulate matter (PM₁₀ and PM_{2.5}).

2015/0604/07 (2015/CM/0166/LCC) - continued

Contaminated Land

10. A large proportion of the proposed development would be on the former north quarry which was restored to former levels with inert waste. Because of this the application contains an assessment of redeveloping this land. The conclusion is that the risks range from low to very low.

Cultural Heritage

11. The cultural heritage assessment addresses designated assets 5 kilometres from the proposal and non-designated assets within one kilometre. No effects would be forthcoming as a result of this development.

Ecology

12. The ecological surveys found no remarkable plant assemblages on the site of the proposal and no protected animal species. The proposal includes schemes to enhance the biodiversity of the site including tree planting, a native wildflower area, bat and bird boxes and reptile hibernacula.

Hydrology/Flood Risk

13. The proposed development would lie in Flood Zone 1 (less than 1 in 1000 chance of flooding in any one year). The design for water management of the proposal includes the provision of two new lagoons and a network of ditches and below ground pipes so that surface runoff remains at the present greenfield rate. No increase to flooding is predicted.

Landscape

14. The proposed development would change the visual aspects of the site from views to the north and west of the site. The main buildings would be of a similar appearance to the existing brickworks, that is mainly a light grey fibre cement cladding. To mitigate the visual impact of the proposal the applicant is proposing a screening bund of some 5 metres in height alongside tree planting between residential properties and the proposal. The assessment includes the impacts from construction, and for viewpoint 2 (properties to the north west that immediately back on to the site) discusses the change in impact between winter and summer months (i.e. when much of the existing and proposed vegetation is in leaf and when it is not). The assessment of the visual effects of the proposal concludes that the worst effect would be on the users of footpath N64. The remainder of the effects range from neutral to moderate.

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Noise and Vibration

15. The applicant has proposed and assessed the noise from the operation of the development 24 hours a day, 7 days a week. The assessment is based on the assumption that an increase of 10 decibels above the background is acceptable. The predictions show an increase in background levels at residential properties outside of the site of a maximum of 2 decibels during the day and 8 decibels during the night. On the basis of this the assessment concludes that the noise produced on the site would be acceptable. Similarly, noise from increased off-site HGV movements and site construction would be acceptable. Vibration during construction (piling) is predicted to be at 0.05 mms^{-1} at the nearest sensitive receptor, well below the level for cosmetic damage to buildings (12.5 mms^{-1}) and below 0.14 mms^{-1} which is considered unlikely to be perceptible.

Socio-economics

16. The applicant states that the proposal, if permitted, would contribute 50 jobs, expenditure on third party services of £2 million per annum, business rates of over £200,000 per annum, and placement of construction and plant order of over £40 million.

Transport

17. The assessment appraises the worst case impacts of an additional 21 HGVs and 105 light vehicles a day during the 18 month construction period and a doubling of the existing HGV traffic related to the brickworks to 124 movements a day, and 50 additional light vehicles a day. The assessment concludes that the existing access arrangements and the surrounding highway network would be capable of safely accepting the proposed increases.

Planning Policy

National

18. The National Planning Policy Framework (NPPF) was published in March 2012 setting out the Government's planning policies for England and how these are expected to be applied. It replaces previous government guidance and policy contained in Planning Policy Statements (PPSs). The NPPF states that development that accords with an up-to-date Local Plan should be approved. Paragraph 142 of the NPPF recognises the essential role that minerals play in supporting sustainable economic growth and quality of life, and thus, the importance of ensuring that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the Country needs.

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Local

19. The relevant local development plan policies are contained within the Leicestershire Minerals Development Framework: Core Strategy and Development Control Policies document adopted in October 2009 and the North West Leicestershire Local Plan (adopted August 2002).
20. *Policy MCS11* of the Leicestershire Minerals Development Framework states that the natural and built environment is to be protected by ensuring that minerals developments: do not have any unacceptable adverse impacts on natural resources, landscape, biodiversity, historic and cultural features, the character of settlements and residential amenity; have the highest standards of operational practice; and the development is designed to a high standard.
21. *Policy MCS14* sets out the strategy for the National Forest, to make provision for the planting of woodlands, habitat creation, the creation of new leisure and tourism facilities and/or public access.
22. *Policy MCS16* seeks to locate new mineral workings in close proximity to markets and the County's lorry route network, and to maximise the use of means of transport other than by road.
23. *Policy MCS17* seeks the reclamation of land at its earliest opportunity with high quality restoration and aftercare, with the use of best practice at the time to minimise public safety and, where appropriate, to priority after-uses listed within the policy.
24. *Policy MDC2* seeks minerals developments to demonstrate that they have been designed to ensure impact on the environment is minimised.
25. *Policy MDC4* prevents development which could have a significant adverse effect on the character, appearance, ecological, geological or amenity value of sites of regional and local importance including species identified in relevant Biodiversity Action Plans.
26. *Policy MDC5* prevents development in the countryside which would adversely affect the appearance and character of the landscape and the countryside, unless there is an overriding need for the development.
27. *Policy MDC6* seeks new woodland planting and landscaping, where appropriate.
28. *Policy MDC7* protects archaeological remains from the impacts of minerals development by requiring a preliminary archaeological assessment or preservation in situ.
29. *Policy MDC11* states that developments which would have a detrimental impact on the quality or flow of water or exacerbate flooding will not be allowed.

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30. *Policy MDC12* on health and amenity lists those effects which a minerals development could not generate.
31. *Policy MDC13* states that a minerals development will be refused where there are unacceptable cumulative effects of either different impacts from a single development or the effects of a number of minerals developments in an area.
32. *Policy MDC14* seeks not to allow proposals which would transport minerals by road where they could use non-road means, it would be detrimental to road safety and the highway network is unable to accommodate the traffic.
33. *Policy MDC15* seeks not to allow proposals which would adversely affect a public right of way.
34. *Policy MDC20* requires proposals to have satisfactory provision for reclamation and after-use.
35. *Policy MDC21* requires the after-use of proposals to, amongst other things, to enhance the quality of the landscape to the benefit of the local or wider community.
36. *Policy MDC23* states that ancillary industrial development will be permitted within or close to mineral sites where the proposal would not cause an unacceptable adverse impact or it has been demonstrated that there are environmental benefits in a close link to the extraction site which outweigh environmental impact. Permission will be limited to the life of the reserves.
37. *Policy S3* of the North West Leicestershire Local Plan explains the types of development that will be permitted on land outside the Limits to Development. Mineral extraction and its associated industries are not listed.

Consultations**Coal Authority**

38. The Coal Authority is satisfied that consideration has now been given to potential impacts on the development from the mine entries which lie outside the application site.

Environment Agency

39. No objections on flood risk grounds. An intrusive ground investigation of the historic landfill should be undertaken in advance of development taking place. A condition requiring this should be included in any planning permission granted because without this condition, the proposed development on this site poses an unacceptable risk to the environment and the Agency would object to the application. Any new construction within this application should not be sited in a

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way that compromises the future opportunity to re-instate the Ibstock Brook from its current culverted state to an open channel within a green corridor through the site. Any future demolition of the existing brickworks factory as a part of any site restoration or re-development must include returning the current culverted Ibstock Brook to an open channel within a green corridor through the site. Advice is provided to the applicant on discharge consent, protecting emissions to water and waste management.

Natural England

40. Natural England does not consider that this application poses any likely or significant risk to a SSSI or Natura 2000 site. The Authority should consider securing measures to enhance the biodiversity of the site.

Highway Authority

41. The Local Highway Authority advice is that, in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the addition of 6 conditions and a legal agreement covering the routing of HGVs and a sum for the monitoring of a travel plan.

Leicestershire County Council Archaeology

42. Based upon the information supplied by the applicant in support of their proposals (Appendix F. Cultural Heritage) and appraisal of the Leicestershire and Rutland Historic Environment Record (HER), the scheme appears to have a low potential to impact upon significant archaeological remains. On that basis there's no need to comment further upon the current proposals.

Leicestershire County Council Ecology

43. No objections to this development. The land of the extension is largely amenity grassland, recent landscape tree planting, and hard standing. Although a pond is shown on the map, Aecom's ecology report states that it is no longer being maintained by pumping into, and is now dry. No evidence of protected species was found on site, and no great crested newts (GCN) were present (although there was a small population in 2008, according to Aecom's report, this is no longer present). If development does not take place within 3 years of Aecom's report (spring 2015), updated GCN and badger surveys are required, as both species are known to be in the local area and may move onto site before development takes place.

There are two habitats of significance within the area, meeting our Local Wildlife Site criteria, and both acknowledged by Aecom to be of county importance: a large pond and a small area of species rich grassland. Both of these are outside the development footprint, although within the red-line. As a condition, they should be retained and conserved through appropriate management in

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accordance with a conservation management plan submitted to the planning authority for approval. This is referred to in section 8 of Aecom's report. The applicant should note that the grassland should not be planted with trees but should be in accordance with the submitted landscape plan which shows it being retained as grassland. The tree/shrub planting in the area around pond and grassland should be of locally native species only. Vegetation should be cleared and removed outside the bird nesting season March to July inclusive.

Leicestershire County Council Heritage Advice

44. The submitted Cultural Heritage Report identifies numerous listed buildings and four conservation areas within a five kilometre radius of the proposed development. The existing brickworks and offices are part of a major industrial site which provide a useful visual reference point which indicates where the proposed extension will be erected. The proposed extension, despite being large and including a tall exhaust stack, is unlikely to exert visual dominance over any of the heritage assets due to limited inter-visibility resulting from the distances involved, topography or intervening vegetation and buildings. The Assessment of Impacts and Likely Effects Section within the Cultural Heritage Report correctly concludes that none of the identified listed buildings or conservation areas will be adversely affected by the construction or operation of the proposed additional brickworks, stockyard area and ancillary development.

Leicestershire County Council Landscape Advice

45. With regard to the northern site boundary, providing that the screen bund is properly constructed with the correct depth of topsoil and the new planting is carefully monitored through the establishment period, an effective screen should be established relatively quickly. If the bund can be constructed early in the site development and the planting carried out during the first available planting season, then this would help to reduce the visual impact of the new brickworks. With reference to PROW N64, the proposals outlined on Figure 1 (Supplementary Sections PROW N64) will help to screen the new Production Building from the public footpath providing that a reasonably dense planting scheme is carried out on the bund. It is recommended that a native hawthorn hedge mix is planted at the toe of the bank, 1.0 metre clear of the footpath, with a mix of native trees and shrubs planted on a 1.5 metre grid on the bank up to the Ibstock Brick security fence. As previously stated, careful monitoring of the planting through the establishment period will help to create an effective screen.

It is recommended that all new planting areas adjacent to the public footpaths are provided with temporary post and wire fencing to deter casual access and to minimise any damage to the young plants. Pleased to see that Planting Block F has been extended to the south-east and that the "L" shaped plantation around the existing brickworks will be retained albeit as a temporary measure. Hopefully, if the screen bund and the Block A planting can be carried out as advance works, then the new screening will be effective more rapidly.

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Lead Local Flood Authority

46. The proposed development will be acceptable from a surface water management principle based on the information provided within the application.

Public Rights of Way

47. The proposed layout should not obstruct the definitive Public Rights of Way. No objection to the proposal but sets out a number of points the applicant should bear in mind to ensure the rights of way network remains accessible.

North West Leicestershire District Council - Planning

48. No objections to the proposals subject to the County Council being satisfied that there are no technical objections to the application raised by statutory consultees and that there would be no significant adverse impacts on North West Leicestershire.

North West Leicestershire District Council – Environmental Health

49. No comments to make on the application.

National Forest Company

50. The Landscape Masterplan including 6 hectares of woodland planting is acceptable. The phasing of the landscaping will be set out in the Landscaping and Conservation Management Plan and this approach is acceptable. The phasing of landscaping will prioritise screening planting which is understood. The National Forest Company seeks the early delivery of landscaping adjacent to Ellistown Terrace as this is outside of the development area and would have no impact on the construction works. It is noted that phasing will be covered in the Landscape and Conservation Management Plan which the National Forest Company would be grateful to be consulted on in due course.

Ibstock Parish Council

51. Response not received.

Publicity

52. Notices published in a local paper, site notices, and individual neighbour letters to 246 addresses on Leicester Road, Pretoria Road, Redlands Estate, Spring Road and Wellington Court have advertised the application since 8th June 2015.

Representations

53. One hundred and five representations have been received. Of these representations twenty five support the proposal and the remainder object (eighty). The majority of the objections (sixty) take the form of a *pro forma* which, in summary, raises the following issues:

- The factory is too close to housing and other alternatives sites are available;
- Concerns of dust, noise and lights impacts with 24 hour working; and
- Value of homes lost because no one will want to live 50 metres away from a factory and stockyard that operates 24/7.

Beyond these matters further individual concerns have been raised which are in summary:

- Risk of unacceptable effects on landscape, noise, vibration, dust, air pollution and health from the new factory;
- Risk of building on land that contains gaseous landfill and mines;
- Noise and dust is already problematic;
- Number of jobs to be created is too small;
- The brick factory at Measham is extremely noisy and a source of serious dust pollution;
- Ibstock's factory at Chesterton, Newcastle under Lyme, is causing a blight on the local community;
- Impact of additional HGV traffic;
- Visual impact of new factory and its chimney;
- Misleading imagery;
- Chosen location for the factory was promised to be made into a beauty spot.

Those in support highlight the economic benefits of the proposal locally and beyond.

Assessment of Proposal

54. This application should be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant considerations in the determination of this proposal are its acceptability or not on air quality, contaminated land, cultural heritage, ecology, hydrology, landscape, noise and vibration, socio-economics, and transport. The environmental statement covers all of the main issues of the proposal to a level sufficient to enable a decision to be made on the proposal.

Air Quality

55. The assessments of air quality include the effects of dust, stack emissions, and additional road traffic on amenity and nearby designated sensitive habitat sites. The assessment concludes that with the use of best practice management for dust emissions the development would not have a significant effect on dust deposition and would not lead to any new exceedances of the environmental

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56. assessment levels for the protection of human health. The emission of dust from the construction, operation and post-closure of the development would be controlled by the Integrated Pollution Prevention and Control Permit. Subject to a condition setting out the dust mitigation strategies to be undertaken the proposal would be acceptable and meets the terms of Policies MCS11 and MDC12.

Contaminated Land

57. A large proportion of the proposed development would be on the former north quarry which was restored to former levels with inert waste; because of this the application contains an assessment of redeveloping this land. The conclusion is that the risks range from low to very low but that an intrusive investigation is undertaken to confirm this view. The Environment Agency concur with this opinion and advise that a condition is attached to any planning permission seeking such an investigation. The land to which this proposal relates is also subject to a coal mining risk assessment. This assessment states that former mine entries are outside of the application area and that any development would be outside the zone of influence of any underground coal workings. The Coal Authority is satisfied with this. Therefore, subject to a condition prohibiting development upon the former landfill without such an investigative scheme in place the development's effect on contaminated land would be acceptable and meet the terms of Policies MCS11 and MDC12.

Cultural Heritage

58. The cultural heritage assessment addresses designated assets 5 kilometres from the proposal and non-designated assets within one kilometre. No effects would be forthcoming as a result of this development and the proposal is acceptable and meets the terms of Policies MCS11 and MDC7.

Ecology

59. No plants or animals of note or with protected status have been found on the land to be developed. The potential for long distance harm to the River Mease Special Area of Conservation (SAC) or the River Mease Site of Special Scientific Interest (SSSI) has been assessed and Natural England considers the development to pose no risks to these designated sites. In accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 the effects of the proposal on the River Mease has been screened by the Mineral Planning Authority, as the competent authority, and it has been found that no further assessment is needed under these regulations.
60. The proposal includes the loss of semi-mature trees around the existing brickworks with a greater area of additional tree planting to be undertaken around the brickworks/quarry site. This would, principally, take the form of native deciduous species which have the potential to improve the ecological value of the site. Furthermore, there are two potential/candidate local wildlife sites in the west of the site, beyond the footprint of the built development that would remain untouched.

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61. On this basis the proposal meets the requirements of Section 40 of the Natural Environment and Rural Communities Act 2006 to have regard to the conservation of biodiversity. Similarly, the requirements of the Habitats Directive and the Wildlife and Countryside Act 1981 would be met. The proposal includes enhancements to the benefit of wildlife and these should be forthcoming as soon as possible once the production building is operational and a condition should be attached to any planning permission to require this. Therefore, subject to such a condition the proposal has the potential to result in a net gain to biodiversity and the proposal's effect on ecology is acceptable and meets the terms of Policies MCS11 and MDC4.

Hydrology/Flood Risk

62. The design for water management would ensure that water shedding from the proposal would not cause an unacceptable effect to adjoining land users and would not lead to additional flooding. Therefore, the proposal meets the terms of Policies MCS11 and MDC11 and is acceptable.

Landscape and Visual

63. The addition of this proposed development to the local landscape is proposed to be mitigated through a screening bund and additional native tree planting. The landscape advice is that the proposed mitigation should reduce the visual impact of the proposed production building. With this mitigation the impact on residential properties is considered to be low. The applicant's assessment highlights the negative impact that this proposal would have on users of footpath N64. This impact would reduce over time (15 years from construction) but remains medium. Changes to the scheme adjacent to footpath N64, between the Go Plant yard and the proposed production building, would offer a better environment for users than that originally proposed. This is now acceptable.
64. Additional lighting is proposed but it is limited to lights attached to the main building to light the new stocking area; these lights would be motion sensitive. Conditions covering lighting both during construction and operation would reduce the impact upon amenity and make the development acceptable. Subject to the conditions set out above and the landscaping being undertaken as per the submitted details the proposal is acceptable and meets the terms of Policies MCS11, MDC2, MDC5, MDC6, MDC12 and MDC13.

Noise and Vibration

65. The applicant's noise assessment predicts an increase in background levels at those residential properties outside of the site but nearest to the proposal (the Redlands Estate) of a maximum of 2 decibels during the day and 8 decibels during the night.

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66. The assumption from the noise assessment is that the overhead conveyor from the clay stocking area, and the box feeder and crusher operate during the daytime only (07:00-19:00 Monday to Friday and 07:00-13:00 Saturdays). Thus, the proposal would only be acceptable with these limited hours of working for these elements and a condition should be included in any planning permission stating as such (with the later start of 08:00 on Saturdays to reduce noise levels early on during these mornings). Similarly, it is assumed that no materials are delivered at night, which again should be controlled by condition.
67. The existing brickworks and associated stocking areas are all capable of operating 24 hours a days, 7 days a week and, prior to this application being made, have not been the source of complaint in, at least, the last ten years to the Mineral Planning Authority. However, this new development would be significantly closer to residential properties to the north and west of the Ibstock site and representations from these areas raise concern regarding the increased proximity and the 24 hours working of the operations. This is a legitimate concern and one that needs careful consideration by the Mineral Planning Authority; the noise regime of the area will change with this development, if approved.
68. The change to daytime background noise levels from the operation of this development is predicted to be low (2dB) and would not be widely perceptible. The change to the night time background levels is predicted to lead to a maximum of an 8dB increase to current levels (also classed as an impact of low magnitude by the submitted assessment). These figures are both below the 10dB increase to background levels that Environmental Health at North West Leicestershire District Council considered acceptable for the development in advance of the application being made. Environmental Health has not objected to the application and it is considered that the predicted noise levels would not lead to a significant negative effect upon amenity and are acceptable. However, as explained above, it would not be acceptable to allow all elements of the proposed development to operate continuously and the following elements should be restricted to exclude their operation at sensitive times: overhead conveyor; box feeder; crusher; reject brick loading; deliveries by HGVs; and external construction.
69. The predicted vibration from the piling required for the construction of the principal buildings is predicted to be of such a small scale that it would be imperceptible. Bearing all this in mind, the proposal is acceptable but any planning permission should restrict the construction and operational noise levels at residential properties outside of the site to those stated in the submitted application. Furthermore, the applicant should be tasked with monitoring the noise levels during construction and the first year of the site's operation (at least) to ensure compliance is achieved with the predicted noise levels. On the basis of this, the proposal meets the terms of Policies MCS11 and MDC12.

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Socio-economics

70. The proposal, if permitted, would result in a significant construction project for a period of some 18 months which would create temporary jobs and associated economic benefits. Furthermore, once fully operational the proposal would contribute 50 jobs to the local area. Beyond the job creation and expenditure the development would result in, the development itself would allow a further 100 million bricks to be produced within the UK which would assist in the Government's drive to build more homes. On the basis of this the proposal accords with the NPPF in supporting economic growth and this should be given considerable weight in favour of the application.

Transport

71. The additional movements on the highway that this proposal would generate are considered by the Highway Authority to be acceptable in terms of road safety and capacity. There is no viable way to transport the bricks this development would manufacture other than by road but road movements are reduced by having the production process in very close proximity to the principal raw material (clay). The requirement for a travel plan for the site would seek to reduce employee journeys by private car. Furthermore, the site's access is only about 1 mile from the County's designated HGV routes. However, to ensure that HGVs, both during the site's operation and construction, access the designated HGV routes the most appropriate way the routing of HGVs should be subject to a legal agreement.
72. The benefits of locating an additional brick making factory within the site due to the links to the adjacent existing clay extraction operations and the criteria of the minerals policies are such that these factors are given great weight, overriding the requirements of Policy S3 of the North West Leicestershire Local Plan. The use of the clay in this proposed development and the existing works is a major factor in favour of the development and should be required by condition. Subject to such a condition, limits on deliveries by HGVs, a requirement to submit a travel plan, and a legal agreement covering HGV routing and a sum for the monitoring of the travel plan the proposal would be acceptable and meets the terms of Policies MCS11, MCS16, MDC14 and MDC23.

Restoration

73. As part of the review of the mineral planning permissions at the adjacent quarry (planning reference 2015/0262/07) a requirement was repeated (from that placed upon the 1998 consent) to remove all buildings upon the cessation of clay extraction. Policy MDC23 seeks ancillary industrial developments to mineral sites (such as brickworks) to be limited to the life of the adjacent permitted reserves; as such this new development should be limited to the life of the adjacent clay quarry. A requirement to restore the site post mineral

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extraction would allow the Ibstock Brook that passes through the site in a culvert to be returned to an open channel. Subject to this development being linked to the lifespan of the quarry and a requirement for the site to be restored within 2 years of mineral extraction ceasing (even if that is prior to the currently consented end date of 28th February 2059) the proposal would be acceptable and accords with the requirements of Policies MCS17, MDC20, MDC21 and MDC23.

Other Matters

74. In advance of this application being made to the County Council an exhibition on the proposal was held within Ibstock's offices on 25th April 2015. In light of this exhibition residents wrote to the County Council objecting to the proposal prior to any application being made. Therefore, comments had been made without sight of the details contained in this application or how comments made during the exhibition had been taken in to account by Ibstock Brick. These letters mainly took the form of a *pro forma* which has been used by some residents to object after the application has been made. Notwithstanding that comments made before the application cannot be taken in to account the issues raised have been addressed in determining this application.
75. Many representations refer to the lack of discussion between the applicant and local residents at an early stage. However, this is a matter that is at the applicant's discretion and has no bearing at all on this decision to be taken on the application. In a similar vein representations have stated that the company is treating local people as 'fools' and showing a lack of compassion by not locating the proposal elsewhere within the site. The applicant has stated in their application that 6 different locations in proximity to the current brick factory were considered and provided explanation of why five were discounted. Those who have made representations may not agree with the justifications provided by the applicant but the applicant has set out their reasoning. However, this proposal is deemed acceptable and, therefore, there is no need for the County Council to address alternatives. Similarly, comments on the negative impacts of other brick making sites both within and outside the County have been considered by officers but no evidence which suggests that the conclusions in the above assessment are incorrect has been found.

Conclusion

76. This proposal is seeking to erect a new brick making factory (as well as other associated developments) to increase significantly the output of bricks from Ibstock. There are no substantive reasons to resist the proposal on grounds of the impacts on air quality, cultural heritage, hydrology, landscape, noise and vibration, public rights of way or traffic. The development offers significant benefits in terms of its effects upon the economy, the net increase to woodland planting reflecting its position within the National Forest, and protection and

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enhancement of the areas of wildlife interest in the western areas of the site. Furthermore, the proposed conditions relating to operational noise would also apply to the operation of the current brickworks which because of its age is operating without any such controls. It is considered that the development would not have a significant detrimental effect on amenity. As such the proposal is acceptable and is recommended for approval subject to the conditions set out in the Appendix.

Recommendation

- A. Permit subject to the conditions, as set out in the appendix and a legal agreement covering the routeing of HGVs and a sum for the monitoring of a travel plan.
- B. To endorse, as requested by The Town & Country Planning (Development Management Procedure) Order 2015 (as amended):
 - (i) How we have worked with the applicant in a positive and proactive manner:

In dealing with the applications and reaching a decision account has been taken of paragraphs 186 and 187 of the National Planning Policy Framework.

Commencement

1. The development hereby permitted shall commence within three years of the date of this permission.
2. Written notification of the commencement of the development shall be provided to the Mineral Planning Authority within seven days from the date of such commencement.

Defining the Development

3. The development hereby permitted is for the production of bricks and ancillary related uses and for no other uses.
4. Unless otherwise required by this permission the development shall be carried out in accordance with the following details:
 - a) the planning application and accompanying environmental statement dated May 2015;
 - b) Drawing nos. FIGURE ES 5, FIGURE ES 7, FIGURE ES 8, FIGURE ES 9, FIGURE ES 14, FIGURE ES 15, FIGURE ES 16 revision A, and FIGURE ES 18, all dated 05/15, and FIGURE 1 dated 08/15;
 - c) Section 3.2 of the submitted Design and Access Statement dated May 2015;
 - d) Section 6.1.5 of the submitted Supporting Statement dated May 2015; and
 - e) the further information supplied in letter dated 6th August 2015 from John Hollister.

Contaminated Land

5. No site preparation or construction of the new stockyards, production building or clay preparation building as shown on drawing number FIGURE ES 5 dated 05/15 shall take place unless and until a remediation strategy for the land shown as Potential extent of former North Quarry based on historical mapping on drawing number FIGURE 13 dated 05/15 has been submitted to and approved, in writing, by the Mineral Planning Authority. Such a strategy shall include the following:
 - a) a site investigation scheme, based on the recommendations made in Chapter 13 of the Environmental Statement Main Text (Volume 2) prepared by AECOM (dated May 2015) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - b) the results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
 - c) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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Construction shall only be undertaken in full accordance with the approved details.

Hours of Operation

6. All site preparation and external construction works within the site as defined by a solid red line on drawing number FIGURE ES 5 dated 05/15 shall only take place between 0700 – 1800 hours (Monday to Friday) and 0800 – 1300hrs on Saturdays. Notwithstanding the times stated no such activities shall take place at any time on Public or Bank Holidays.
7. All loading of reject bricks on to HGVs within the site as defined by a solid blue line on drawing number FIGURE ES 2 dated 05/15 shall only take place between 0800 – 1900 hours (Monday to Friday). Notwithstanding the times stated no such activities shall take place at any time on Public or Bank Holidays.

Dust Controls and Monitoring

8. The mitigation measures recommended in paragraphs 5.2.1 to 5.2.5 (inclusive) of Appendix G. Air Quality of the Environmental Statement shall be fully implemented to ensure that the best practicable means are used to control the emission of dust from the site as defined by a solid red line on drawing number FIGURE ES 5 dated 05/15 and to ensure so far as is reasonably practicable that dust emissions from the operations carried out within said site are minimised.

Ecology and Landscape

9. No construction of the new stockyards, production building or clay preparation building as shown on drawing number FIGURE ES 5 dated 05/15 shall take place unless and until Blocks F, G, H and I shown as proposed woodland planting on drawing number FIGURE ES 20 revision A have been planted with locally native broadleaved tree species.
10. The planting of Blocks A-P (excluding blocks F, G, H and I) proposed woodland planting shown on drawing number FIGURE ES 20 revision A with locally native broadleaved tree species, the planting of native wildflower areas on the sides of the screening landform facing the new stockyard, and the creation of reptile hibernacula on the south facing slope of water body P2 (landforms as shown on drawing number FIGURE ES 5 dated 05/15) shall be completed within 12 months of the production building becoming operational.
11. Prior to any planting taking place including that specified in conditions 9 and 10 above a Landscaping and Land Management Plan shall be submitted to and agreed in writing by the Mineral Planning Authority. The Plan shall address all of the planting to take place within the site as defined by a solid blue line on drawing number FIGURE ES 2 dated 05/15 and shall include details on species, sizes, density, protection, management and replacement of the planting, and management of the retained green spaces to the west of the existing brickworks as shown on drawing number FIGURE ES 5 dated 05/15.

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Planting and management shall be carried out in accordance with the agreed Plan.

Highways

12. No construction of the new stockyards, production building or clay preparation building as shown on drawing number FIGURE ES 5 dated 05/15 shall take place unless and until a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Mineral Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
13. Prior to the development hereby permitted becoming operational the cycle parking provision shown on drawing number FIGURE ES 15 dated 05/15 and set out in letter dated 6th August 2015 from John Hollister shall be provided, maintained and kept available for use in perpetuity.
14. Prior to the development hereby permitted becoming operational the new car and lorry parking shown on drawing number FIGURE ES 5 dated 05/15 shall be provided and shall thereafter remain permanently available for parking until the use of the land for brickmaking hereby permitted ceases.
15. Prior to the development hereby permitted becoming operational a Travel Plan shall be submitted to and agreed in writing by the Mineral Planning Authority. The Plan shall address the travel implications of the use of the whole site as defined by a solid blue line on drawing number FIGURE ES 2 dated 05/15. The Plan shall specify facilities and measures with measurable output and outcome targets designed to:
 - Reduce single occupancy vehicle use, reduce vehicular travel at peak traffic times and reduce vehicle emissions for journeys made for all purposes to and from the developed site;
 - Increase the choice and use of alternative transport modes for any journeys likely to be made to and from the developed site and, in particular, to secure increases in the proportion of travel by car sharing, public transport use, cycling and walking modes and the use of IT substitutes for real travel; and
 - Manage the demand by all users of the developed site for vehicle parking within and in the vicinity of the developed site.

The Plan shall also specify:

- The on-site Plan implementation and management responsibilities, including the identification of a Travel Plan Co-ordinator;
- The arrangements for regular travel behaviour and impact monitoring surveys and Plan reviews covering a period of 5 years from when the development first becomes operational;
- The timescales or phasing programmes for delivery of the Plan's proposals and for the achievement of the specified output and outcome targets; and
- Additional facilities and measures to be implemented if monitoring shows that the Plan's targets are not likely to be met, together with clear trigger dates, events or threshold levels for invoking these measures.

2015/0604/07 (2015/CM/0166/LCC) – continued

The Plan, once agreed, shall be implemented in accordance with the approved details.

16. The visibility splays of 4.5 metres by 73 metres as shown on drawing number FIGURE C1 dated 21.07.15 shall be provided at the junction of the access with Leicester Road until the cessation of brick production. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.
17. No more than 30 HGV deliveries a day shall be made to the site as defined by a solid blue line on drawing number FIGURE ES 2 dated 05/15 and no deliveries by HGV shall be made between 19:00 - 07:00 hours on any day. No such deliveries by HGV shall take place at any time on Sundays, Public or Bank Holidays.
18. Clay extracted from the adjacent quarry contained within the site as defined by a solid blue line on drawing number FIGURE ES 2 dated 05/15 shall form the primary source of material for the production of bricks within said site.

Lighting

19. Any lights required for the construction of the development hereby permitted shall be sited, angled and shielded such that they do not illuminate residential properties adjacent to the development. Such lights shall only be turned on during the hours of construction as specified in condition 6.
20. Lights required for the operation of the new stockyards, production and clay preparation buildings and overhead conveyor as shown on drawing number FIGURE ES 5 dated 05/15 shall be installed in accordance with sections 15.1.2 and 15.1.4 of the Environmental Statement Main Text (Volume 2) dated May 2015. Such lights shall be sited, angled and shielded such that they do not illuminate residential properties adjacent to the development

Noise Controls and Monitoring

21. For the duration of the construction of the new stockyards, production building and clay preparation building as shown on drawing number FIGURE ES 5 dated 05/15 and the first 12 months of their use day and night time noise levels as a result of the development hereby permitted shall be monitored. Monitoring shall take place every three months beginning on the first day of construction (including site preparation) of the new stockyards, production building or clay preparation building at locations 1, 3, and 4 as shown on Figure E2 dated 30/04/15. The results of the monitoring undertaken shall be compared with those sound levels predicted in Table 7.5 of Appendix E of the Environmental Statement and the levels set out in conditions 24 and 25 of this planning permission. These results shall then be submitted to the Mineral Planning Authority within 2 weeks of the monitoring taking place. Upon the end of the monitoring period set out above monitoring shall be undertaken for a duration and frequency specified in writing by the Mineral Planning Authority.

2015/0604/07 (2015/CM/0166/LCC) – continued

22. No fast acting roller shutter doors as shown on drawing number FIGURE ES 7 dated 05/15 shall be installed unless and until the details of these doors has been agreed in writing with the Mineral Planning Authority. The scheme shall include details of the time taken for the doors to open and close fully. Doors shall be installed in full accordance with the approved details.
23. The following measures shall be taken within the site as defined by a solid blue line on drawing number FIGURE ES 2 dated 05/15 to ensure that the best practicable means are used to control the emission of noise:
 - The proposed conveyor and proposed box feeders and primary crusher shown on drawing number FIGURE ES 14 dated 05/15 shall only operate between the hours of 0700 – 1800 hours (Monday to Friday) and 0800 – 1300hrs on Saturdays and not any time on Sundays, Public or Bank Holidays;
 - The personnel fire doors as shown on drawing number FIGURE ES 7 dated 05/15 shall remain closed unless required for emergency escape from the buildings;
 - The fast acting roller shutter doors as shown on drawing number FIGURE ES 7 dated 05/15 shall remain closed unless vehicles are entering or exiting the building;
 - All forklifts operating within the site shall be fitted with white noise reversing sirens.

Noise Limits

24. Noise levels arising from the construction (including site preparation) of the development hereby permitted shall not exceed 64 dB (LAeq, 1 hr) free field when measured 3.5 metres from the most exposed external façade of a noise sensitive property outside of the site as defined by a solid blue line on drawing number FIGURE ES 2 dated 05/15.
25. The free-field equivalent continuous noise level, LAeq, T noise levels arising from the site as defined by a solid blue line on drawing number FIGURE ES 2 dated 05/15 (with the exception of the construction operations hereby permitted) when measured 3.5 metres from the most exposed external façade shall not exceed 43 dB (LAeq, 1 hr) free field at 25A Redlands Estate, Ibstock and 41 dB (LAeq, 1 hr) free field at 4 Spring Road, Ibstock.
26. If in the opinion of the Mineral Planning Authority the operations upon the site as defined by a solid red line on drawing number FIGURE ES 5 and the existing brickworks and existing stockyards as shown on FIGURE ES 5 are a source of noise nuisance then such operations shall be suspended until such time as a mitigation strategy has been put in place with the written agreement of the Mineral Planning Authority.

Soil Management

27. All uncontaminated topsoil and subsoil shall be permanently retained within the area shown edged with a solid red line on drawing number FIGURE ES 5 dated 05/15 and the screening landform shown on drawing number FIGURE ES 5 dated 05/15 shall be constructed such that stripped topsoil is placed above any subsoils.

2015/0604/07 (2015/CM/0166/LCC) – continued

Restoration and Aftercare

28. The use of the development hereby permitted shall cease not later than two years from the permanent cessation of mineral extraction from the site as defined by a solid blue line on drawing number FIGURE ES 2 dated 05/15.
29. Within three years of the cessation of the use of the site for the manufacture of bricks all buildings within the site as defined by a solid blue line on drawing number FIGURE ES 2 dated 05/15 (except for the building identified as monitoring location '2' on drawing number Figure E2 dated 30/04/15) shall be demolished, their site's cleared, all ancillary structures, erections and hardstanding removed and the land reclaimed in accordance with a scheme which has been previously submitted and agreed in writing by the Mineral Planning Authority. Such a scheme shall include the restoration of the Ibstock Brook such that it is returned to an open channel form and take in to account the approved restoration scheme for the adjacent quarry areas to provide for a comprehensive and complimentary restoration of the entire site as defined by a solid blue line on drawing number FIGURE ES 2 dated 05/15.
30. Upon the permanent cessation of mineral extraction from the site as defined by a solid blue line on drawing number FIGURE ES 2 dated 05/15 in advance of 28th February 2059 the site shall be restored in accordance with the approved restoration scheme for the mineral extraction areas within 2 years of mineral extraction ceasing.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990.
2. To enable the development to be monitored to ensure compliance with this permission.
3. Although the proposed vehicular access, car parking facilities and the local road network are adequate to cater for traffic generated by a brickworks, they are inadequate to cater for the additional traffic that another use at the site could bring about.
4. For the avoidance of doubt.
5. To protect the quality of Controlled Waters receptors on and in the vicinity of the site.
6. To minimise any adverse impact of noise generated by the construction of the development on local residents.
7. To minimise any adverse impact of noise generated by the movement of reject bricks on local residents.

2015/0604/07 (2015/CM/0166/LCC) – continued

8. To minimise any adverse impact of dust generated by the operations on local residents.
9. To ensure that planting for visual screening is achieved as soon as possible.
10. To provide early opportunities for the enhancement of the site for biodiversity.
11. To ensure that any planting is undertaken satisfactorily and the site's green spaces are managed in a manner to provide the opportunity for biodiversity enhancements.
12. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.
13. In the interests of the sustainability of the development and to encourage alternative transport choice.
14. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
15. To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety, improve air quality or increase accessibility.
16. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
17. In the interests of highway safety and amenities of the area.
18. To retain the link between the clay reserves and brick production within the site and to reduce the impact of the development upon the highway.
19. To minimise any adverse impact of lighting construction activities on local residents.
20. To minimise any adverse impact of lighting generated by the operations on local residents.
21. To monitor noise levels generated by the development.
22. To ensure the type of shutter door to be used is satisfactory.
23. To minimise any adverse impact of noise generated by the development on local residents.

2015/0604/07 (2015/CM/0166/LCC) – continued

24. To ensure that noise generated by the construction of the development does not exceed acceptable limits.
25. To ensure that noise generated by the operations does not exceed acceptable limits.
26. To ensure that noise generated by the operations above acceptable limits does not continue unabated.
27. To protect the soil resource in the interests of successful tree planting.
28. To ensure reclamation of the site in the event of the cessation of mineral working.
29. To ensure reclamation of the site in the event of the cessation of mineral working.
30. To ensure reclamation of the site in the event of the cessation of mineral working.

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all the preceding applications.

EQUALITY AND HUMAN RIGHTS IMPLICATIONS

Unless otherwise stated in the report there are no discernible equality and human rights implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act 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."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

- Section 70(2) : determination of applications;
- Section 77(4) : called-in applications (applying s. 70);
- Section 79(4) : planning appeals (applying s. 70);
- Section 81(3) : provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
- Section 91(2) : power to vary period in statutory condition requiring development to be begun;
- Section 92(6) : power to vary applicable period for outline planning permission;
- Section 97(2) : revocation or modification of planning permission;
- Section 102(1) : discontinuance orders;
- Section 172(1) : enforcement notices;
- Section 177(2) : Secretary of State's power to grant planning permission on enforcement appeal;
- Section 226(2) : compulsory acquisition of land for planning purposes;
- Section 294(3) : special enforcement notices in relation to Crown land;
- Sched. 9 para (1) : minerals discontinuance orders.

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**DEVELOPMENT CONTROL AND REGULATORY BOARD****10TH SEPTEMBER 2015****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

APP.NO. & DATE:	2015/1297/02 (2015/Reg3Mi/0168/LCC) – 9 th June 2015
PROPOSAL:	2 no classrooms, IT suite and group room to replace existing mobiles together with new hall, kitchen and associated WC's,
LOCATION:	Cossington Church of England Primary School, Main Street, Cossington (Charnwood Borough)
APPLICANT:	Leicestershire County Council
MAIN ISSUES:	Replacement of long-standing mobile units, heritage and European Protected Species.
RECOMMENDATION:	PERMIT subject to the conditions as set out in the appendix to the main report.

Circulation Under the Local Issues Alert Procedure

Mr. Dave Houseman MBE CC.

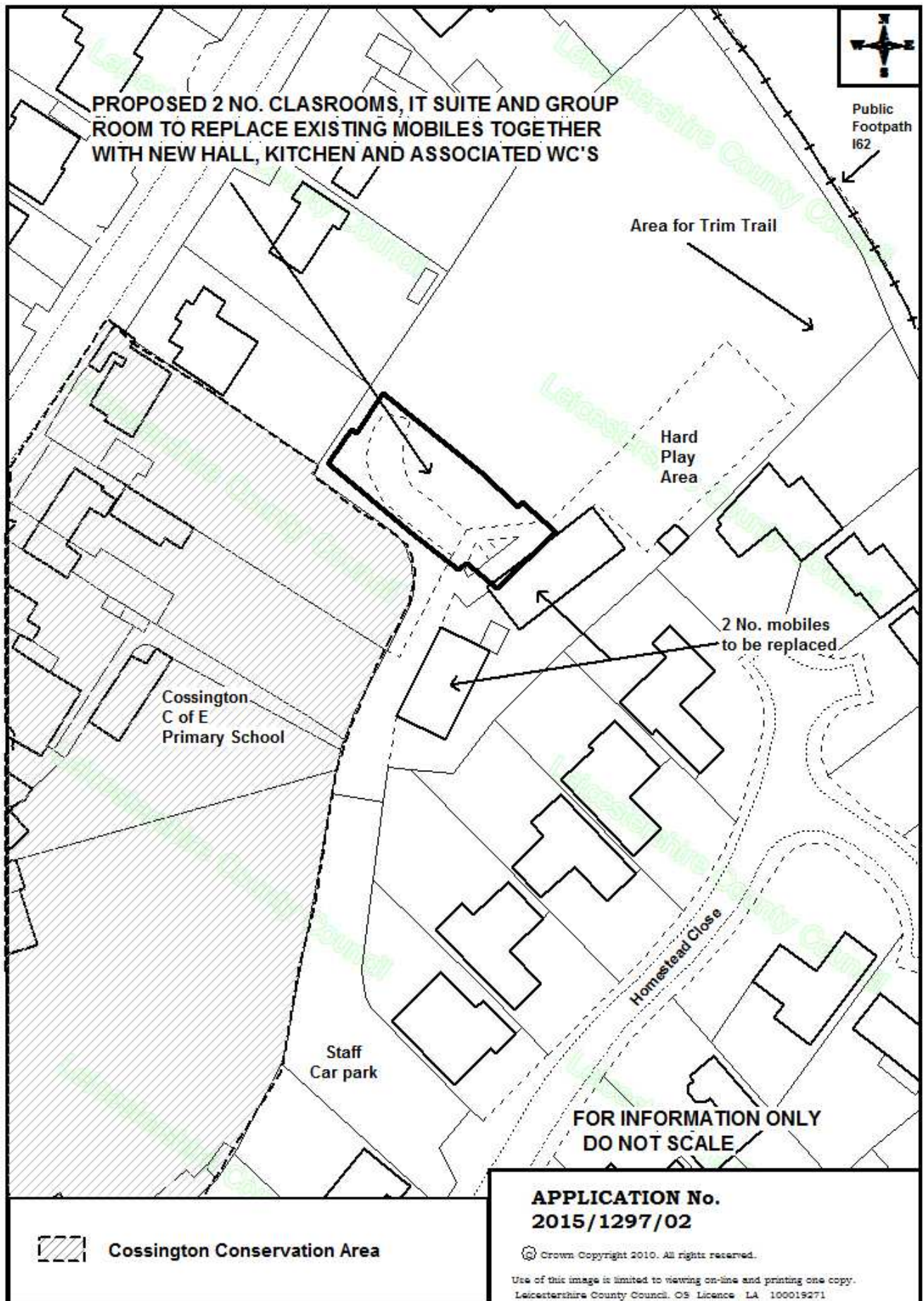
Officer to Contact

Mr. S. R. Marriott (Tel. 0116 305 7045)
Email: planningcontrol@leics.gov.uk

PART B – MAIN REPORT

Description of Development and Site

1. Cossington Church of England Primary School is situated in a residential area to the north-western edge of the village. The main school building fronts onto Main Street and falls within Cossington Conservation Area. It is bordered by neighbouring residential properties along Main Street, and Millstream Cottage, a Grade II Listed residential property, lies opposite.
2. A narrow strip of land adjoining residential property boundaries runs from the rear of the main school, and forms a pedestrian link to the two mobile buildings, school playing field and staff car park. The two mobile buildings are located at the southern edge of the playing fields adjacent to the Conservation Area. The larger, double mobile unit is used as a general classroom and computer room and the smaller one is used as the school hall. The playing field is bordered by residential properties on Main Street to the north and west, and by Homestead Close to the south. Public Footpath I62 runs along the north-eastern boundary of the playing field.
3. The two mobiles were granted an 18 month temporary planning permission in February 2014 (ref. 2013/1476/02), which expired at the end of July 2015. This renewed a previous five year temporary planning permission granted in 2008 (Ref. 2008/1758/02). Prior to that the mobiles were subject to a succession of temporary planning permissions for continued standing, replacement and adaptations over the last 30 years, with mobile classrooms first being installed on this part of the school site in the late 1970s. The school has a capacity of 105 pupil places, and the mobile buildings account for approximately half of the overall floorspace at the school. Pupil numbers are expected to remain fairly constant over the next five years, and therefore the loss of floorspace at the school would seriously impinge upon its ability to provide suitable accommodation and delivery of the national curriculum requirements.
4. Planning permission is sought for the replacement of the two mobile buildings with a permanent standalone building. The proposed building would be sited partly over the footprint of the existing mobiles, and partly over the trim trail and the edge of the playing field. The northern part of the new building would contain two classrooms, each of 55m² facing north east over the playing field, and an IT suite, group room, toilets and entrance to the rear, facing south west. The new school hall measuring (142m²) forms the central part of the new building, and the kitchen area, PE store and plant room would be situated at the south end. A paved area would surround the new buildings and link to the existing hard play area. The trim trail would be relocated to the north of the hard play area, and the pitch markings would be realigned on the playing field to take account of a small encroachment.



2015/1297/02 (2015/Reg3Mi/0168/LCC) - continued

5. The building is designed to be constructed in a single phase and prior to construction starting the existing mobile buildings would be relocated and sited on the existing hard play area. This would allow their continued use for the duration of the construction works, and removal upon completion of the new building. In meeting current building regulation standards, the external envelope would be designed to reduce fabric heat loss by efficient detailing, air tightness, and thermal performance. The classrooms would be naturally ventilated via the external windows.
6. The proposed new building would have overall dimensions of approximately 32m x 14.0m. The classrooms would have a shallow mono-pitched roof with a maximum height of approximately 4.4m sloping down to 3.4m. The proposed smaller spaces and service areas to the rear of the classrooms would have a shallower mono-pitch roof extending from approximately 3.4m to 2.8m high, with end parapet features. The proposed main hall would have a minimum internal height of 5.5m under a shallow pitched roof measuring approximately 7.0m at the ridge and 6.1m at the eaves. The proposed smaller spaces and service area on the south eastern side of the hall would have a mono-pitch roof extending from approximately 3.5m to 2.8m high. The roofs would consist of a single ply membrane in dark grey finish with applied standing seam decorative strips. The walls would consist of a combination of render and brickwork detail with contrasting cedar cladding to the main hall building, and the windows and doors would be in powder coated aluminium. Final finishes are to be confirmed for the doors and windows, fascia and soffit detail, rainwater goods, brickwork and render.

Planning Policy

National Policy

7. *The National Planning Policy Framework (NPPF)* provides the government's policies for the delivery of sustainable development through the planning system. At paragraph 14 it advocates a presumption in favour of sustainable development, and for decision-taking this means (unless material considerations indicate otherwise):
 - approving development proposals that accord with the development plan without delay; and,
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies; or
 - specific policies in the NPPF indicate development should be restricted.
8. Paragraph 17 of the NPPF includes core planning principles to underpin both plan-making and decision-taking. The principles aim to ensure that planning should inter alia: be plan-led; support sustainable economic development; and conserve and enhance the natural environment.

2015/1297/02 (2015/Reg3Mi/0168/LCC) - continued

9. Paragraph 132 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraphs 133 and 134 confirm that where a proposed development would lead to harm to a designated heritage asset, the harm should be weighed against criteria including public benefits and reasonable use of the site.

Development Plan

10. Saved Policy ST/1 of the Borough of Charnwood Local Plan 2004 relates to the overall strategy for Charnwood and has elements relating to design and measures to facilitate the provision of the full range of buildings and amenities for education and community well-being.
11. Saved Policy EV/1 seeks to ensure a high standard of design in all new developments. Planning permission will be granted for new development which (inter alia):
- (i) respects and enhances the local environment including the scale, location, character, form and function of existing settlements and the open and undeveloped nature of the countryside;
 - (ii) is of a design, layout, scale and mass compatible with the locality and any neighbouring buildings and spaces;
 - (iii) utilises materials appropriate to the locality;
 - (iv) provides positive and attractive built frontages to existing or proposed public spaces including roads, footpaths, waterways and areas of public open space;
 - (vii) safeguards the amenities of adjoining properties, particularly the privacy and light enjoyed by adjoining residential areas.

Consultations

12. **Charnwood Borough Council (Planning)** – No objection.
13. **Cossington Parish Council** – No objections.
14. **Sport England** – Originally submitted a holding objection subject to additional information being supplied, principally in respect of community use. Following the submission of additional information and the clarification of issues previously raised, Sport England considers that the proposal meets their playing field policy requirements.
15. **Highway Authority** – No comments.

2015/1297/02 (2015/Reg3Mi/0168/LCC) - continued

16. **Landscape** – Consideration should be given to the selective thinning of the existing vegetation adjacent to the boundaries of Homestead Close, as this is particularly dense in places and creating shaded areas. Prior to construction works, any trees to be retained within the extent of works should be adequately protected with temporary fencing in accordance with the provisions of BS 5837, 2012: 'Trees in Relation to Design, Demolition and Construction - Recommendations'. Detailed landscape proposals including grass reinstatement, tree and shrub/hedgerow species, ground preparation, specifications, and long term maintenance, should be provided. Provision for locating gardening plots/raised beds for use by the School should also be considered.

17. **Heritage** – The continuation of this traditional village primary school in its original use is to be welcomed. The removal of the incongruous mobile classrooms are also a heritage, and therefore a public, benefit. During the pre-application process it was noted that development in the school grounds, which is likely to be visible through gaps between dwellings on Main Street and the public footpath to the north east, could impinge on the setting of the Cossington Conservation Area and listed parish church. The inter-visibility between these designated heritage assets and the new buildings is likely to be more significant when the trees and hedges are not in leaf. The current application does not include an analysis of the potential impact of the development on the significance of the historic environment. The comparative heights of the proposed and existing buildings and photo montages from a few key viewpoints would have enabled a more accurate assessment to be made and could have informed possible mitigation. However, some account has been taken of the statutory duty to have regard to the impact of the development on the historic environment. Switching the position of the taller hall and lower classroom block has effectively reduced the visual impact of the development from the public footpath and Main Street. In addition the contemporary design has enabled a relatively low height to be achieved; traditional pitched roofs would have resulted in a higher, potentially more visually intrusive, form of development. A good standard of materials and design could help the new buildings contribute positively to the local, rural environment and it is recommended that precise details of the walling materials, fenestration, eaves, fascia and roofs be submitted for consideration. High quality timber cladding on the hall might enable it to echo a traditional agricultural structure but the heavy fascia and proposed curtain wall glazing could have an unwelcome urbanising effect and increase the visual impact of the new building from the public footpath in certain lighting conditions. Also, changing the roof slope on the classrooms would reduce the visual impact of the development from the footpath as the grey roof covering would be less noticeable than the rendered façade above the windows. It is pleasing that the existing trees will not be affected by the development and note that additional landscaping details will be submitted 'in due course'. This should be confirmed at an early stage as carefully positioned tree planting could help to reduce the visual impact of the development both from the street and public footpath.

2015/1297/02 (2015/Reg3Mi/0168/LCC) - continued

18. **Ecology** – The bat emergence surveys recorded a Soprano Pipistrelle bat emerging from the hall mobile on two occasions. The conclusions of the report state that this is likely to be a roost used by an individual or small number of bats and these are supported. This building is to be demolished as part of the application and mitigation is therefore required. Section 4 of the report provides an outline mitigation plan, requiring the incorporation of new bat boxes and tubes into the walls of the new building. This is satisfactory, and should be included in a condition. A European Protected Species Licence is required from Natural England for this development prior to the demolition of building 1.

Publicity

19. The proposal has been advertised by a site notice and 20 neighbour notification letters posted on 15th June 2015. Revised drawings were delivered to residents who previously commented on 30th July 2015. One representation has been received objecting on several aspects: access and parking; siting; timescales; sustainability and deliverability. Two letters of general support have been received, subject to amenity matters (dust and working hours) being controlled during the construction activities. A group email has been received from several residents of Homestead Close who do not object to the proposed development but are concerned that the current situation does not become prolonged, and would therefore like to see the development completed within 12 -18 months.

Assessment of Proposal

Principle and need for the development

20. The new classrooms would accommodate the Key Stage 2 children at the school and allow a double mobile classroom unit to be removed. The new classrooms would provide replacement teaching capacity in a much improved purpose built learning environment, including an IT suite and services. The new main hall building would replace a single mobile building and provide a multi-use space to meet current building guidelines and Sport England requirements for space and clearance. A small kitchen area is included adjacent to the main hall. Mobile buildings have been used for these purposes at the school for many years, since the 1970's, to meet the needs and capacity requirements of the school. In the light of this, pupil number predictions indicate an on-going requirement for this level of accommodation to enable the school to continue to serve the local community in the forthcoming years. The school capacity would remain at 105 and be housed in the original school building and new purpose built accommodation at the playing field site.

Siting of the development

21. The new classroom and hall building would be sited partly over the footprint of the existing mobiles, and partly over the trim trail and the edge of the playing field, adjacent to the northern and south western playing field boundaries. The pitch markings are proposed to be realigned within the playing field area, to overcome a slight encroachment at the southern end of the field, and the trim trail would be relocated to a suitable area to the north of the hard play area. The provision of the new classroom and hall building would see the removal of the double and single mobile classrooms at the end of the construction works when the new buildings are available for use. For the duration of the construction period the mobiles would be temporarily re-sited onto the adjacent hard play area away from the construction site, to enable their continued use by the children during this period. The proposed location and orientation of the new classroom and hall building provides good links to the existing playing fields and hard play areas, and to the pedestrian access route leading to the main school buildings. Given its construction and siting the new classroom and hall building would have minimal impact on local amenity and reduced impact compared to the present situation.
22. One of the main considerations in bringing forward the new buildings at the school, in addition to reducing local amenity impact, has been to ensure that the new buildings are acceptable having regard to the sensitivities of the site and in particular the adjoining Cossington Conservation Area and the Listed Buildings which it contains. Under the provisions of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard should be had to preserving the setting of a listed building, and special attention paid to preserving or enhancing the character or appearance of a conservation area. Paragraph 132 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The NPPF also confirms that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
23. There are no clear views of the cluster of listed buildings to the west of Main Street, centred around All Saints Church (Grade II*) from the application site or from Footpath 162 due to the local topography, existing buildings and the mature vegetation on the intervening land. The vegetation forms the eastern fringe of the conservation area and provides a backdrop to views across the school playing field from the footpath. Some partial, passing views from in between properties along Main Street to the north are also available of the application site. However, these are framed by the existing properties and are again filtered by existing vegetation, and presently show the mobile buildings. The removal of the double and single mobile classroom buildings from their present location is considered to be a significant benefit in terms of the setting of the conservation area, in addition to the benefits to local amenity, and the well-being and learning environment of the school children.

2015/1297/02 (2015/Reg3Mi/0168/LCC) - continued

24. Notwithstanding the above potential impacts, as part of the pre-application discussions, the design of the building has evolved to provide an acceptable solution to the school's needs in the light of the site constraints, and in particular to the sensitivities of the nearby conservation area and setting of the listed buildings. Elements of the design which have been given careful consideration and revised accordingly, include the orientation of the classroom and hall buildings and their linkages, the form, aspect and massing and roof lines of the new buildings and the new hall especially, and the choice and use of particular materials, finishes and architectural detailing. The final design has brought these elements together and it is now considered acceptable for this setting, having regard to the legislative and policy requirements detailed above (para. 22). It is considered therefore that the development would result in wider public benefits, and that the integrity of the historic environment would be preserved in accordance with the NPPF.

Time scales

25. The two mobiles were granted an 18 month temporary planning permission in February 2014 (ref. 2013/1476/02), which expired at the end of July 2015, and renewed a previous five year temporary planning permission granted in 2008 (Ref. 2008/1758/02). Prior to that the mobiles were subject to a succession of temporary planning permissions for continued standing, replacement and adaptations over the last 30. The current application for the permanent classroom and hall building also seeks the retention of the mobiles on the hard play area for a further period to allow their continued use during the construction activities. Once the new building is complete the mobiles would then be removed from the site.
26. Given the history of the mobile buildings at the school in the light of the need and siting considerations detailed above, significant weight should be given to achieving the completion of the development within an appropriate time scale. It is considered that an 18 month period would be a reasonable time-frame for the completion of the development (re-siting of the mobiles, construction activities, commissioning of the new buildings, and removal of the mobile units). This would in effect run to the end of March 2017, and landscaping and new planting works could be incorporated as necessary during the 2017 planting season. This matter could be controlled by planning condition.

Ecology

27. The only significant ecological consideration relates to the presence of a bat roost located behind the barge boards on the hall mobile unit. The bat survey has confirmed through emergence evidence that the roost is occupied either by one or a small number of soprano pipistrelle bats. All UK bats are European Protected Species (EPS) under the Conservation of Habitats Species Regulations 2010 (as amended). Bats are protected against disturbance, killing or injuring and their roosts are protected against obstruction, damage or destruction. The developer would be required to obtain a EPS Licence, which allows derogation from the legal protection afforded to bats, and the licence would include a detailed mitigation/compensation plan. This would need to be in place prior to the mobile being demolished. The submitted bat survey report includes recommendations for compensation measures that aim to incorporate a range of bat roosting opportunities within the school building to ensure no overall loss of roosts arises. The enhancement of roosting opportunities through the installation of additional bat boxes would also be undertaken to accord with the measures included in the NPPF. The installation of the compensatory bat boxes on the new school building as set out in the recommendations of the bat survey report could be controlled by planning condition.

Access, parking and travel

28. The proposed development seeks to replace and enhance existing facilities at the school, it does not provide for any additional teaching capacity, or result in the need for any additional parking spaces. Therefore there are no proposals for any changes to the existing staff car park.
29. It is understood that the school travel plan is now quite old and requires to be updated. The latest school travel survey indicates that whilst walking and car-share do play a significant role in journeys to and from school, car usage remains the most common mode of transport used. It is considered that the new building development would present a good opportunity to refresh the school travel plan in accordance with current guidelines, and seek to influence journeys to and from school to become less reliant on the single motor car usage by adopting a modal shift to more sustainable transport. This can be controlled by planning condition.
30. The provision of the contractor's access for the construction activities is covered by permitted development rights in the Town and Country Planning (General Permitted Development) (England) Order 2015. There are two possible means of access to the application site for the contractors, one via the existing staff car park, and one via the footpath to the north although this involves third party land. It is understood that school staff would use community parking within the village for the duration of the construction activities.

Building materials and finishes

31. The new standalone permanent building has an articulated building form to reduce its overall scale to the sensitive surroundings including nearby buildings and uses, and the use of different materials and finishes has evolved as the design has been finalised. The roofing material would consist of a single ply rubber membrane with decorative strips to create the appearance of a standing seam metal roof. The membrane is finished in grey. The elevations of the classrooms are largely finished in rendered panels with some brick detailing, whilst the main hall utilises cedar timber cladding, which naturally weathers to a silvery/grey finish. Aluminium powder coated windows, doors and rainwater goods would also be used. A schedule of the finishes for these materials, having regard to the Historic Building Officer's advice, is required to confirm the final materials, detailing and colours prior to the commencement of the construction works, and this can be required by planning condition. The building would be designed to current building regulation standards, and its external envelope would be designed to reduce heat loss by efficient detailing, air tightness and thermal performance of the selected materials.

Safeguarding local amenity

32. In order to protect the local amenity and limit the impact of the construction activities, it is considered that issues in respect of working hours; dust emissions, parking of contractor's vehicles, and the timing of deliveries should be subject to controls. Following completion of the new building its use should be limited to educational related purposes and activities. These matters can be controlled by planning condition.

Lighting

33. It is considered that an external lighting design for the proposed classroom block would be required to ensure safe access around and escape from the new facility, whilst limiting the potential for light spill to adjoining properties. This matter can be controlled by planning condition.

Landscaping

34. To maintain the ecological and amenity benefits of the existing established vegetation to be retained on the site, and within close proximity of the construction works, protective fencing in accordance with BS 5837:2012 should be erected prior to construction works commencing. It is considered that a detailed landscaping scheme should be submitted to cover strategically placed tree and shrub planting to enhance the setting and views of the new building. The scheme should include details of the number and type of species to be planted, ground preparation, protection measures and long term maintenance. The scheme should also include provision for the selective thinning of the existing vegetation adjacent to the boundaries of properties on Homestead

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Close, the reinstatement of grassed areas affected by the construction works and the standing of the mobile units, and the establishment of gardening plots/raised beds for use by the School. These matters can be controlled by planning condition.

Conclusions

35. The new classroom and hall building is required to replace longstanding mobile units at the school, and meet an ongoing need for pupil places in the locality. The building has been designed to meet the school's needs, and address as a permanent solution the ongoing accommodation difficulties that face the school. The building's design, siting and proposed construction details have evolved through careful consideration given the site's location and the adjoining and nearby historic environment assets. It is concluded that the removal of the mobile buildings and their replacement with a sympathetically designed new building contributes towards preserving the character and appearance of the adjoining conservation area and the setting of the listed buildings contained within it, and is therefore acceptable in this instance. The new building's design, siting and layout have also had regard to local amenity sensitivities that occur around the current mobile base and result from their prolonged use.
36. Satisfactory measures have been proposed to deal with the EPS that are present on site, and acceptable compensatory measures can be achieved through the imposition of a planning condition. The relative urgency needed to provide a solution to the ongoing problems associated with the mobiles at the school, within an acceptable and reasonable time scale can also be imposed by planning condition.
37. Subject to the controls highlighted in the above assessment, it is considered that the development is acceptable in principle in the context of the relevant policies of the development plan and legislative requirements. The proposed development has no significant impacts on local amenity or the environment.

Recommendation

1. PERMIT subject to the conditions as set out in the appendix.
2. To endorse, as required by The Town and Country Planning (Development Management Procedure) Order 2010 (as amended), a summary of the:
 - a. How Leicestershire County Council has worked with the applicant in a positive and proactive manner:

In dealing with the application and reaching a decision account has been taken of paragraphs 186 and 187 of the National Planning Policy Framework.

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Conditions**Scope of Permission**

1. The development hereby approved shall be completed in all respects by 31st March 2017. Upon the expiry of that period the single mobile classroom (Block I) and the double mobile classroom (Block K) shall be removed from the school site and the land reinstated in accordance with the landscaping details approved under condition no. 10.
2. The development hereby approved shall be carried out in full accordance with the design and details as shown in the application reference 2015/1297/02 dated 9th June 2015, and detailed in the following:
 - i. L1501 01 B Location Plan;
 - ii. L1501 03 A Site/Playing Field Plan;
 - iii. L1501 61 B General Arrangement Plan, Elevations, Section;
 - iv. Design and Access Statement Revision A dated 31/07/2015;
 - v. BSG Ecology Bat Survey Report dated July 2015.

Construction Works and Parking

3. All site preparation operations, movement of materials and machinery and construction works within the site shall take place only between 0800 – 1800 hours (Monday to Friday) and 0800 – 1300hrs on Saturdays. No such activities shall take place at any time on Sundays, Public or Bank Holidays.
4. Notwithstanding the provisions of condition no. 3 deliveries of materials or plant/machinery to and from the site shall not take place between 0800-0900hrs or 1515-1615 hours on any school day.
5. All construction related vehicles including construction worker's vehicles shall be parked within the site during the period of the construction activities.
6. All site preparation operations, movement of materials and machinery and construction works shall be undertaken in a manner to minimise any dust emissions from leaving the site and affecting the amenity of neighbouring properties. If dust emissions do occur, measures including the damping down of dry open areas and roadways shall be implemented forthwith.

External Materials and Finishes

7. Prior to the commencement of construction works, details of the finishes of the roof material, render, brickwork, doors and windows, eaves and fascia, rainwater goods and block paving shall be agreed in writing with the County Planning Authority. The approved materials shall be used and maintained thereafter.

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European Protected Species

8. The provision of new bat and bird boxes shall be undertaken in accordance with the compensatory recommendations set out in paragraph 4.8 of the Bat Survey Report. The new boxes shall be installed within 1 month of the completion of the construction works.

Protection of Existing Vegetation

9. Prior to the commencement of development all the existing vegetation within the school site that is adjacent to the construction works including the site compound area and works access shall be protected with fencing in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction – Recommendations). Any trees or shrubs lost to or damaged by the development shall be replaced in accordance with details agreed in writing with the County Planning Authority.

Landscaping

10. Prior to the use of the development hereby permitted a detailed landscaping scheme shall be submitted to and agreed in writing with the County Planning Authority. The scheme shall include strategically placed tree and shrub planting to enhance the setting and views of the new building; details of the number and type of species to be planted; ground preparation; protection measures and long term maintenance. The scheme should also include provision for the selective thinning of the existing vegetation adjacent to the boundaries of properties on Homestead Close, the reinstatement of grassed areas affected by the construction works and the standing of the mobile units, and the establishment of gardening plots/raised beds for use by the School.

Lighting

11. Details of the siting, design including timing controls and hours of operation, luminance, direction of light distribution and the shielding of all means of external lighting shall be agreed in writing with the County Planning Authority before any such provision is made within the development.

Limitations on Use

12. The development hereby permitted shall only be occupied for purposes in connection with, or ancillary to, educational activities on the site and for no other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any other Order amending or re-enacting that order).

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School Travel Plan

13. Prior to the use of the development hereby permitted details of an updated School Travel Plan shall be submitted to and agreed in writing by the County Planning Authority.

The Plan shall address the travel implications of the use of the whole school site and specify measures with targets that are designed to:

- Reduce single occupancy vehicle use, reduce vehicular travel at peak traffic times thereby reducing vehicle emissions for journeys made to and from the school site;
- Increase the choice and use of alternative transport modes for any journeys to be made to and from the school site and, in particular, to secure increases in the proportion of travel by car sharing, public transport use, cycling and walking;
- Manage the demand by all users of the school for vehicle parking within and in the vicinity of the site.

The Plan shall also specify:

- The on-site Plan implementation and management responsibilities, including the identification of a Travel Plan Co-ordinator;
- The arrangements for regular travel behaviour and impact monitoring surveys and Plan reviews covering a period extending to at least one year after the development is occupied;
- The timescales/phasing for delivery of the Plan's proposals including the achievement of specified targets; and,
- Additional facilities and measures to be implemented if monitoring shows that the Plan's targets are not likely to be met, together with clear trigger dates, events or threshold levels for invoking these measures.

The approved Plan shall be implemented in accordance with the approved details, and thereafter shall be subject to regular monitoring and review.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to ensure a satisfactory external appearance appropriate to the local setting of the school.
3. To minimise the impact of the construction works on the surrounding area, and to minimise the impact on the amenities of nearby residents.

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4. In the interests of highway safety and to avoid conflicts of movements at times when pupils are arriving at, or departing from, the school premises.
5. In the interests of highway safety.
6. To minimise the impact of the construction works on the surrounding area, and to minimise the impact on the amenities of nearby residents
7. To ensure a satisfactory external appearance appropriate to the local setting of the school.
8. To ensure that appropriate compensatory bat roosts are provided.
9. To ensure that the existing vegetation on site is maintained.
10. To provide landscaping to the development appropriate to the local setting of the school.
11. To provide appropriate controls for any lighting installed on the new building.
12. To ensure that the use of the premises remains compatible with the existing site.
13. To review the existing school travel plan and to encourage modes of transport other than the private motor car for journeys to and from school.

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all the preceding applications.

EQUALITY AND HUMAN RIGHTS IMPLICATIONS

Unless otherwise stated in the report there are no discernible equality and human rights implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act 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."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices;
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.

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